



Justin P. Short  
**Attorney**

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Justin P. Short is a partner in the firm's Construction, Real Estate and Litigation practice groups where he represents prime contractors, subcontractors and commercial landowners. Justin specializes in construction claims relating to highway and bridge projects, Department of Transportation claims, federal MATOC agreements, mechanic's liens, surety and bond claims, bid protests, indemnity obligations, construction contract disputes and commercial and multi-family residential construction defects. He has represented contractors on these construction matters throughout Minnesota, North Dakota, South Dakota, Iowa, Illinois, Arizona, Texas and Colorado.

Justin is recognized as a *Super Lawyer* and is a national lecturer on construction and real estate industry topics through the Minnesota State Bar Association, Thompson-West Corporation, HalfMoon Education Inc., and private seminars to contractors and commercial landowners throughout the United States.

## Experience

- › Litigated in excess of \$100,000,000 of commercial and multi-family residential construction defect claims throughout Minnesota, Iowa, Colorado, Arizona, Illinois, and Texas (2006 – present).
- › Litigated in excess of \$10,000,000 on Minnesota, North Dakota and South Dakota Department of Transportation claims (2006 – present).
- › Litigated in excess of \$10,000,000 on surety, bond and mechanic's lien claims throughout Minnesota, North Dakota and Iowa (2006 – present).
- › Recovered in excess of \$15,000,000 on construction claims for contractors and commercial landowners (2006 – present).
- › Obtained complete dismissal of claims and recovery of attorneys' fees and costs for concrete subcontractor on a multi-family residential construction defect litigation case (Dakota County, Minnesota, 2013).
- › Successfully litigated and resolved construction delay and liquidated damages claims involving University of Minnesota project (Minneapolis, Minnesota, 2013).
- › Litigated third ever (first in 8th Circuit) United States case involving pre-payment of Section 236 mortgages with the United States Department of Housing and Urban Development (Minneapolis, Minnesota, 2013).
- › Obtained favorable jury verdict for industrial manufacturer on breach of contract claim regarding commission dispute (Seattle, Washington, 2013).
- › Obtained defense verdict for client sued on breach of construction contract claim (Washington County, Minnesota, 2013).
- › Obtained 100% recovery for excavation contractor on changed conditions claim involving undisclosed soil conditions (Owatonna, Minnesota 2012).

# BEST & FLANAGAN

- > Obtained complete dismissal of \$1,200,000 claim against commercial landowner on breach of contract claim involving 200 unit apartment development (Minneapolis, Minnesota 2011).
- > Obtained complete dismissal of claims against excavation subcontractor for alleged negligent training and supervision causing railroad accident (Dakota County, Minnesota, 2011).
- > Obtained 100% recovery plus attorneys' fees and costs for electrician subcontractor on mechanic's lien claim (St. Paul, Minnesota, 2011).
- > Obtained \$1,500,000 judgment for Minnesota bank on commercial real estate transaction (Washington County, Minnesota, 2009).
- > Negotiated/reviewed multiple professional sports stadium design and construction subcontract agreements, including Minnesota Vikings' Stadium and Houston Astros' Stadium projects.
- > Negotiated/reviewed various federal Multiple Award Task Oriented Contracts (MATOC) with the United States Army Corps of Engineers, including Missouri River levee and damn projects in South Dakota and Iowa.
- > Negotiated/reviewed in excess of \$10,000,000 of road, highway and bridge contracts on Department of Transportation projects throughout North Dakota and Minnesota.
- > Negotiated/reviewed in excess of \$100,000,000 of design and construction contracts on commercial construction projects, including hotels, retail/office space, industrial, and apartment projects throughout Minnesota, South Dakota, Iowa and Illinois.
- > Negotiated/reviewed in excess of \$10,000,000 on design and construction contracts for multi-family residential projects throughout Minnesota, Illinois and Colorado.
- > Negotiated United States Department of Housing and Urban Development (HUD) Regulatory Agreements on 220 unit limited equity housing cooperative located in Minnesota.
- > Drafted 50 states' Master Services Agreement for national cell phone tower erection contractor.
- > Drafted numerous contractor safety programs and critical loss programs for contractors and subcontractors.

## Areas of Practice

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Construction Law

Litigation

## Education

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J.D., William Mitchell College of Law, *cum laude*

## Admissions

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State of Minnesota

State of North Dakota

State of Colorado

State of Iowa

U.S. District Court, District of Minnesota

## Firm News/Articles

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- > Twenty Best & Flanagan Attorneys Recognized as 2020 Super Lawyers and Rising Stars
- > MPCA's flexibility regarding environmental compliance during the COVID-19 pandemic
- > Strategies to Implement COVID-19 Paid Leave and Unemployment Benefits
- > Three Best & Flanagan Attorneys Named to 2017 Rising Stars List

- › Five Best & Flanagan Attorneys Named to 2016 Rising Stars List
- › Four Best & Flanagan Attorneys Named to 2013 Rising Stars List
- › Five Best & Flanagan Attorneys Named 2012 “Minnesota Rising Stars”

## Professional Associations

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- › Minnesota Association of General Contractors (member)
- › Minnesota Subcontractors' Association (member)
- › Minnesota Asphalt and Paving Association (member)
- › Minnesota Construction Association (member)
- › Builders' Exchange Commission, St. Paul, Minnesota Chapter (member)
- › American Bar Association (member)
- › Minnesota State Bar Association (member)
- › Minnesota State Bar Association, Construction Law Group (council member)
- › Hennepin County Bar Association (member)
- › Douglas K. Amdahl Inns of Court (barrister)
- › Building Owners and Managers Association, Minneapolis Chapter (member)
- › Minnesota Multi-Housing Association (member and past committee chair)

## Seminars & Publications

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- › *“Contractors Taking Control in New Era of Construction Claims,”* Dallas/Ft. Worth Airport Marriot North, Dallas, Texas, February 12, 2014.
- › *“NPDES Permits and Written Notice Requirements for Additional Compensation Claims on Minnesota DOT Projects,”* Cook, Minnesota, January 21, 2014.
- › *“North Dakota DOT Requirements for Changed Conditions and Claims for Additional Time,”* Minneapolis, Minnesota, December 18, 2013.
- › *“MATOC Contracts and Requirements for Working on United States' Army Corps of Engineer Projects,”* Ft. Pierre, South Dakota, December 10, 2013.
- › *“Indemnity Obligations in Construction Contracts Across the United States,”* Chicago O'Hare Hilton, Chicago, Illinois, November 6, 2013.
- › *“Loss Control and Claim Prevention on Western United States' Construction Projects,”* Mall of America, Bloomington, Minnesota, November 21, 2013.
- › *“Change Order and Changed Conditions Clauses in Construction Contracts,”* Panel Speaker for Association of Women Contractors of Minnesota, Metropolitan Airports Commission, Minneapolis, Minnesota, October 23, 2013.
- › *“Examining Minnesota Supreme Court Decision in Engineering & Construction Innovations, Inc. v. L.H. Bolduc Co., Inc. and Future Indemnity Obligations for Contractors on Minnesota Construction Projects,”* Minnesota State Bar Association, Minneapolis, Minnesota, September 24, 2013.
- › *“Using Forensic Engineering Data in Construction Litigation Claims,”* Half-Moon Education, Inc., Eagan, Minnesota, August 15, 2013.
- › *“Key Provisions in Construction Contracts,”* Minnesota Subcontractors' Association, Midland Hills Country Club, Roseville, Minnesota, March 27, 2013.
- › *“Analysis of Minnesota Construction Defect and Indemnity Claims,”* Town & Country Club, St. Paul, Minnesota, September 18, 2012.
- › *“Indemnity Obligations for Subcontractors on Minnesota Construction Contracts,”* Metropolitan Ballroom and Clubroom, Golden Valley, Minnesota, May 21, 2012.
- › *“Contribution, Indemnity and Duty to Defend Claims on Construction Projects,”* Town & Country Club, St. Paul, Minnesota, May 2, 2012.
- › *“Winning the Mortgage Battle Against The United States Department of Housing and Urban Development,”* Minnesota Multi-Housing Association, Bloomington, Minnesota, November 15, 2011.

- > *"Pitfalls, Perils and HUD Regulations Regarding Converting Limited Equity Cooperatives to Market-Rate Cooperatives or Common Interest Communities,"* Inver Grove Heights, Minnesota, April 11, 2011.
- > *"Analysis of Minnesota's Statutory Home Improvement Warranty Claims,"* Plymouth, Minnesota, March 10, 2011.
- > *"Declarant, Developer and General Contractor Liability on Minnesota Multi-Family Construction Defect Claims,"* St. Paul, Minnesota, May 12, 2010.
- > *"The Minnesota Common Interest Ownership Act: Analysis of Multi-Family Residential Construction Defect Claims in Minnesota,"* Thompson-West, Eagan, Minnesota, June 9, 2009.
- > *"Analysis of Minnesota Multi-Family Residential Defect Claims and Defenses,"* Rochester, Minnesota, February 11, 2009.
- > *"Construction Defects 101: Overview of Construction Defect Litigation and Home Warranty Lawsuits in Minnesota,"* Thompson-West, Eagan, Minnesota, June 16, 2008.

## **Awards & Recognition**

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- > Super Lawyer, 2020
- > Rising Star, *Minnesota Law & Politics*, 2012-2017