

Andrew G. Wailgum

Partner

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Andrew G. Wailgum, a partner at Murtha Cullina, is a member of the firm's Litigation practice and serves as chair of the firm's Construction practice. Andrew represents corporate clients on construction and insurance coverage matters.

In his construction practice, he counsels owners, developers, lenders, general contractors, construction managers, subcontractors and material suppliers regarding all facets of construction work on both private and public projects. His work on public construction projects includes federal projects as well as state and local projects performed under M.G.L. Chapters 30, 149 and 149A.

Andrew represents clients on vertical and horizontal construction and demolition projects including office buildings, student housing, university and private school classroom and laboratory space, hotels, apartments, condominiums, elder housing, retail and office fit-outs, big box and small box retail stores, restaurants, theaters, hospitals, museums, historically significant buildings, athletic fields, golf courses, marine landings, public transit stations, parking garages and bridges.

His work includes the drafting and negotiating of general contracts, construction management agreements, design/build agreements, design professional agreements, subcontracts, joint venture agreements and other construction-related contracts for projects using various delivery systems such as traditional design-bid-build, CM at risk, design-build and integrated project delivery.

Andrew routinely provides real-time advice during projects, assisting clients to avoid potential claims and litigation and to preserve rights in the event that arbitration or litigation cannot be avoided.

In addition, he works with clients on mechanic's lien formation and dissolution and surety bond claims, as well as change order and delay disputes.

He also advises clients concerning rights to protest public bids and protests leveled against clients' bids for federal, state and municipal projects.

Andrew represents clients in state and federal courts, as well as in arbitrations and mediations.

Andrew also lectures on construction law topics for trade associations, continuing education organizations, clients and other organizations.

Bar & Court Admissions

- Commonwealth of Massachusetts
- Connecticut
- U.S. District Court, District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. District Court, District of Connecticut

Education

- Boston University School of Law (J.D., *cum laude*)
- Northeastern University (B.S., *summa cum laude*)

Representative Matters

- Successfully represented construction manager in suit for payment for preconstruction services and preliminary construction work when the owner terminated the project because of unfavorable market conditions. Obtained summary judgment on behalf of construction manager on owner's counterclaim, which led to a favorable settlement of the construction manager's claim for payment.
- Represented general contractor in obtaining judgment against condominium developer that failed to pay for work performed and had improperly terminated the general contractor, as well as resolving the numerous subcontractor claims that resulted.
- Obtained summary judgment on behalf of general contractor in subcontractor's suit for payment where subcontractor failed to complete disputed work on a public project. Successfully defended the summary judgment award on appeal to the Massachusetts Appeals Court.
- Successfully represented general contractor in mediation with a state agency concerning a multi-million dollar delay claim on a state bridge project.
- Counseled contractor seeking coverage for theft of materials from a construction project, resulting in coverage.
- Counseled developer on mechanic's liens recorded on the developer's property by subcontractors when general contractor became insolvent, advised on strategy for removal of liens, and orchestrated the removal of all liens.
- Drafted and negotiated architect and construction manager agreements for \$200,000,000 ground-up building for office and lab space.
- Drafted and negotiated multiple designer and contractor agreements for substantial redevelopment of commercial campus for office and lab space.
- Drafted and negotiated hundreds of designer and contractor agreements on behalf of project owners and contractors for projects of varying sizes, scopes and delivery systems.

Recognitions

- Holds an AV Preeminent® Martindale-Hubbell® Peer Review Rating™
- Listed as a leading Construction lawyer in *Chambers USA, America's Leading Lawyers for Business*
- Listed in *The Best Lawyers in America*® in the areas of Construction Law (2016-2024) and Construction - Litigation (2024)
- Listed in *Massachusetts Super Lawyers*® in the area of Construction Litigation (2017-2019, 2021-2023)

Memberships

- Associated General Contractors of Massachusetts
- American Bar Association, Construction Forum
- Massachusetts Bar Association
- Boston Bar Association

Community Activities

- Hopkinton Education Foundation, Former Director
- Hopkinton Elementary School Building Committee, Former Member
- Muscular Dystrophy Association, Former Muscle Team Committee Member

Services

- Construction Litigation & Arbitration
- Litigation

Industries

- Construction