



Jeffery R. Mullen

Member

Philadelphia

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Jeffery R. Mullen focuses his practice exclusively on construction law and the construction industry, helping clients with the specific challenges they face before, during, and after project completion. Before becoming an attorney, Jeff was a project manager for a regional contractor, and he now brings that practical and business-minded experience to the courtroom on behalf of his clients.

Jeff has counseled and represented owners, developers, contractors, and design professionals in all phases of construction projects and through the litigation and the alternative dispute resolution process. He has experience representing clients in disputes arising from a wide array of construction projects, including power plants, airports, mass transit systems, highways, pipelines, dams, and commercial and residential building. In addition, Jeff counsels clients through contract formation and performance to identify, avoid and resolve disputes as a means of preventive risk management. He has experience drafting and negotiating design and construction contracts and proposals for projects ranging from commercial and residential renovations to major infrastructure improvements.

Jeff does pro bono and community work serving as trial counsel in cases ranging from the prosecution of prisoner civil rights matters to protecting the legal rights and interests of the elderly in the Greater Philadelphia Area against contractor fraud. He is also a regular columnist for Law360, where he shares his insights on current Construction Law issues.

Jeff received his bachelor's degree in business administration, *magna cum laude*, from Elizabethtown College where he was named Business Student of the Year. Jeff earned his law degree, *summa cum laude*, from Rutgers University School of Law. While at Rutgers, he served as managing editor of the *Rutgers Journal of Law & Religion* and was a legislative fellow at the Eagleton Institute of Politics and Government.

Experience

Represented real estate developer Parkway Corporation in connection with the zoning, construction, leasing, and \$187 million financing of a new office tower at 2222 Market Street in Philadelphia. The 19-story tower will have 305,000 square feet of rentable space. This transaction drew on the experience of the firm's real estate; construction; corporate; tax; bankruptcy, insolvency & restructuring; and environmental attorneys.

Litigation

- Successfully represented a Fortune 100 midstream energy company (joint venture) in defense of claims of more than \$100 million by a pipeline contractor arising from the construction of the 700-mile Rover natural gas pipeline through Pennsylvania, West Virginia, Ohio, and Michigan. After a 9-day trial in Harris County, Texas, the court awarded the contractor only \$1.1 million of \$63.1 million in breach of contract damages and denied all other tort and quasi-contract claims. The court then awarded the client \$13.7 million on its counterclaims for breach of contract, as well as attorneys' fees and costs. *U.S. Pipeline, Inc. v. Rover Pipeline LLC*, 333rd Judicial District of Harris County, Texas, No. 2018-39920.
- Secured a significant victory in the Commonwealth Court of Pennsylvania on behalf of Allan Myers,

Practice Areas

- Construction Law
- Commercial Litigation
- Infrastructure

Industry Sectors

- Climate Change
- Real Estate & Construction

Education

- Rutgers University School of Law - Camden, J.D., *summa cum laude*, 2013
- Elizabethtown College, B.S., *magna cum laude*, 2009

Bar Admissions

- Pennsylvania
- New Jersey
- New York
- Texas

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court -- Eastern District of Pennsylvania

Affiliations

Law360 - Columnist

Awards & Honors

- Chambers & Partners USA 2020, 2022-2024
- *Legal 500 United States* "Rising Star" for Construction Law 2019-2022
- *Legal 500 United States* "Next Generation Partner" for Construction Law 2023, 2024
- Pennsylvania Super Lawyers "Rising Star" 2022, 2023 *This award is conferred by Super Lawyers. A description of the selection methodology can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*
- *Finance Monthly* Legal Award, 2023

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LP, a non-union construction company that filed a bid protest with the Pennsylvania Department of Transportation (PennDOT) challenging a provision in a project solicitation requiring that all contractors execute a Project Labor Agreement (PLA) with local unions, hire labor through local unions, and be bound by the unions' collective bargaining agreements. PennDOT dismissed the bid protest, and we successfully appealed that decision, with the Commonwealth Court unanimously holding that the PLA violated Pennsylvania's competitive bidding laws and setting a new standard for the use of PLAs. This is the first case in which a Pennsylvania court has not upheld a PLA.

- Prosecution of natural gas transmission pipeline contractor's claims for contract balances and wrongful termination damages in connection with the construction of a mid-stream pipeline in the Marcellus Shale, resulting in the largest Contractor and Subcontractor Payment award in Pennsylvania's history.
- Defense of subcontractor against \$2.3 million claim arising out of design and construction of student housing complex on public university campus.
- Defense of owner in payment bond action arising out of the construction of a \$12.5 million student recreation center and successful appeal before the Commonwealth Court of Pennsylvania.
- Representation of leading engineering professional services consulting firm in action to challenge application for discovery for use in an international proceeding arising under a multi-billion dollar contract for the expansion of the Panama Canal.
- Prosecution of owner's claims for defective construction in connection with the design, development and construction of a new continuing care retirement community.

Counseling

- Drafted and negotiated architectural services agreement for new \$6.6 million emergency services facility in New Jersey.
- Drafted and negotiated architectural and construction services agreements for \$25 million renovation and conversion of historic Philadelphia landmark into luxury residential apartments.
- Drafted and negotiated GMP construction services agreement for new practice facility for private university in New Jersey.
- For various clients across the country, drafted form agreements tailored to project objectives and jurisdictional requirements.
- Counseled consortium in analyzing approved proposers' bids against established award criteria for the Pennsylvania Rapid Bridge Replacement Project, which is intended to replace 558 structurally deficient bridges across Pennsylvania under a design-build-finance-maintain public-private partnership let by the Pennsylvania Department of Transportation.

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