

# RICHARD T. HEWLETT



## Contact Information:

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## Education

Detroit College of Law  
Detroit, Michigan  
J.D., 1987  
Note & Comment Editor, *Law Review*

University of Michigan  
Ann Arbor, Michigan  
Bachelor of General Studies, 1983  
President, Michigamua, University Senior Honor Society  
Varsity four year letter winner, Football, 1979 - 1983

## Legal

### Employment

Varnum LLP  
Novi, Michigan 2010  
Partner

Dawda, Mann, Mulcahy and Sadler, PLC  
Bloomfield Hills and Ann Arbor, Michigan 2009-2010  
Member

Butzel Long, P.C.  
Detroit and Ann Arbor, Michigan 1988-2009  
Shareholder

### Admitted to Practice:

All Michigan state courts  
United States District Court for the Eastern District of Michigan  
United States District Court for the Western District of Michigan  
Sixth Circuit Court of Appeals  
United States Supreme Court

## Practice Areas

*Construction Law Experience.* Practice areas include counseling construction clients on contract matters, document drafting and project administration issues. Substantial experience in representing clients on diverse construction matters involving differing site conditions, directed and constructive changes, termination and default, defective work and design claims, work acceleration and scheduling issues, and productivity impact claims. Significant experience in

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matters involving design professionals in design and construction related issues. Expertise in drafting and negotiating construction contracts, including overall suites of contract documents for Owners, Contractors, Subcontractors and Design Professionals.

Extensive experience in defending and pursuing construction claims, including claims for delay and impact costs and lost productivity, and in enforcing or challenging construction liens and construction bond claims.

Representative construction clients include Owners (public and private), General Contractors/Construction Managers, Subcontractors (mechanical, electrical, structural steel, rebar and specialty contractors), Suppliers, Architects and Engineers/Surveyors. Handled disputes involving construction of a wide variety of commercial, industrial, health and educational facilities, including: wastewater treatment plants, automotive assembly plants, airports/terminals, bridges (e.g., Blue Water Bridge), tunnels, hotels, research and laboratory facilities, and hospitals. Led efforts on behalf of a construction industry group to amend Michigan's Construction Bond Act, including testifying before a Michigan legislative committee.

*Business and Employment Litigation Experience.* Significant litigation experience in employment and business disputes, including representing a Fortune 10 Company for over 10 years in wrongful discharge, sales commissions and employment discrimination actions. Successfully handled sales commission and non-compete cases. Handled numerous closely held shareholder and partnership disputes, including shareholder oppression cases. Experience in trade secret litigation and commercial transaction matters. Early in career successfully negotiated collective bargaining agreements and defended claims of unfair labor practice charges and claims of wrongful termination and discrimination. Successfully represented private bank in pursuing significant claims related to internal defalcation and accounting issues. Served as Arbitrator in commercial contract disputes.

*Sports and Contract Law.* Represent current and/or former NFL and major college football, basketball and hockey coaches and players in employment contract matters, marketing contracts, book deals, licensing deals (apparel, television, radio, food products, etc.), bowl deals, restaurants, memorabilia, charities, and other media-related contracts. Represent sizeable sports apparel sales and marketing agency in contract and business matters. Represent former major college coach on wide-range of licensing and intellectual property matters.

*Internal Investigations.* Lead counsel in one of largest internal investigations in history of federal Clery Act matter for public university involving campus safety and security matters and undisclosed murder on campus. Public report issued in connection with that investigation received national acclaim and recognition. Handled several major corporate internal investigations, including on behalf of a national general contractor involving a large public school system and international airport projects. Conducted investigation and defended national waste disposal firm from allegations of improper disposal activities. Represented church in matters of alleged misconduct and major automotive supplier in investigation of alleged improper pricing.

*Firm Management Experience.* Since Jan. 2016, have served on Varnum's Policy Committee, the firm's managing board and decision making committee. Co-Chair, Varnum's Regional Expansion Committee, responsible for geographic

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expansion and lateral hiring in Southeast Michigan. Serve on firm's Marketing Advisory Counsel. Oversee and manage Novi office matters. Managing partner of Butzel Long's paralegal committee and assumed overall management responsibility for firm's paralegal program from 1997-2009.

## Recognitions

*Best Lawyers in America*<sup>®</sup>, Commercial Litigation, Construction Law, since 2014  
*Best Lawyers in America*<sup>®</sup>, Lawyer of the Year, Litigation – Construction, 2018  
*DBusiness*<sup>®</sup> magazine, Top Lawyers, 2018  
Martindale-Hubbell<sup>®</sup> AV Preeminent<sup>™</sup> Peer Review Rated  
*Michigan Lawyers Weekly*<sup>®</sup>, Leaders in the Law, 2017  
*Michigan Super Lawyers*<sup>®</sup>, Construction Litigation, since 2014

## Professional Affiliations

American Bar Association, Construction Law Forum  
Association of General Contractors (Michigan), Legal Relations Committee  
Federal Bar Association  
Oakland County Bar Association  
State Bar of Michigan, Litigation Section

## Community Involvement

Juvenile Diabetes Research Foundation (Southeast Michigan, Board president, 2017-19 and Board member, 2010 – present)  
Swing to Cure Diabetes Golf Outing, founder, 2008-present

## Representative Matters

### *Construction Litigation and Contracts:*

Obtained significant arbitration award in construction dispute involving breach of contract claims relating to extra work and early termination issues

Successfully pursued claims for delays and impact costs for multiple mechanical contractors on major airport new construction project

Successfully pursued claims for general contractor against public transportation entity involving renovation of international bridge and related cost overruns, extra work and impact claims

Engaged in large arbitration and successfully defended and/or pursued claims for major public universities relating to design issues and claims for additional costs related to design defects

Successfully defended and pursued claims for subcontractors for extra work, delays and labor productivity impacts on waste-water treatment plant, educational facilities, hospitals, commercial and industrial facilities, including OEM automotive plant

Drafted full sets of contract documents for several large public universities and a large hospital organization, and contract documents for numerous Owners, General Contractors/Construction Managers, Subcontractors and Design Professionals

Successfully defended design professionals in a variety of claims, including for design defect and error and omission related claims

### *Business and Commercial Litigation:*

## **RICHARD T. HEWLETT**

Obtained federal court jury verdict in favor of client in breach of contract and tortious interference claims and no cause of opponents' claims

Successfully obtained consent decree defending individual from claims by public pension funds in excess of \$35 million and resolved for several hundred thousand dollars

Successfully defended copyright infringement claims and obtained rights to iconic photo on behalf of former Heisman trophy and Super Bowl MVP winner

Successfully defended and/or pursued numerous shareholder and partnership disputes relating to minority interests and shareholder oppression claims, and contract and business tort cases

Obtained jury verdict in state court breach of contract matter and no cause of opponent's claims

### **Teaching and Presentations**

Lectures and teaching experiences include numerous construction law courses to various construction industry groups, contractors and clients, including the Construction Association of Michigan, the Metropolitan Detroit Plumbing and Heating Contractors Association and the Mid-Michigan Mechanical Contractors Association. Subjects taught include: Construction liens and performance and payment bonds; Project administration techniques and handling contract changes; Pursuing and defending construction claims; Contract drafting and dealing with problem contract terms; and analysis of the revised 1997 AIA A201 General Conditions and other 1997 AIA contracts. Served as instructor to large international general contractor on wide range of construction related issues.

Presentations also involve the Consensus Documents and AIA documents and other construction contract related issues. Presented seminars to design professionals involving claim situations and to accounting professionals on accounting and audit obligations. Presented on Sports law issues and coaching contract matters. Regular speaker at the Federal Bar Association's New Lawyer Seminar on state and federal court practice and procedure.

Numerous lectures and presentations to College and University associations across the country on Clery Act and campus safety and security matters, including compliance with the Clery Act and FERPA regulations. National speaker for Security on Campus, Inc. organization and federal government organizations on preventing violence against women on college campuses and universities. Presented on panels relating to internal investigation techniques and strategies.