

*Partner*

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**Practice Areas**

Business & Commercial  
Litigation  
Construction  
Disaster Preparedness &  
Recovery  
Economic Development  
Government Contracts  
Green Law & Sustainability  
Professional Liability

**Bar Admissions**

District of Columbia, 1981  
Louisiana, 1983  
Texas, 2004

**Education**

Georgetown University Law  
Center, J.D., 1981; Dean's  
List, 1978–1979  
Georgetown University,  
A.B., 1978; Dean's List,  
1976–1977 and 1977–1978  
Harvard Law School  
Mediation Workshop



Richard Tyler is a partner in the firm's New Orleans office and chair of its construction practice. He is a graduate of Georgetown University and the Georgetown University Law Center.

Mr. Tyler has been a member of the firm's Business & Commercial Litigation Practice Group since 1982, and his practice involves complex matters in the fields of construction and real estate, business litigation, and health insurance.

Mr. Tyler is a member of the American Arbitration Association's National Roster of Neutrals. His ADR training includes AAA Arbitrator I Training (Commercial), AAA Arbitrator II Training (Construction), the Harvard Law School Mediation Workshop, and the AAA Construction Mediation Conference.

He is also an active member of the American Bar Association Forum on the Construction Industry, where he is a member of the Governing Committee and a past chair of the Division 3 (Design) Steering Committee. Mr. Tyler has also served as a program co-chair for the ABA Section on Litigation's Construction Litigation Committee.

Mr. Tyler frequently writes and speaks on a variety of topics. He has participated in seminars and programs for the American Bar Association, the Louisiana State Bar, the American Society of Heating, Refrigeration and Air Conditioning Engineers, the Defense Research Institute, the National Conference on Building Commissioning, the University of Wisconsin-Madison, Federal Publications, Lorman Education Services, and Professional Education Systems. He is a contributing author to the Forum's recently published textbook, *Construction Law* (ABA, 2009), as well as *Construction Litigation, Representing the Contractor*, 3d Ed. (Aspen, 2001) and the *Fifty State Monograph on the Enforceability of "No Damages for*

*Delay Clauses"* (ABA, 1998).

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#### **Noteworthy**

- Listed in *The Best Lawyers in America*® 2010 (Copyright 2009 by Woodward/White, Inc., Aiken, SC) in the area of Construction Law (listed annually since 2007)
  - Fellow, Litigation Counsel of America (2009)
  - Listed in the 2010 edition of *Louisiana Super Lawyers* in the area of Construction Litigation (listed annually since 2007)
  - **AV® Peer Review Rating in Martindale-Hubbell**
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#### **Representative Matters**

- Represent T&M contractor in dispute with petrochemical plant owner over compensation for extra work and increased costs resulting from design issues.
- Represent FEMA contractor in lawsuit alleging that sitework caused damage to landowner's property.
- *In re: Katrina Canal Breaches Consolidated Litigation (Berthelot, et al. v. Boh Bros. Construction, et al.)*, Civil Action No. 05-4182, United States District Court for the Eastern District of Louisiana. Consolidated class and individual actions claiming that the New Orleans area hurricane protection system failed during Hurricane Katrina due to design and construction defects.
- Represent EPC contractor in payment dispute with refinery owner.
- Provider payment litigation: defending multiple insurers in dispute with health care provider over reimbursement rates.
- Baton Rouge airport litigation: Represented airport program manager in multiple suits arising out of contractor's termination.
- *Chaisson v. Avondale Industries, Inc.*, 947 So.2d 171 (La. Ct. App. 2006). Represented a contractor in the appeal of adverse trial court judgement in a household exposure mesothelioma case.
- Represented purchaser in arbitration proceeding against vendor of customized Customer Relations Management software package.
- Agreement for turnkey construction of 48,000 horsepower gas handling facility and associated flowlines and connections.
- Master Service Agreement for \$278 million road construction project.

- Design-build agreement for construction of \$58 million heavy manufacturing plant.
- Design and construction agreements for newspaper administrative offices and production facility.

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### Presentations

- "AIA Contracts"  
Metairie, Louisiana, January 8, 2009
- "Owners and Architects Part II: 'I Think this is the Beginning of a Beautiful Relationship'"  
The Fairmont Hotel, Chicago, Illinois, September 12, 2008
- "AIA Contracts"  
Baton Rouge, Louisiana, April 29, 2008
- "The 2007 AIA Documents: New Forms, New Issues, New Strategies"  
American Bar Association Forum on the Construction Industry,  
February 2008
- "The 2007 AIA Documents: New Forms, New Issues, New Strategies"  
American Bar Association Forum on the Construction Industry  
Midwinter Meeting, January 2008
- "Fundamentals of Construction Law"  
American Bar Association Forum on the Construction Industry,  
November 2006
- "Ten Key Decisions to a Successful Construction Project"  
American Bar Association Forum on the Construction Industry  
Fall Meeting, October 2005
- "Louisiana Construction Law, Mechanics' Liens and Public Works  
Contracts"  
Professional Education Systems, Inc., May 2005
- "Utilizing AIA Forms for Design Contracts in Louisiana"  
Lorman Education Services, April 2005

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### Publications

- "Defective Construction"  
*Construction Law*, American Bar Association Forum on the  
Construction Industry, January 2009

- Tip Sheets For Hiring Contractors in LA and TX  
Jones Walker E\*Bulletin, October 20, 2005
- "Clause For Concern: Common Construction Contract Provisions"  
*ASHRAE Journal*, February 1, 2002
- "Contract Law Principles"  
*ASHRAE Journal*, January 1, 2002
- "Defending Against Owner Claims"  
*Construction Litigation: Representing the Contractor*. 3d Ed., Aspen,  
Chapter 20, 2001
- *Fifty-State Monograph on the Enforceability of "No Damages for Delay  
Clauses"*  
American Bar Association, 1998
- *Louisiana Appellate Practice Handbook*  
The Lawyers Cooperative Publishing Co., 1986–1995
- *Louisiana Construction Law*  
Federal Publications, 1995–1996
- "Legal Aspects of Building Commissioning – Claim Avoidance"  
*ASHRAE Transactions*, Vol. 100, Pt. 2, 1994

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### Memberships

- American Bar Association
  - Forum on the Construction Industry
    - Governing Committee, 2009 –
    - Division 3 (Design) Steering Committee, Chair, 2006 – 2008;  
Member, 2002 – 2006
    - Planning Committee, 2008 Midwinter Meeting
    - Program Co-chair, 2005 Fall Meeting
    - Division Communication Task Force
    - Strategic Planning Committee
  - Section on Litigation, Construction Litigation Committee
    - Co-Chair, Program Subcommittee
    - Former Chair, State Law Survey Subcommittee

- American Society of Heating, Refrigeration and Air Conditioning Engineers (Consultant, Guideline Committee GPC1-1996R; Voting Member, Task Group 1-GLE, General Legal Education, 2000–2002, and Program Chair, 2001–2002)
- Defense Research Institute (Construction Law Committee, 1996–1998)
- Garden District Security District (Commissioner, 2006 to date)
- International Association of Defense Counsel
- Litigation Counsel of America (Fellow, 2009)
- Louisiana Attorney Disciplinary Board (Member, 2001–2004; Chair, 2005–2006)
- Louisiana State Bar Association
- State Bar of Texas

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#### **Court Admissions**

U.S. Supreme Court, 1988

5th Cir., 1983

D.C. Cir., 1982

D.D.C., 1982

E.D. La., 1983

M.D. La., 1983

W.D. La., 1991