



PRACTICE FOCUS

Thomas Powell is a principal attorney in Offit Kurman's Construction Law practice group. He is an experienced trial attorney with a background in contracts, construction and commercial litigation, and government contracts. An engineer and a lawyer, Mr. Powell received his legal training from George Washington University's National Law Center where he received his law degree (J.D.) in 1987. In 2002, Mr. Powell received a Master of Laws in Trial Advocacy degree (L.L.M.) from Temple University. He also holds Bachelor's and Master's degrees in Civil Engineering from Villanova University (B.C.E. 1979) and the University of Illinois at Urbana-Champaign (M.S.C.E. 1981), respectively.

Mr. Powell appears regularly before various state and federal courts as well as arbitral tribunals, including international arbitral tribunals. He has represented individuals, businesses, corporations, and foreign government entities on matters valued from a few thousand to more than one billion dollars.

Mr. Powell's experience includes litigation on the Marriott Marquis Hotel and the Superstorm Sandy insurance claims in Federal Court in New York City, and the Capital One Arena and the District Wharf in Washington D.C. His experience encompasses matters on federal, municipal and commercial buildings, airports, dams, refineries, and numerous other construction projects including representing the Kingdom of Saudi Arabia on the construction of the Cultural Mission of the Royal Embassy of Saudi Arabia in Fairfax, Virginia

Since 1992, Mr. Powell has taught "Legal Aspects of Architecture, Engineering and the Construction Process" at the University of Maryland in the A. James Clark School of Civil Engineering's Graduate Program in Construction Management. Mr. Powell is an instructor at the Georgetown University Law Center/National Institute of Trial Advocacy (NITA) annual trial advocacy and deposition programs and he also has taught at the American Bar Association Forum on the Construction Industry's Trial Advocacy Program.

REPRESENTATIVE EXPERIENCE

- Arbitration Counsel on behalf of clients in ICC and UNCITRAL administered arbitrations representing private companies and foreign governments on matters related to construction and Bilateral Investment Treaty (BIT) claims.
- Successfully defended developer against claims of discrimination in housing under the D.C. Human Rights Act in a lengthy jury trial in the District of Columbia's Superior Court.
- Successfully prosecuted claims for Title VII gender/pregnancy discrimination in jury trial in federal district court at the Eastern District of Virginia. Judgment included recovery for back pay, front pay, emotional distress, punitive damages and attorney's fees.
- Successfully prosecuted arbitration claim at the American Arbitration Association (AAA) for design fees on behalf of architect for the design of a law firm.
- While working on behalf of a Pennsylvania municipality, successfully defeated contractor's claims for delay damages.
- At the Board of Contract Appeals on behalf of general contractor, proved that the agency's project manager breached his duty of good faith and fair dealing by failing and refusing to review contractor's reasonable early completion schedule.

POINTS OF DISTINCTION

- *Omega World Travel, Inc. v. Mummagraphics, Inc.*- Mr. Powell successfully defended a large, woman-owned travel agency against claims by a so-called anti-SPAM advocate. *Omega World Travel, Inc. v. Mummagraphics, Inc.*, 469 F.3d 348 (2006). In addition to obtaining a multi-million dollar jury verdict on its counterclaim against Mummagraphics, Inc., the United States Court of Appeals for the Fourth Circuit decided, in a case of first impression, that the federal CAN-SPAM Act preempted state law claims covered by the CAN-SPAM Act.
- *Paralyzed Veterans of America v. Ellerbe Becket Architects & Engineers, P.C.*, 945 F. Supp. 1 (D.C. D.C. 1996) - Mr Powell argued the first case in the United States to address an architects liability for design and construction under the Americans with Disabilities Act ("ADA".) In this matter, which related to the Arena for the Washington Wizards basketball team, Mr. Powell successfully persuaded the United States District Court for the District of Columbia that the plain meaning of the ADA makes clear that architects are not covered by Sections 302 and 303 of the ADA.
- Virginia case of first impression at the trial court level - Mr. Powell successfully defended a homeowner against a under-licensed contractor that did not possess the proper class of license. In dismissing the contractor's claim with prejudice, the court held that the statute creates no exception for a contractor exceeding the monetary limits of his license. *Daniel Jones Remodeling LLCX v. Johnny Cheng The Chiu, et*

THOMAS POWELL

Principal, Tysons Corner Office

PRACTICE AREAS

- Commercial Litigation
- Construction Law
- International Practice

ACTIVITIES

- American Bar Association
- American Association for Justice
- Virginia Trial Lawyers Association
- Adjunct Professor - "Legal Aspects of Architecture, Engineering and the Construction Process," University of Maryland, A. James Clark School of Civil Engineering's Graduate Program in Construction Management
- Instructor, Georgetown University Law Center/National Institute of Trial Advocacy (NITA)

PRIOR WORK

Prior to practicing law, Mr. Powell worked as a civil engineer for a well-known international construction company engaged in heavy industrial design, manufacture, and construction. He has lived and worked in the United States, the United Kingdom, and the United Arab Emirates, and his engineering roles have included draftsman, design engineer, project engineer, and resident engineer on-site in the United Arab Emirates

EDUCATION

- Villanova University-B.C.E. Civil Engineering 1979
- University of Illinois at Urbana-Champaign-M.S.C.E. Civil Engineering 1981
- George Washington University School of Law, The National Law Center-J.D. 1987
- Temple University, The Beasley School of Law-L.L.M. in Trial Advocacy 2002

ADMISSIONS

- Virginia
- District of Columbia
- Maryland
- Pennsylvania