



Dennis J. Powers

Partner

dennis.powers@dlapiper.com

Chicago

T: +1 312 368 7273

F: +1 312 630 5372

Dennis Powers concentrates his practice in construction law and real estate and commercial litigation.

Dennis' construction and real estate practice includes the representation of owners, developers, contractors, and lenders in real estate and construction disputes in a variety of forums, including mediation, arbitration and conventional litigation, and the preparation and negotiation of construction, design and engineering agreements. Dennis also represents owners, developers and lenders in troubled projects, which has included litigation, workouts and foreclosures.

Dennis has litigated and tried disputes involving construction defects, delays, extras claims, minority participation and real estate, in several forums throughout the country, and has been involved in the preparation and negotiation of contracts for projects throughout the country.

In the commercial litigation area, Dennis has represented equipment and product manufacturers and distributors in defective product claims.

- Construction and Engineering
- Construction and Engineering
- Litigation, Arbitration and Investigations
- Infrastructure Finance

- Real Estate

REPRESENTATIVE MATTERS

- Representation of a university foundation in litigation against a developer and contractor for defective construction of residence halls
- Representation of a power plant owner in litigation involving two power plant projects and \$50 million dollars in delay and additional compensation claims
- Representation of the owner of a Michigan Avenue high rise building in Chicago, Illinois in litigation against a general contractor for defective precast concrete
- Defended claims relating to the failed sale of a former steel mill in West Virginia
- Preparation and negotiation of design and construction agreements for university stadium complex
- Defended claims for alleged defective steel supplied in connection with O'Hare Airport expansion
- Successfully defended a national retailer in litigation seeking to stop construction of retailer's signature gallery in New York City
- Have handled multiple commercial and industrial landlord/tenant disputes

- Preparation and negotiation of construction contracts, and acted as project counsel, for downtown Chicago hotel
- Preparation and negotiation of design and construction agreements for university residence hall and retail complex
- Defense of a curtainwall contractor in multi-million dollar delay and defect claims involving a downtown office building
- Defense of a wastewater engineering firm in claims for defective design and construction of a municipal wastewater treatment facility
- Defended a developer of a housing development in the South Loop area of Chicago, Illinois against claims by a general contractor for a multi-million dollar claim for extras and delay claims. Also prosecuted owner's defect claims
- Successfully represented a commercial equipment manufacturer against a motor manufacturer for defective motors supplied and incorporated in the equipment
- Obtained a dismissal of all claims made against a copper tube manufacturer by air conditioner coil manufacturers for alleged defective copper tube
- Representation of mezzanine lenders in disputes arising from the foreclosures of large horizontal residential projects in California
- Representation of a general contractor in a minority participation compliance arbitration arising from the construction of a major league baseball stadium
- Representation of a hotel in claims against architectural firm for defective design of electrical systems
- Defended a developer in litigation brought by a condominium homeowner association for alleged construction defects arising from the conversion of an office building to condominiums
- Representation of lenders in foreclosures against owners of diverse properties and defense of lender liability claims
- Representation of a lender in the foreclosure of a downtown office building arising from exterior facade failures

CREDENTIALS

Admissions

- Illinois

Recognitions

Martindale-Hubbell rates Dennis "AV," reflecting preeminent legal ability and the highest professional and ethical standards. Dennis has also been selected for inclusion in *Best Lawyers in America*, Construction Law and has been designated an Illinois Super Lawyer, as the result of research projects conducted jointly by *Law & Politics* and *Chicago* magazines. He is also listed in *Leading Lawyers* for Construction Law.

Education

- J.D., DePaul University 1983
- B.S., Western Illinois University 1980
with honors

Courts

- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Central District of Illinois
- United States District Court for the Northern District of Illinois (including the Trial Bar)
- United States District Court for the Northern District of Indiana
- United States District Court for the Southern District of Illinois
- United States District Court for the Western District of Michigan

Memberships

- Chicago Bar Association
- Chair, Chicago Bar Association Construction Law and Mechanics Lien Committee (2011 – 2012)
- American Bar Association
- Construction Law Forum
- Society of Illinois Construction Attorneys

INSIGHTS

Publications

- "ADA Compliance in the Commercial Context: Whose Job Is It Anyway?," *The Construction Lawyer*, Journal of the ABA Forum on Construction Law (Volume 39, Number 3, Summer 2019)
- "Construction Litigation," Illinois Institute for Continuing Legal Education, Ch. 13, Sources of Evidence (Discovery)
- "Commercial Real Estate," Illinois Institute for Continuing Legal Education, Ch. 17, Mechanics Liens
- "Traditional Shop Drawing Liability and Liability That Arises From Shared or Delegated Design," Ch. 8, *Shared Design*, Aspen Publishers (2011)
- "The Owner's Role," Ch. 3, Construction Law, American Bar Association Forum on the Construction Industry (2009)
- "Design Professionals Liability to the Contractor," Ch. 6, *Architect and Engineer Liability: Claims Against the Design Professional*
- "Mechanics Liens in Illinois," Illinois Institute for Continuing Legal Education, Ch. 5, Sub-Subcontractors Lien: Requisite for and Perfection Of

Events

- Presenter, "Construction Disputes," Illinois Institute for Continuing Legal Education (October 21, 2020)
- Presenter, "Illinois Mechanics Lien," Illinois Institute for Continuing Legal Education (October 14, 2020)
- Presenter, "COVID19 & Construction: Touching All the Bases Now," (March 14, 2020)
- Speaker, Commercial Tenant Defaults, Chicago (January, 2018)
- Speaker, Society of Illinois Construction Attorneys, Confirmation of Arbitration Awards, Chicago (January, 2017)
- Speaker, Illinois Institute of Continuing Legal Education Seminar, Critical Issues in Construction Litigation, Chicago (October, 2013)
- Speaker, Avoiding Construction Claims. Practical Legal Advice for Construction Owners and Developers. Lien and Payment Claims, Washington, DC (October, 2012)