



Sean Hanlon

Partner

555 17th Street, Suite 3200, Denver, CO 80202

P 303.295.8270

smhanlon@hollandhart.com

Sean provides strategic counsel to clients involved in a broad variety of commercial construction projects, with an emphasis on renewable energy projects.

Sean is focused on counseling clients through the whole life cycle of commercial construction projects. Drawing from his over fifteen years of litigation experience, Sean and his team of project attorneys anticipate problems and protect clients' interests in drafting and negotiating construction and design contracts.

Through informed project counseling, Sean works to resolve disputes before they cause project delays. When litigation or formal dispute resolution is necessary, Sean's litigation team consistently achieves positive outcomes for clients, whether through trial, dispositive motion, or settlement.

Sean previously completed a fully-dedicated secondment for one of his construction clients. During that secondment for a large contractor focused on infrastructure and landmark construction projects, Sean served as internal senior counsel and legal point of contact on many active and in-pursuit projects in the Mountain West, South Central, and South Eastern Atlantic regions of the U.S. Those projects involved a variety of project delivery methods—including traditional design-bid-build, CMAR, Design-Build, Progressive Design-Build, and Public-Private-Partnerships (P3s)—and ranged in contract value per project from several million dollars to over \$3 billion.

Proven Experience: Sean has served as project counsel to a variety of developers, owners, and prime contractors on varied projects and industries. His practice focuses on transactions and project counseling, but he routinely draws from his many years of litigation experience to enhance the strategic advice he provides. Sean has first-chaired 34 trials, 12 for Holland & Hart clients, and another 22 during his secondment as a special prosecutor with the Denver City Attorney's office, including 12 jury and 10 bench trials. Sean has also successfully represented clients in appellate matters in Colorado at the state and federal levels, including Rule 106 appeals.

PRACTICES

Finance
Corporate

INDUSTRIES

Construction and Development
Renewable Energy and Storage

EDUCATION

University of Tulsa College of Law, J.D.,
2006

With Highest Honor

Order of the Curule Chair

Tulsa Law Review, Managing Editor

Illinois Wesleyan University, B.A., 2000

Northwestern University

Varsity Basketball

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

U.S. Court of Appeals for the Tenth
Circuit

U.S. Supreme Court

U.S. District Court for the District of
Colorado

U.S. District Court for the Northern
District of Oklahoma

All State and Federal Courts in Colorado

EXPERIENCE

Transactions

Power Industry Transactional Support

- Balance of Plant Contracts
- Construction Services Agreements
- Engineering, Procurement and Construction Agreements
- Equipment Supply Agreements
- Joint Venture Agreements
- Management Services Agreements
- Operation and Maintenance Agreements
- Warranty Agreements
- Wind Turbine Supply Agreements

Construction, Development and Design

- Bid Packages, Contracts, and Bonds
- Project Controls and Project Administration
- Claims Avoidance
- Claims Counseling and Resolution
- EPC Projects
- Procurement Issues and Raw Material Supplying
- Design-Build Projects
- LEED/Green Projects
- Delay, Interference, and Disruption
- Termination and Default
- Lost Productivity
- Bidding and Award Disputes
- Cost Escalation
- Construction Failures and Warranties
- Insurance Coverage
- Mechanics' Liens and Miller Act Claims
- A/E Liability
- Change Orders

CLIENT RESULTS

Representative Projects and Transactions

Project counseling to developers of renewable energy projects related to wind turbine supply agreements, EPC contracts, balance of plant contracts, warranty agreements, and operation and maintenance agreements.

Represent a developer of a graphite manufacturing plant producing sustainable high-purity U.S. domestic graphite for the electrification of the

transportation and renewable energy power systems. Provide project counseling related to its construction, design, supply, and construction management agreements. Also assist the developer obtain project counseling advice related to intellectual property, insurance, and nondisclosure agreements.

Represent a developer modifying existing energy facilities to process renewable feedstocks (such as seed oils, used cooking oil, and tallow) into low-emission sustainable alternatives that directly replace fossil fuel products. Provide project counseling related to the EPC contract, project controls, project administration, claims evaluation, counseling and development.

Represent a contractor on a design-bid-build federal nuclear weapons storage facility project. Provide project counseling related to disruption, critical path delays, and related claims counseling.

Represent an indigenous nation of American Indian people whose sacred and sovereign homelands are located in Central New York related to a variety of construction projects. Draft and negotiate a variety of design, construction management, design-build, and construction agreements and provide project documentation and counseling advice related to the nation's construction projects and developments.

Represent a developer of affordable housing projects. Prepare a suite of project related agreements for the developer's use and implementation.

PUBLICATIONS

"The Construction Law Corner: Colorado Expands Agencies' Ability to Utilize the P3 Model," *Colorado Construction & Design (CCD) Magazine*, Summer/Fall 2022

"Fixing Unexpected Cost Increases in Fixed Price Contracts," *Colorado Construction & Design (CCD) Magazine*, Summer/Fall 2021

"Will Your Pay-If-Paid Clause Be There When You Need It?," *Colorado Construction & Design (CCD) Magazine*, Summer 2021

"Construction in the COVID-era: Is Your Business Safe Merely Because it is 'Essential?'," *Colorado Construction & Design (CCD) Magazine*, Summer 2020

"P3 Projects: Does the Private Sector Partner of a P3 Enjoy Governmental Immunity?," *Colorado Construction & Design (CCD) Magazine*, Fall 2019

"Payment Protection on P3s: Bridging the Gap," *Colorado Construction & Design (CCD) Magazine*, Summer 2019

"GREEN BUILDING WATCH: The Destiny USA project—benefiting from tax-exempt green bonds worth hundreds of millions due to its uber-green promises—is likely destined for litigation," *Holland & Hart Constructive Developments Newsletter*, July 2011

SPEAKING ENGAGEMENTS

"Standard of Care" Panel Discussion," *American Society of Civil Engineers (ASCE) 9th Forensic Engineering Congress Conference*, 11/06/2022

"Denver Construction & Development Boom," *Panel Moderator, BisNow*, November 2019

"Project Documentation: Daily Logs, Party Communications, and Change Orders Under the Construction Contract with a Prolonged Schedule," *EUCI Midstream Oil & Gas Contracts Course*, October 2019

RECOGNITION

- *The Best Lawyers in America*®, Litigation - Construction, 2021-2024; Litigation - Real Estate, 2022-2024; Construction Law, 2023, 2024
- *Denver Business Journal*, "40 Under 40," 2016
- Colorado Super Lawyers® Rising Stars, Business Litigation, 2014-2017
- *Chambers USA*, Construction, 2021-2023
- Construction Lawyers Society of America, Charter Fellow

PROFESSIONAL AND CIVIC AFFILIATIONS

- Construction Lawyers Society of America, Fellow
- Downtown Denver Partnership, Member
- Downtown Denver Partnership, Transportation & Development Council, Member
- Downtown Denver Partnership, Economic Development Council, Member
- American Bar Association Construction Law Forum, Member
- Planning Committee, Mile High Country Q & Brew charity event benefiting the Tennyson Center for Children, Member, 2011-2016
- U.S. Green Building Council, Colorado Chapter, Member
- DBIA Rocky Mountain Region, Member
- 2014 Downtown Denver Leadership Program, Member