



## **Joseph A. McManus, Jr.**

Managing Partner

McManus & Felsen LLP

Telephone: 202-296-9260 Ext. 1214

Email: [jmcmanus@mcmanus-felsen.com](mailto:jmcmanus@mcmanus-felsen.com)

LinkedIn: <https://www.linkedin.com/in/joseph-mcmanus-3285a013>

### **Practice Areas**

- [Construction](#)
- [Government Contracts](#)
- [Commercial Litigation](#)
- [International Arbitration](#)

### **Education**

- Duke University School of Law, Juris Doctor, 1972
- College of the Holy Cross, Bachelor of Arts Degree in English, 1969

### **Military Service**

- **Captain, United States Air Force**, Judge Advocate General Corps (1972-1976), assigned to Armed Services Board of Contract Appeals, Washington DC

### **Bar Admissions**

- District of Columbia
- New York
- North Carolina
- Georgia
- District of Columbia Court of Appeals
- New York Court of Appeals
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims
- United States District Court for the District of Columbia
- United States District Court for the District of Minnesota
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Northern District of Georgia

## Overview

Joe is a partner of McManus & Felsen, practicing in the areas of

- Government Contracts,
- Construction,
- Commercial Litigation,
- Arbitration,
- International Arbitration, and
- Disputes Resolution.

Joe has over 43 years of experience as a practicing attorney, advising clients on construction and commercial issues and disputes resolution. He has been a General Counsel to a major construction contractor and has had his own firm for 30 years.

He is as an active arbitrator and litigator on local, national, and international cases. He is on the construction and commercial panels of the American Arbitration Association (AAA), an arbitrator with International Institute for Conflict Prevention & Resolution (CPR), and a member of the Chartered Institute of Arbitrators, headquartered in London (CIArb). He is a Fellow of the Litigation Counsel of America (LCA) honoring his trial work.

Joe also has extensive contract-drafting experience, especially for hospitals, hotels & resorts, semi-public projects, condominiums and office buildings.

He has served as an expert witness on construction contracts and administration, where a U.S. District Court Judge recalls he is, “a solid, truthful, candid, careful witness who is an expert in construction contracts.”

### **What sets Joe McManus apart from other great construction lawyers?**

His Presidency of the American College of Construction Lawyers (ACCL), a organization of 175 Fellows in the United States, England, France, Canada and Australia.

Few construction lawyers possess his depth in Government Contracts.

While he is known for his ability to successfully promote ADR and bring cases to an amicable resolution, he has always maintained that to be a great construction lawyer, you had to try cases, seeing the reaction of the Judge, Jury or Arbitrator, in order to best serve your client.

### **Honors & Recognitions**

Quoting from Chambers and Partners: Joseph McManus focuses evenly on dispute resolution and contract work. Clients praise his “ability to grasp his client’s needs right away and lay out alternative paths. He gives us the pros and cons on each decision but does not force it. ‘He is a spot-on litigator and gave us personal attention above and beyond the call of duty,’ one happy client summed up.

# **Experience**

## **Construction Law**

Joe leads the contract drafting practice at McManus & Felsen. He was the first general counsel to Clark Enterprises, Inc., which was the parent company of Clark Construction Company, The George Hyman Construction Company, Omni Construction, and which was a partner in numerous real estate ventures. He continues to provide general counsel services to a number of long standing clients, advising them on a daily basis during all phases of construction.

He assisted in the negotiations between the Associated General Contractors of America (AGC) and AIA on their standard form documents, which the AGC was asked to approve and endorse (1987 Edition). In 1997, he was asked to perform the same services for the subcontractor trade associations Mechanical Contractors Association of America (MCAA) and Associated Specialty Contractors (ASC). He developed a legal analysis of the AIA Documents and delivered a program on contract documents for AGC chapters around the country.

Joe has appeared as an expert witness in Federal and State courts in the United States, and the Caribbean, involving construction contract documents.

## **Disputes Resolution**

Most construction claims, lawsuits, and arbitrations settle, but cases don't settle on their own—they have to be carefully guided through the settlement process. Mediation is the dominant Alternative Dispute Resolution process used to settle construction disputes.

In most mediations, one party feels he has paid too much and the other party feels that it did not get enough. Joe always strives for a "win" in the mediation process. He has generally been able to achieve the mediation "win" because he knows the process so well—from choosing the right mediator, manipulation of the mediator, and maintaining credibility from start to end.

Joe has served as mediator and is in a special group of mediators within the American College of Construction Lawyers (ACCL) that explores difficulties and barriers to achieving a successful settlement. They examine deadlock breaking techniques and promote creative options for the parties.

## **Arbitration**

Joe has been an American Arbitration Association (AAA) arbitrator since 1978. He is a panel member for Large Complex Construction and Commercial cases.

## **As an arbitrator**

Examples of Joe's experience as an arbitrator include

- Serving as sole arbitrator on cases for:
  - office buildings (multiparty)
  - public facilities (utility contractor)
  - numerous residential projects

- schools (masonry subcontractor)
  - transmission towers
  - Inter-County Connector State of Maryland road and tunnel project
  - national franchise agreement (structural precast)
  - Serving as panel arbitrator on numerous cases including international \$20 million port terminal leasing dispute.
  - Serving as panel chair with two retired federal court judges as panel members on government contract (prime/ subcontract) dispute involving the Affordable Care Act.
  - Serving as consolidation arbitrator on Las Vegas casino arbitrations.
- Chambers USA writes: "Joseph McManus is prized for his skills as arbitrator and mediator."

### **As an advocate in arbitrations**

As an advocate, Joe has arbitrated private and governmental cases to award throughout the United States. Clients include:

- fiber optic contractor against subcontractor
- retirement home owner against architect
- landowners class against beach bulkhead contractor
- national retail developer against contractor
- hotel owner against the general contractor and its surety

### **International Arbitration**

Joe is a member of the Chartered Institute of Arbitrators (CI Arb), a London based Fellowship dedicated to the teaching and advancement of International Arbitration. He has been arbitrating international cases (as advocate) for many years, and is intimate with International Arbitration rules and practices.

Examples of his international arbitration cases include:

- Represented U.S. design-build contractor in Afghanistan under a USAID contract in arbitration with Indian Subcontractor on 110 km road building contract.
- Represented General Contractor in arbitration against a resort owner in Nassau, Bahamas.
- Represented General Contractor in successfully settling arbitration in Bahamas during mediation process.
- Represented Joint Venture Contractor in arbitration with the Bahamian Government.
- Arbitrated case for the general contractor against resort developer to successful \$5 million arbitration Award and through enforcement action in the Turks & Caicos. The case originated in Turks & Caicos Islands (B.W.I.) but was eventually heard before Privy Council in London and a landmark decision rendered in favor of the firm's client.
- Mediated settlement for the government of Barbados (on the eve of arbitration) on a \$40 million dispute for a 380-room hotel project in Barbados
- Mediated settlement for the government of Barbados in arbitration against the project architect in Barbados.

- Successfully settled a dispute against the client (owner) by the general contractor on a resort facility during the mediation process in St. Lucia.
- Joe also serves as arbitrator on international cases. In 2017, the Bahamas Supreme Court ordered a resort development construction case stayed pending arbitration and appointed Joe as sole arbitrator.
- Among his other international cases as arbitrator are:
  - dispute regarding cellular tower installation in the Commonwealth of Puerto Rico.
  - American Arbitration Association International's Centre for Disputes Resolution (ICDR) panel for a case involving cruise line operations between Maine and Canada.

## **Government Contracts**

Joe has been consistently working in federal government contracts since 1972 and has extensively

published in the federal contracting arena. As a Judge Advocate General (JAG) US Air Force Captain, he was assigned to the Armed Services Board of Contract Appeals. Working under Chief Judge Richard Solibakke, he wrote decisions for Judges on the ASBCA appeals including air-separation facilities, foreign base housing, and SSN 680 series Nuclear Submarines.

Joe is intimately familiar with the Federal Acquisition Regulations (FAR) and agency supplements.

As a litigant, Joe appears before Agency Boards of Contract Appeals, the US Court of Federal Claims, District Courts, and the General Accounting Office (GAO). Cases involve supply, service, and construction contracts. His opponents include Agency Counsel and the Department of Justice. Agencies include, as an example, Naval Facilities Engineering Command, Corps of Engineers, NavShips, Federal Overseas Buildings, and the General Services Administration.

Many of Joe's cases involve State and local governments, agencies, and instrumentalities from Miami, Florida to Joplin, Missouri. He has deep experience in public transportation matters.

Clients come to Joe for government requirements beyond contracts. He has written ethics compliance manuals for clients and advised on ICE citations. The firm is active in Suspension and Debarment cases.

## **Litigation**

Claims are normal on government contracts. When claims are denied by the Contracting Officer, you are in a litigation environment under the Contract Disputes Act. Many disputes on construction projects head toward a formal resolution—either in arbitration or litigation. It is difficult to conceive navigating a client through a difficult dispute without having the experience as a skilled litigator.

Joe is a Superlawyer in construction litigation. Most cases settle. Most construction contracts call for waiver of jury trials if arbitration is not the selected dispute resolution forum. He has tried jury trials in Virginia and the District of Columbia for subcontractors and contractors.

## **General Counsel Services**

At the age of 31, Joe became General Counsel to Clark Enterprises, Inc. On a daily basis, Joe counseled executives, project managers, and superintendents. Working for a company gave him the inside knowledge of the business of construction—making money on the bid and the buying and the self-performing and on money. He learned the importance of keeping fixed costs fixed as to not erode the bottom line. He understood the importance of the Job Status Reports—tracking costs against the budget.

Joe brings this unique perspective to the McManus & Felsen, serving as “outside” general counsel to many of his clients.

## **Public Service**

Joe’s public-service commitments include his having served as Chairman of the Procurement Reform Taskforce for the Council of the District of Columbia. A Report was published and presented to the DC Council and the Task Force was thereafter asked to re-write the procurement laws in the District—which it did.

## **Prior Experience**

- US Air Force, Judge Advocate General Corps, Captain (1972–1976)
- Private practice in Atlanta, Georgia (construction, government contracts, and litigation) (1976–1979)
- Clark Enterprises, Inc. (parent of Clark Construction), General Counsel (1979–1984)

## **Memberships**

Mr. McManus is a past President of the American College of Construction Lawyers (ACCL), a fellowship of the 160 leading construction lawyers in the US, with other Fellows from Australia, Canada, UK, and France.

Fellowship is extended by invitation to those who are found to have mastered the practice or the teaching of construction law and dispute resolution in the complex technical and legal fields pertaining to the built environment, whose professional careers have been marked by the highest standards of ethical conduct, scholarship, professionalism, and collegiality, and who have demonstrated a commitment to “give back” to the construction industry. The College provides a professional forum for its Fellows to explore and analyze legal and industry issues arising nationally and internationally. (ACCL. History and Purpose)

Joe is a member of the Large Complex Case Panel of Arbitrators and a mediator with the American Arbitration Association (AAA) and the Chartered Institute of Arbitrators (CI Arb). He has been an active member of the ABA Public Contract Section since 1972.

In addition, Mr. McManus is a Fellow in the Litigation Counsel of America (LCA), The Trial Lawyer Honorary Society, with membership in the Diversity Law Institute and Trial Law Institute. He is also a Fellow in the Construction Lawyers Society of America.

Other memberships include:

- Associated Builders and Contractors, Metro Washington Chapter
- Washington Building Congress
- American Bar Association
- United States Veterans Association
- Institute for Conflict Prevention & Resolution
- Society of Construction Law



## Joe's Publications

Mr. McManus has published extensively in the legal arena. His recent publications include:

- Maximizing Dollar Recovery on Government Contracts. ABC of Metro Washington. Seminar Presentation (2016) (Author & Presenter)
- Identification and Notification of Claims. WLP Publishing Co. Beacon Live Web. Webinar Lecture. (2014, 2015) (Author)

- Successfully Representing Contractor Client in Government Contract Claims, in Inside the Minds: Litigation Strategies for Government Contracts (2014) (Author)
- When and How to File a Federal Contract Claim, in Construction Law Handbook, Vol. 2 (2nd ed. 2009, updated 2013) (Co-Author)

Mr. McManus's commitment to education has included roles as Fellow to Duke University Private Adjudication Center and Lecturer to the University of Virginia. He has given seminars and written for:

- American Bar Association
- District of Columbia Bar
- Virginia Bar
- Florida School Board Attorneys' Association
- Associated General Contractors of America
- Associated Builders and Contractors
- American Hospital Association
- Engineering News Record
- Forbes Magazine
- American Insurance Resources, Inc.
- American Council of Shopping Centers
- ABA Forum Committee on the Construction Industry
- ABA Section of Public Contract Law