



**David J. Hatem**

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**Experience**

David J. Hatem is a partner in the Boston-based law firm Donovan Hatem LLP. David's practice specializes in representing engineers and architects, and advising professional liability insurance underwriters on project-specific insurance matters. Nationally recognized, he is regularly called upon by this country's leading architect-engineering firms to provide risk management strategies and solutions, especially on major subsurface projects.

David teaches Legal Aspects of Civil Engineering at Northeastern University Graduate School of Engineering and frequently lectures on issues of professional liability and risk management for design and construction management professionals globally.

David has served as Counsel for ACEC-Mass since 1988.

**Honors & Awards**

- 2022 Band one ranking in Chambers USA ® for Construction
- 2022 Appointed Honored Member of the Boston Society of Civil Engineers
- 2016 recipient of the Engineering Center Education Trust (TECET) "Leadership in Professional Practice Legal Services" award.
- 2008 American Council of Engineering Companies of Massachusetts Distinguished Service Award.
- Selected by his peers every year since 1990 for inclusion in *The Best Lawyers in America*® in the fields of Construction Law and Professional Malpractice.
- Reaching the height of professional excellence, David has received an AV Peer Review Rating from *Martindale-Hubbell*

**Publications**

He has authored and edited numerous articles and publications in his field of expertise, including

- Geotechnical Baseline Reports: A Guide to Good Practice, CIRIA C807, London, 2023 (Contributor);
- D.J. Hatem, Recalibrating and Improving Design-Build on Public Infrastructure Projects, American Bar Association Forum on Construction Law, September 2022
- Project-Specific Professional Liability Insurance on Design-Build and Public-Private Partnership Projects in North America: A Path Forward (May 3, 2022).

- Hatem, D.J. and Gary, P. 2020. *Public-Private Partnerships and Design-Build: Opportunities and Risks for Consulting Engineers*, 3d ed., American Council of Engineering Companies, Washington, D.C.
- G. Brierley, D. Corkum, and D. Hatem, *Design-Build Subsurface Projects*, Second Edition (Society for Mining, Metallurgy and Exploration, Inc. 2010)
- D.J. Hatem & D. Corkum eds., *Megaprojects: Challenges and Recommended Practices*, ACEC (2010)
- *Subsurface Conditions: Risk Management for Design and Construction Management Professionals* (1998);

## Representative Cases/Major Projects

### *Risk Management*

- Counseled General Engineering Consultant for East Side Access \$15B Transit Tunnel project, New York, NY
- Counseled Engineering Consultants for \$18B transportation tunnel network for the Central Artery Tunnel Project, Boston MA
- Provided Risk Management counsel to Construction Manager and Design Engineer for Boston Harbor Water Tunnel Project, Boston, MA
- Counseled Design Engineer of Record for Design Build Joint Venture for LA Metro Purple Line, Phase 1, Los Angeles, CA
- Counseled Design Engineer of Record for Design Builder for Virginia Mid-Town Tunnel Project
- Advised Design-Engineer of Record for Design-Builder for Alaskan Way Viaduct
- Counseled Engineering consultants for Second Avenue Subway, Phase 1, New York, NY

### *Construction Management*

- The Massachusetts Water Resources Authority's Boston Harbor Cleanup Project, and its Metrowest Tunnel Project;
- The Massachusetts Highway Department's Route 3 Design-Build Project;
- The Massachusetts Bay Transit Authority's Greenbush Project; and, most prominently,
- The Central Artery/Tunnel Project.

### *Professional Liability Insurance*

- LaGuardia Airport Central Terminal Building Replacement;
- Maryland Purple Line;
- New York City's East Side Access Project and Second Avenue Subway Project;
- L.A. Metro's Red Line and East Side Extension Projects;
- Seattle's Sound Transit Project;
- Milwaukee Metropolitan Sewage District's Deep Tunnel Project;
- Dallas' DART Light Rail Transit Project;
- Houston's Rapid Transit Project;
- Washington's Brightwater Tunnel System;
- Virginia's Midtown Tunnel; and
- Seattle's Alaskan Way Viaduct Project.

### **Admitted To Practice**

- Massachusetts
- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Claims Court

### **Education**

- Boston University (B.A., *magna cum laude*, 1974; J.D., 1977)

### **Business and Professional Associations**

- American Bar Association
- Massachusetts Bar Association
- Professional Practice Committee, Boston Society of Architects, 1984
- Legal Counsel: American Council of Engineering Companies of Massachusetts, 1988-present
- General Counsel for Design-Build Institute of New England, Inc., 2000-present
- American Society of Civil Engineers (Affiliated Member)
- Boston Society of Architects/AIA (Corporate Affiliate Member)
- Transportation Research Board (Organizational Affiliate Member)
- National Council for Public-Private Partnerships (Corporate Member)
- International Bridge, Tunnel and Turnpike Association (Associate Member)
- Geoprofessional Business (Individual Consultant Member)
- New York Building Congress (Member)