

Snell & Wilmer



Richard G. Erickson

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Main Bio

Rick Erickson practices in the areas of construction law, commercial litigation and military law. He has the highest client and peer ratings of 5.0 as an AV® Preeminent™ attorney on Lexis®Nexis® Martindale®Hubbell® (2012-2018), is listed in Best Lawyers in America® Construction Law (2015-2018) and was inducted as an American Bar Foundation Fellow in 2016. He served for eight years on the Executive Council of his State Bar practice section and was Chair-Elect from 2014-2015. Rick is also a decorated military officer in his twenty-eighth year of active and reserve service in the U.S. Marine Corps and has deployed multiple times as both an infantry officer and judge advocate. Rick also serves as a leader and volunteer for local and national organizations and is further distinguished for his exceptional presentations and seminars to national audiences.

Representative Matters

Construction Law

- Drafted and negotiated subcontract agreements for \$1.9 billion P3 project
- Pursued \$30 million performance bond claims on state transportation project
- Created construction documents and indemnity agreements for hotel developer
- Special action against municipality unlawfully withholding construction permits
- Jury trial for architect of record pursuing \$1 million indemnity claim against subconsultant
- Contested licensing citation and \$600,000 fine against national drilling contractor
- Defended contractor against \$2 million breach of contract claim by materials supplier
- Arbitrated professional negligence claims in defense of national design firm
- Negotiated construction agreements and general conditions for \$40 million project
- Defended national homebuilder against negligent construction claims in wrongful death case
- Complex litigation and foreclosure of \$4 million lien claim by prime contractor
- Represented Fortune 500 owner in case arising from subcontractor's mistaken bid
- Litigated pass-through and indemnity claims for international construction manager
- Charter school's counsel for licensing complaint and hearing against general contractor
- Defended architect of record against claims arising from construction site administration
- Updated construction management at risk and subcontract agreements for prime contractor
- Special action, injunctive relief and trial of \$20 million bid protest for general contractor

- Settled \$2.7 million fire loss claim and subrogation agreement for custom homebuilder
- Mediated resolution of \$3 million final payment claim for builder of luxury condominiums
- Pursued general contractor's \$1 million performance bond claim against the surety
- Negotiated bond takeover agreement for prime contractor on large public project
- Represented structural engineer and his national design firm in roof collapse case
- Pursued resort owner-developer's claims in dispute over prompt payment and overbilling
- Sought \$1 million in change order damages for contractor claiming unforeseen site work
- Assisted prime contractor with equitable adjustment claim on large public project
- Represented heavy equipment contractor in lease dispute with its landlord
- Counsel for subcontractor in wrongful termination case against the general contractor

General Civil Litigation

- Trial team for Fortune 500 homebuilder awarded \$111 million verdict against former executive
- Defended international restaurant in high-exposure case involving liquor service liability
- Defended major insurer against bad faith claims arising from denial of business coverage
- Argued jurisdictional dispute for corporate client before the Arizona Court of Appeals
- Jury trial for corporate client pursuing non-compete claims against former software engineer
- Litigated contract claims of realtor association against its software development contractor
- Jury trial for joint venture partner accused of fraud and breaching fiduciary duties
- Pursued collection of corporate client's seven-figure judgment against foreign and U.S. assets
- Defended national tire company against personal injury and wrongful death claims
- Directed hearing for provisional remedies against controller who embezzled corporate funds
- Handled administrative hearing for office supply company contesting award of state contract
- Negotiated resolution of code of conduct violation for Division 1 scholarship athlete
- Litigated property title dispute for sixty-year-old Episcopal parish against its Diocese
- Administrative appeal of student-athlete contesting ineligibility from his high school transfer

Military Law

- Advised public utility concerning potential liabilities from deadly force defense of its nuclear facility
- Drafted and negotiated use agreements for military base facilities and training areas
- Assisted large defense contractor with evaluation of government contract provisions
- Advised Fortune 500 employer concerning rights under Service Members Civil Relief Act
- Chief advisor on detainee collection points and holding facilities in Anbar Province, Iraq
- Primary rules of engagement training officer for Operation Iraqi Freedom 06-07
- Authored rules for the use of deadly force during post 9/11 military operations in the U.S.
- Advised combatant command on ethics regulations during defense contractor conference
- Drafted point papers for Joint Staff on civil-military relations and domestic operational law
- Issued legal opinions on policy provisions affecting criminal tribunals of terrorist detainees
- Presided as Investigating Officer in capital case referred to General Court Martial
- Defense counsel for senior military officer accused of compromising classified information

Education

- University of the Pacific (J.D., Certificate in Governmental Affairs, 1998)
- University of Arizona (B.S., Political Science, 1990)
- U.S. Joint Forces Staff College, Joint & Combined Warfighting School (2016)
- U.S. Naval War College (Strategy and War, 2012; National Security Decision Making, 2008)
- U.S. Marine Corps Command & Staff College (2005)
- U.S. Naval Justice School (Military & Operational Law, 2002)

Professional Memberships & Activities

- Arizona Court of Military Appeals
 - Military Judge (appointed by Governor of Arizona 2011-2017)
- American Bar Association
 - Fellow, American Bar Foundation (2016-present)
- State Bar of Arizona
 - Executive Council, Construction Law Section (2006-present); Chair-Elect (2013-2014)
- Maricopa County Bar Association
 - Construction Law Section (2004-present)
- Associated General Contractors of America
 - Arizona Chapter Affiliate Affairs Committee (2008-present)
- Arizona Builders' Alliance (2004-present)
- Arizona Association of Defense Counsel (1998-present)
- Phoenix Committee on Foreign Relations
 - "[The Law of War in The Age of ISIS](#)," Presenter (2017)

Representative Presentations & Publications

- "[Synchronizing Joint Ventures and Project Delivery](#)," Presenter, Lorman Education Services (2019)

- "[Can Unapproved Change Orders Form the Basis for a Lawful Mechanics' Lien Encumbering the Project?](#)" Co-Author, Snell & Wilmer Under Construction Newsletter (July 2019)
- "[Terminating a Construction Contract: Legal Issues and Considerations](#)," Presenter, Lorman Education Services (2019)
- "[Richard G. Erickson: Born to Serve](#)," Profiled, Attorney at Law Magazine 2018 Veterans In Law Special Issue (November 2018)
- "Cybersecurity in Construction," Presenter, London Build (2018)
- "[Voir Dire and Jury Selection](#)," Presenter, National Business Institute (2018)
- "[Real Estate Development and Construction Law](#)," Presenter, National Business Institute (2017)
- "[Inside the Minds: Protecting the Homeland](#)," Author, Aspatore Books (2016)
- "Another Opinion on Economic Loss Doctrine—Where Do We Go from Here?" Panelist, Arizona State Bar (2016)
- "Avoiding and Managing Construction Defect Litigation," Presenter, USI Insurance Services (2016)
- "[Joint Venture Agreements in Construction](#)," Presenter, Lorman Education Services (2015)
- "When Do Contract Terms Flow-Down to Subcontractors," Presenter, Arizona State Bar (2015)
- "Is OSHA Exoneration and Workers Compensation Immunity Enough to Protect you from Tort Liability and Indemnity Claims?" Presenter, Associated General Contractors of America, 96th Annual Convention, San Juan, PR (2015)
- "Embracing the Future of Construction," Panel Chair, Arizona State Bar Convention President's Award (2014)
- "Understanding Ethics in Government Contracts," Presenter, Associated General Contractors of America, AZ Chapter (2014)
- "[P3 101-Is Your Local Legal Team Ready to Help on a P3 Project?](#)," Co-Author, JDSupra (March 26, 2014)
- "[Arizona Supreme Court Has the Final Word - Again - on Economic Loss Doctrine](#)," Author, Snell & Wilmer Legal Alert (2013)
- "Keeping up with Trends in Construction Contracts," Presenter, Lovitt & Touche (2013)
- "Lien Law & Prompt Payment Statutes," Presenter, First Solar (2013)
- "Identifying & Resolving Ethical Issues in Construction," Presenter, American Institute of Architects (2012)
- "Technological Advances & Social Media in Construction," Faculty Panel, Arizona State Bar Convention (2012)
- "Construction & Social Media - Do You Have a Plan?" Presenter, Associated General Contractors of America, Honolulu, HI (2012)
- "[Construction Site Data Disclaimers: Who Really Carries the Risk?](#)" Presenter, Lorman Education Services (2011)
- "E-Discovery Rules in Construction Litigation," Presenter, Associated General Contractors of America, Las Vegas, NV (2011)
- "Legal Strategies for Construction Project Records Retention," Panel Moderator, Strafford Publications (2011)
- "Maximizing Your Investment in Experts for Construction Litigation," Presenter, Computer Guidance

Corporation (2010)

- "Military Operational Law & Counterinsurgency," Presenter, Arizona State University College of Law (2010)
- "Understanding Arbitration Agreements in AIA & ConsensusDOCS Contracts," Presenter, Associated General Contractors of America, Orlando, FL (2010)
- "The Service Members Civil Relief Act: What Judges Should Know," Presenter, Arizona Judicial Conference (2009)
- "Beating the Odds: Mastering The Law of War During The Surge in Anbar Province," Author, U.S. Naval War College (2009)
- "Managing Electronic Discovery in Construction Litigation," Presenter, Associated General Contractors of America, San Diego, CA (2009)

Professional Recognition & Awards

- The Best Lawyers in America[®], Construction Law (2015-2020)
- LTG Paul G. Cerjan Distinguished Writing Award, U.S. Joint Forces Staff College ("Cyberwarfare – Making the Case for Deadly Force," 2016)

Community Involvement

- Arizona Advisory Committee, U.S. Global Leadership Coalition (2019-present)
- Congressional Advisory Committee for Nomination to U.S. Military Academies
 - U.S. Senator Jeff Flake (2013-2018)
 - U.S. Senator Jon Kyl (1998-2012)
 - U.S. Congressman Trent Franks (2003-2017)
 - U.S. Congressman John Shadegg (1996-2010)
- [Arizona Corporate Council on Veteran Careers](#) (2016-present)
- [U.S. Vets](#), Advisory Council (2014-present)
- Christ Lutheran School Board of Directors, Phoenix, Arizona (2010-2016)
- [97th Arizona Town Hall](#), Participant (2010)

Military Service

- Colonel, United States Marine Corps Reserve
 - Marine Corps Liaison Chief, MARFORNORTH, FEMA Region IX (2017-present)
 - G-3 Operations Staff, I Marine Expeditionary Force (2017)
 - Command Staff Judge Advocate, Force Headquarters Group (2013-2017)
 - Staff Judge Advocate, Marine Corps Installations-West (2010-2012)
 - Operational Law of War Advisor, The Pentagon (2008)
 - Staff Judge Advocate, Detainee Operations Task Force, Iraq (2006-2007)
 - Deputy Staff Judge Advocate, NORAD-U.S. Northern Command (2003)
 - Company Executive Officer, 6th Engineer Support Battalion (2000)
 - Infantry Platoon Commander, Mogadishu, Somalia (1994)

Bar Admissions

- Arizona

Court Admissions

- Supreme Court of Arizona
- United States District Court, District of Arizona
- United States Navy, Courts Martial
- United States Court of Appeals for the Armed Forces
- Arizona Court of Military Appeals