

Richard O. McDonald

Shareholder

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- **Industries**

- Industrial & Manufacturing
- Retail
- Technology

- **Services**

- Construction Law
- Real Estate
- Litigation & Trial Practice
- Litigation

Overview

Richard McDonald is a member of the Real Estate Practice in Hopkins & Carley's San Jose office, having practiced in real estate and construction law for more than 30 years.

Richard's background in real estate and construction includes four generations of McDonald family contractors and three generations of McDonald family cattle ranchers.

Richard represents owners, contractors, design professionals, buyers, sellers, lenders and brokers on disputes involving:

- Construction contract claims
- Mechanic's liens and stop notices
- Construction defects
- Real estate purchase and sale agreements
- Secured loan transactions

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- Development agreements
- Land use processes
- Title insurance
- Escrow claims
- Lease disputes

Richard has also served as Acting General Counsel of a national construction company, and has advised contractor and owner clients on numerous complex construction projects, including several infrastructure developments as well as major industrial and commercial facilities. He also handles owner/contractor disputes involving luxury home design and construction.

Richard has successfully mediated hundreds of claims and has tried more than 30 complex real estate and construction cases before judges and juries in both state and federal court, and in binding arbitrations.

Richard has served as an AAA arbitrator for more than 20 years, having presided over dozens of arbitration cases.

Experience

- Represented prevailing party (Owner) in a 98-day court trial covering breach of contract and defective construction claims in excess of \$20 million against the contractor and architect.
- Represented the owner of a retail shopping center whose anchor tenant withheld a full year's worth of rent. The case settled a week before trial resulting in our client receiving 100% of both his damages and legal expenses.
- Represented the prime contractor on a multi-million dollar claim brought by a subcontractor on a national underground cable telecommunications network project. The matter was resolved favorably in mediation.
- Represented the general contractor claiming additional compensation due from the owner of a large multi-family residential project. The case was resolved successfully in a confidential settlement after mediation.
- Represented the general contractor in a two-week binding arbitration against the owner of a condominium project. Client was awarded 100% of the claim, plus interest and all attorney fees.
- Advising a prime contractor for a high visibility, multi-billion dollar infrastructure project on a variety of construction issues, including negotiating change orders, dealing with an international steel supplier, and defending against claims by subcontractors.

Professional Activities

- Santa Clara County Superior Court, Judge Pro Tem
- American Bar Association Forum on the Construction Industry

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- Santa Clara Bar Association: Judiciary Committee, Civil Practice Committee (Former Chair) and Real Property Section Executive Committee
- American Arbitration Association, Construction Industry National Roster of Arbitrators

Bar Admissions

- State Bar of California (1981)

Education

- J.D., (cum laude), Santa Clara University
- B.A., (with honors), Stanford University