



## Randall F. Hafer

### Partner

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### Services

Alternative Dispute Resolution  
Construction & Infrastructure  
Construction Litigation  
Government & Regulatory

### Industries

Construction & Infrastructure  
Energy

Throughout his entire 39-year career, Randy Hafer has focused his practice exclusively on issues related to the construction industry. He has been involved in matters all over the United States and internationally on a wide variety of construction projects, including power plants (nuclear, conventional, solar, hydro, waste-to-energy), mass transit systems, tunnels, wastewater treatment plants, airports, mining facilities, bridges and highways, hospitals, office buildings, sports arenas, and manufacturing and processing facilities.

Mr. Hafer focuses much of his practice on the prevention of construction related disputes through effective risk allocation and management, contract drafting, and project counseling. Mr. Hafer often works as a member of the owner's project management team at the "front end" of projects to achieve these goals. He also leads teams providing clients with the Construction Group's Project Counsel service. He works directly with construction project participants to avoid disputes and effectively and efficiently resolve, on a "real-time" basis, those disputes that cannot be avoided. He is well-versed and experienced in negotiation, mediation, arbitration (both domestic and international), dispute resolution boards and other forms of construction ADR.

Mr. Hafer has served as an arbitrator and a disputes resolution board member. He is a panel member on the AAA's roster of arbitrators and mediators, he is a fellow of the American College of Construction Lawyers (ACCL) and previous co-chair of the ACCL Alternative Disputes Resolution Committee, a member of the International Institute for Conflict Prevention and Resolution (CPR) Construction Advisory Committee, and the primary author of "Dispute Review Boards and Other Standing Neutrals, Achieving "Real-Time" Resolution and Prevention of Disputes" for CPR. Mr. Hafer has also helped create and has successfully implemented customized dispute resolution processes to fit the particular needs of a project when other more traditional ADR procedures are not working.

In addition to extensive construction ADR experience, Mr. Hafer has presented construction cases to judges and juries in a number of state and federal courts across the United States and to administrative boards of federal,

state and local government agencies.

Claims avoidance and education are an important part of Mr. Hafer's practice. He has spoken at the International Bar Association, Global Arbitration Review (GAR) Live, Construction Super Conference, the American Bar Association Forum Committee on the Construction Industry, the American Underground Construction Association, the Design Build Institute of America, the Association of Corporate Counsel, the Atlanta International Arbitration Society, and other industry related programs.

Mr. Hafer was named to the *Legal 500 US* Hall of Fame for Construction (including Construction Litigation) in 2020, 2021 and 2022. He was named "Atlanta Lawyer of the Year" in 2018 and again in 2020 for Construction Litigation and Construction Law by *The Best Lawyers in America*®. He was recognized in 2022 and the 19 years immediately preceding by other practicing attorneys as one of the *Best Lawyers in America*® in the fields of Construction Law, Commercial International Arbitration, and Construction Litigation. Mr. Hafer was listed in the 2022 and the 13 years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for Construction Law and he was listed as #1 in the 2022 and the 11 years immediately preceding editions. Mr. Hafer was recommended by *Legal 500 US* in 2009, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 for Construction Law and he was also recognized as a "Leading Lawyer" in 2014, 2015, 2016, 2017, 2018 and 2019 by *Legal 500 US*. He was listed in *Who's Who Legal: Thought Leaders – Construction* in 2018, *The International Who's Who of Business Lawyers* in 2009, 2011, 2013 and 2014 in the area of Construction, and *The International Who's Who of Construction Lawyers* in 2010 and 2014. He was named a Georgia "Super Lawyer" in the area of Alternative Dispute Resolution in 2009 and in the area of Construction Litigation in 2022 and the 13 years immediately preceding and a Top 100 Georgia "Super Lawyer" in 2011 by Super Lawyers magazine. Mr. Hafer is AV® rated by Martindale-Hubbell.\*

## **Experience**

Represent the owner on a \$1 billion solar power plant in the Nevada desert in disputes with its Engineer/Procure/Construct (EPC) contractor, including an ICC arbitration;

Represent Southern California Edison on the \$4.5 billion decommissioning of the San Onofre Nuclear Generating Station (SONGS), the largest on-going nuclear power plant decommissioning in the U.S., including a party-administered arbitration;

Represented the Danish EPC contractor in an ICC arbitration with the owner involving disputes with the pressure tunnel on a hydro-electric power plant in Panama;

Represented the Swedish EPC contractor in ICC arbitration involving the collapse of the headrace tunnel and related disputes on a hydro-electric power plant;



Represent the EPC contractor (a German-based leader in technology and industrial applications) in separate AAA and ICDR arbitrations on cement plants in Texas and Quebec (\$1B);

Represent the Narragansett Bay Commission in drafting the design-build contract on its combined sewer overflow (CSO) tunnel project;

Served on the Disputes Resolution Board (DRB) for the Southern Nevada Water Authority Lake Mead Low Level Pumping Station and Aqueducts Projects;

Represented a worldwide supplier of plants, equipment and services for hydropower stations and for the pulp and paper industry in disputes arising from a \$2 billion project in Uruguay, and involving two separate ICC arbitrations;

Represented the design-build-operate-maintain contractor on the \$2 billion Tren Urbano mass transit system in San Juan, Puerto Rico— a Federal Transit Administration "demonstration" project, including a substantial ICDR/AAA arbitration;

Represented Siemens Transportation in disputes with a Chinese prime contractor on the Mecca Saudi Arabia metro rail project;

Represented one of the world's largest rail transportation OEMs in a AAA arbitration involving the long-term maintenance of 400 locomotives;

Represented the U.S. and Israeli owner/developers in a complex, multiparty AAA arbitration involving construction of a luxury condominium project in Las Vegas.

Represented the Massachusetts DOT (as a Special Attorney General) on the Boston Central Artery/Tunnel Project (the "Big Dig");

Represented the Massachusetts Water Resources Authority ("MWRA") on the \$3.5B Boston Harbor Project;

Represented the Milwaukee Metropolitan Sewerage District ("MMSD") on its Deep Tunnel and Pollution Abatement Project.

## **Education**

University of Tennessee J.D. (1983) *high honors*, *Order of the Coif*, Phi Kappa Phi

Georgia State University B.S. (1975) *cum laude*

## **Admissions**



Georgia (1983)

### **Professional & Community Activities**

Alternative Dispute Resolution Training:

AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators (2014)

Dispute Resolution Board Foundation – DRB Advanced/Chairing Workshop and DRB Administration and Practice Workshop (2013)

Straus Institute for Dispute Resolution, STAR – A Systematic Approach to Mediation Strategies (2011)

American College of Construction Lawyers (ACCL), Fellow and Co-Chair of Alternative Disputes Resolution Committee

International Institute for Conflict Prevention and Resolution (CPR) Construction Advisory Committee, Member

International Bar Association, Member

Disputes Review Board Foundation, Member

American Underground Construction Association, Member

American Arbitration Association's Roster of Arbitrators and Mediators, Panel Member

Angel Flight Pilot

University of Tennessee College of Law Deans Circle

### **Insights**

#### [News Releases](#)

Kilpatrick Townsend Receives Top Rankings in 2022 Legal 500 US

June 14, 2022

#### [News Releases](#)

Kilpatrick Townsend Attorneys Claim 80 Individual Rankings in 2022 Chambers USA

June 2, 2022

#### [Perspectives](#)

3 Key Takeaways | Successful Arbitration of International Construction Disputes

April 20, 2022

#### [Perspectives](#)

5 Key Takeaways | Legal Issues: Risk Management in Underground Construction

April 19, 2022



Events

Risk Management in Underground Construction Conference

April 12, 2022