



## Richard O. McDonald

Partner

San Jose

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**Richard McDonald is a preeminent construction attorney, arbitrator and mediator with more than 40 years of experience advising owners, contractors, design professionals, subcontractors and suppliers on a broad spectrum of commercial, industrial and residential construction law issues.**

From contract negotiations, claims disputes, mediation, arbitration or litigation, Richard and his team have successfully represented hundreds of clients in thousands of matters. With his depth of experience, Richard also regularly serves as an arbitrator and mediator on construction-related disputes.

Richard grew up in the construction and cattle industries. His Grandfather and Father were both contractors and cowboys who taught him to solve the problem and get the job done. Richard has also served as Acting General Counsel of a national construction company.

Richard has also successfully mediated hundreds of claims and has tried more than 50 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 30 years, having presided over dozens of arbitration cases.

Richard grew up on a family owned and operated working cattle ranch, is an avid golfer and hunter, and father of four.

### Areas of Focus

#### Services

[Real Estate & Development](#)

[Litigation](#)

[Real Estate Litigation & Disputes](#)

#### Sectors

[Construction](#)

[Industrial & Manufacturing](#)

[Technology](#)

[Wholesale & Retail](#)

[Distribution](#)

[Construction Claims & Risk Management](#)

## Experience

- Since 1995, Richard has served as an arbitrator and mediator for more than 100 cases through the American Arbitration Association and private engagements.
  - Represented prevailing party (Owner) in a 98-day court trial for breach of contract and defective construction 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 with our client receiving 100 percent of both damages and attorney fees.
  - Represented the prime contractor on a multi-million dollar claim brought by a subcontractor on a nationwide underground cable telecommunications network project. The matter resolved favorably for the client 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 percent of the claim, plus interest and all attorney fees.
  - Advises the prime contractor for a high visibility, multi-billion dollar infrastructure project on a variety of construction issues, including negotiating change orders with public agency owner, dealing with an international steel supplier and negotiating claims by subcontractors.
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## Credentials

### Education

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

### Bar Admissions

- California (1981)

### Recognition

- Northern California *Super Lawyers*, Construction Law, 2019-Present
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## Professional Activities

- Santa Clara County Bar Association

- Judiciary Committee Chair, 2023-24
- Civil Practice Committee Chair, 2009
- Real Estate and Business Law Executive Committee, 2020-22
- Construction Lawyers Society of America, Fellow
- Trial Law Institute, Member
- Diversity Law Institute, Member
- Order of Optimus, Barrister
- American Bar Association Forum on the Construction Industry
- American Arbitration Association, Construction Industry National Panel of Arbitrators

## **Community Involvement**

- ACE Mentorship Program, 2012-2016
- Home Builders Association, Director, 1994-2000
- KTEH Public Broadcasting, Director, 1991-2002
- Los Gatos Little League Baseball, Championship coach 1990-1992