



Joshua B. Levy

PARTNER

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OVERVIEW

One of the country's top construction attorneys and the leader of the firm's Construction & Design practice, Josh helps clients navigate the challenges they face in the volatile, risky construction industry.

Josh is an industry-focused attorney who has assisted clients with commercial construction projects for more than thirty years—including a stint in-house for a national construction firm. Thanks to decades of experience and his personal passion for the industry, Josh's knowledge of the construction process is virtually unsurpassed among legal professionals. He offers soup to nuts services to owners, architects and contractors, beginning with negotiation and drafting of sophisticated contracts, often involving projects valued in the hundreds of millions. Josh also provides extensive training to clients and their internal teams, resolves

"Josh Levy is an exceptional lawyer. If he cannot answer the question, he immediately refers us to someone in the firm who can answer. He is also honest if he thinks we do not have a case instead of just stringing is along for income. He responds promptly and is always professional when we need him!"

— Vice president and owner, fleet company

Industry

Real Estate, Development & Construction

Services

Commercial Litigation

Construction & Design

Construction Litigation

Litigation & Alternative Dispute Resolution

challenges that occur during execution, and, when necessary, represents clients in litigation.

A respected thought leader, Josh founded the firm's Construction Academy, which serves as a resource for attorneys, clients and other construction professionals seeking to understand the legal fundamentals of the industry. He has also developed the Breachless Execution training program, which seeks to demystify the function and use of contracts in construction projects and which he frequently presents to clients and industry organizations.

Josh's goal is to help all parties execute their work without a breach. Clients want to deliver their promised services, and he helps them negotiate contracts that will serve as the roadmaps for complete delivery. While no contract can anticipate every possible obstacle that might arise, Josh develops contracts that provide the necessary framework to resolve any challenge—and when a crisis does occur, he is immediately on hand to guide the client through to a resolution.

While Josh is a gifted negotiator who aims to keep clients out of litigation, he is a highly experienced and effective advocate who has successfully represented clients at numerous bench and jury trials in both state and federal court. He's known for his solid grasp of both the construction process and the facts of a dispute, and his experience on all sides of construction matters helps him anticipate the opposition's next move. Outside of court, Josh has also represented clients in more than 60 American Arbitration Association (AAA) hearings and has served on the AAA roster of construction industry arbitrators since 2009.

Alongside his legal practice, Josh is deeply committed to the firm's HB Communities for Change initiative, which promotes economic empowerment among qualifying minority-owned businesses and entrepreneurs through pro bono legal representation. Josh sees the construction industry as an important platform for effecting change for small, minority businesses, and he works with a diverse roundtable of contractors to encourage growth. He also serves as an organizer of the annual Cream City Construction Conference in support of Milwaukee's minority contractors.

Experience

- Obtained summary judgment on behalf of commercial HVAC client and its surety company defeating a lower tier supplier's claim. Court found in favor of our client, that claimant notice obligations had not been met under Wisconsin law.
- Represented roofing client in breach of contract and lien foreclosure when property owner acted as own general contractor and failed to pay for +\$200,000 of completed and contracted work, alleging defects with our client's work and violations of Wisconsin's Deceptive Trade Practices Act (DTPA). Court trial found no DTPA wrongdoing and awarded our client 100% of damages with 12% interest and attorney fees.

Experience

- Represented a German family-owned company in the drafting and negotiation of construction contracts for the building of a new office building and production facility on a previously undeveloped site in the Denver area.
- Prepared owner agreements for large private university for three new projects within 18 months totaling more than \$230m. Developed standard RFP forms to tie the university's proposal requests into construction and design agreements; and developed standard owner-construction manager agreements and standard owner-architect agreements; negotiated directly with the selected contractors and design firms.
- Provided full development and negotiation of owner contracts for the \$78 million St. Louis Community Ice Center, the official practice facility of the St. Louis Blues; and prepared owner for potential challenges related to a time sensitive and fast track project of this scale.
- Successfully defended a general contractor in federal court, defeating a \$3.1 million delay claim resulting in a fractional \$3,100 award.
- Obtained \$800,000 award representing general contractor wrongfully terminated by owner after performing cost-plus construction project.
- Secured \$650,000 award representing municipal owner that incurred extra costs following negligent environmental survey.
- Negotiated \$475,000 settlement representing municipal owner that incurred extra costs due to defective design.
- Won jury verdict in favor of surety to collect project funds after owner claimed contractor default.
- Obtained jury verdict in favor of municipal owner defending against contractor's claims of concealed-conditions costs.
- Obtained summary judgment dismissing discrimination claim against restaurant franchise in federal court.

Experience

- Defeated injunction action brought in federal court to restrain an individual from competing with former employer.

Recognition

- *The Best Lawyers in America*®, Construction Law, 2017-2024; Litigation - Labor and Employment, 2022-2024; Litigation - Construction, 2023 and 2024
- Construction Lawyers Society of America, Charter Fellow
- Wisconsin Super Lawyers, 2021-2023

Education

- J.D., University of Wisconsin Law School
- B.A., Colorado College

Admissions

- U.S. District Court, Eastern District of Wisconsin
- Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Michigan
- U.S. Court of Appeals, Seventh Circuit

Community Leadership

Josh is a committed supporter of the firm's HB Communities for Change initiative and sees the construction industry as a particularly important platform for ensuring the growth of minority-owned businesses. Alongside fellow partner Eric Meier and the firm's Pro Bono Counsel, Quinncy McNeal, Josh has organized a roundtable of minority contractors with the aim of helping build these businesses. He also helps host the firm's annual Cream City Construction Conference, which provides training on legal assistance, accounting, insurance, construction contracting and overall risk management for minority contractors.

In addition, Josh serves on the Human Resources Committee of the Urban Ecology Center and has previously volunteered with St. Francis Children's Center and the Whitefish Bay Park Advisory Committee. He is also the founder of the Whitefish Bay branch of Little League's Challenger Division, which provides people of all ages and abilities a chance to play baseball.



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