

# Snell & Wilmer

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## Richard G. Erickson

Partner | Phoenix

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### Main Bio

Rick Erickson practices in the areas of construction law, alternative dispute resolution, commercial litigation and military law. Since 2012, he has the highest client and peer rating (5.0) as an AV® Preeminent™ attorney on Lexis®Nexis® Martindale®Hubbell® (2012-2022). He served for eight years on the Executive Council of his State Bar practice section and was Chair-Elect from 2013-2014. Rick was inducted as an American Bar Foundation Fellow in 2016 and is continually recognized in Best Lawyers in America® Construction Law (2015-2022). Rick is further distinguished for his exceptional presentations and seminars to national and international audiences such as London Build, National Business Institute and International Bar Association. In addition, Rick serves as a mediator and arbitrator in litigation and transactional disputes.

Rick also retired as a Colonel in the U.S. Marine Corps after thirty years of active and reserve military service. He received twenty personal and unit commendations, including the Legion of Merit. He deployed multiple times as both an Infantry Officer and Judge Advocate, has been published on topics of cyberwarfare, counterinsurgency and national security law, and he continues to write and speak on military topics. Rick is actively involved in the community, contributing as a leader, board member and volunteer for several local and national service and veteran organizations, including U.S.VETS, U.S. Global Leadership Coalition and Arizona Corporate Council on Veteran Careers.

### Representative Matters

#### *Construction Law*

- Represented global engineering and construction firm on \$300 million solar project
- Bench trial for commercial owner pursuing delay and consequential damages
- Drafted and negotiated subcontract agreements for \$1.9 billion P3 project
- Pursued \$30 million performance bond claim on state transportation project
- Contracts and litigation counsel for developer of luxury destination resorts
- Handled final payment dispute for national franchise on new restaurant project
- Represented lender on HUD project against declaratory relief claims by surety
- Special action against municipality unlawfully withholding construction permits
- Jury trial for architect pursuing \$1 million indemnity claim against subconsultant
- Contested licensing citation and \$600,000 fine against national drilling contractor
- Helped contractor with \$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 100 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 conditions
- Assisted prime contractor with equitable adjustment claim on large public project
- Represented heavy equipment contractor in lease dispute with its landlord
- Counsel for subcontractor pursuing wrongful termination claim against the general contractor
- Created contract documents for build-to-rent (also build for rent, BFR or B2R) construction projects

### ***General Civil Litigation***

- Trial team for Fortune 500 homebuilder awarded \$111 million verdict against former executive
- Defended franchise restaurant in wrongful death 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
- Handled collections case in federal court for multinational firearms dealer
- 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
- 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

- Harvard Kennedy School of Government, Executive Education (Negotiation Strategies & Strategic Leadership)
- University of the Pacific (J.D., Certificate in Governmental Affairs)
- University of Arizona (B.S., Political Science)
- U.S. Joint Forces Staff College, Joint & Combined Warfighting School
- U.S. Naval War College (Strategy and War; National Security Decision Making)
- U.S. Marine Corps Command & Staff College
- U.S. Naval Justice School (Military & Operational Law)

## Professional Memberships & Activities

- Construction Lawyers Society of America
  - Fellow (2022-Present)
- International Bar Association
  - Delegate, 23rd Annual Arbitration Day, Istanbul, Turkey (2020)
- Arizona Court of Military Appeals
  - Military Judge (appointed by Governor of Arizona 2011-2017)
- American Bar Foundation
  - Fellow (2016-present)
- State Bar of Arizona
  - Executive Council, Construction Law Section (2006-present); Chair-Elect (2013-2014)
- 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

- "[Attorney's Complete Guide to Construction Documents](#)," Presenter, National Business Institute Live Webinar (April 29, 2024)
- "[Alternative Dispute Resolution in Construction](#)," Presenter, Federal Bar Association myLawCLE Broadcast (September 21, 2023)
- "[Construction Disputes and Litigation: Start to Finish](#)," Presenter, National Business Institute (March 7, 2023)
- "[Don't Be Lazy with Your Tenders](#)," Snell & Wilmer Real Estate Litigation Blog (October 13, 2022)
- "[Law of War](#)," Panelist, The Federalist Society (May 5, 2022)
- "[Construction Laws and Customs: Arizona](#)," Co-Author, ©Thompson Reuters Practical Law (2022)
- "[Construction Law 2022](#)," Presenter, National Business Institute (May 23, 2022)
- "Antitrust in Construction," Panelist, International Bar Association, Stockholm, SE (2022)
- "[Terminating a Construction Contract: Legal Issues and Considerations](#)," 4th Edition, Presenter, Lorman Education Services (April 20, 2022)
- "[When Is A Project Delay Material and Actionable?](#)" Author, Snell & Wilmer Under Construction Newsletter (January 2022)
- "[When Is A Project Delay Material and Actionable?](#)" Author, Arizona Attorney Daily (January 2, 2022)
- "[Construction Law: The Attorney's Guide](#)," Presenter, National Business Institute (June 24, 2021)
- "Social Media, Email and Text Evidence in Construction Litigation," Presenter, Arizona State Bar Construction Law Section Webinar (February 9, 2021)
- "[Prompt Pay Act Lessons from The Arizona Court of Appeals](#)," Co-Author, Snell & Wilmer Under Construction Newsletter (January 2021)
- "[Advanced Construction Law](#)," Webcast Panelist, National Business Institute (2020)
- "[Tips for Mediation of the Toughest Construction Disputes](#)," Author, Snell & Wilmer Under Construction Newsletter (January 2020)
- "Construction Litigation, Making the Most of Expert Witnesses," Presenter, Arizona State Bar (2019)
- "Military Justice," Panelist, Sandra Day O'Connor Inn of Court (2019)
- "[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)
- "[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)
- "Manage the Risks Associated With Residential Construction," Lorman Education Services (2017)
- "[Inside the Minds: Protecting the Homeland](#)," Author, Aspatore Books (2016)
- "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)
- "[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)
- "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)
- "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)
- "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)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Construction Law (2015-2024)
- LTG Paul G. Cerjan Distinguished Writing Award, [U.S. Joint Forces Staff College](#) ("Cyberwarfare – Making the Case for Deadly Force," 2016)

## Community Involvement

- [Phoenix Police Foundation](#), Board of Directors (2023-present)
- Arizona Chamber of Commerce, Veterans Affairs Task Force (2020)
- [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)

## **Bar Admissions**

- Arizona

## **Court Admissions**

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