

Judah Lifschitz

Partner

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Education

- George Washington University Law School, JD
- Yeshiva University, BA, *Magna Cum Laude*

Practices & Industries

- Construction & Surety
- Commercial Litigation & Complex Trials
- Power & Energy Construction
- Energy
- Data Center & Digital Infrastructure

Admitted to Practice

- District of Columbia
- Maryland

Court Admissions

- US Claims Court
- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Fourth Circuit
- US Court of Appeals for the Fifth Circuit
- US Court of Appeals for the Ninth Circuit
- US Court of Appeals for the Federal Circuit
- US District Court for the District of Columbia

Biography

As a seasoned trial attorney, Judah has tried cases to verdict across the country in virtually every type of adjudicative forum and is an accomplished appellate advocate, having argued appeals in many federal and state appellate courts. Judah serves as co-chair of Barclay Damon's Power & Energy Construction and Construction & Surety Practice Areas.

Having won one of the largest liquidated damages awards in the history of the construction industry, Judah has extensive experience in construction-related matters, including power and energy construction matters in which he represents clients in EPC contracts and disputes. As noted by a client in *Chambers USA*, “Judah is extremely capable, knowledgeable, and a skilled construction lawyer.” Another client told *Chambers*, “Judah has exceptional business and commercial knowledge. I enjoy working with him and his team.”

Representing clients in complex commercial litigation, Judah has a wealth of experience in every aspect of trial practice, including shareholder and partnership disputes, real estate matters, contract disputes, civil RICO, and general commercial disputes. Additionally, he has represented clients in civil fraud investigations and brings extensive experience to his clients in government procurement issues. Judah's clients represent a variety of industries, including construction, power and energy, aerospace, electronics, manufacturing, shipbuilding, and technology.

Bar Associations

- American Bar Association, Construction Industry Forum
- District of Columbia Bar Association
- Maryland Bar Association

- US District Court for the District of Maryland
- US Supreme Court

Selected Memberships & Affiliations

- International Association of Jewish Lawyers and Jurists
- Construction Lawyer's Society of America, Fellow

Representative Experience

- Successfully represented a general contractor in a complex, multiparty dispute regarding the construction of a large, $135 million-plus complex project involving the construction of a 17-story casino hotel tower—the tallest building in Anne Arundel County, Maryland—and 310 luxury guest rooms, an event center, meeting spaces, dining options, and a day spa/salon. Numerous significant claims regarding alleged construction defects and schedule delays were asserted between the owner and general contractor and between the general contractor and multiple subcontractors. After significant discovery, motion practice, and mediation, a pretrial settlement was achieved, resolving all of the claims asserted in the litigation on terms favorable to the general contractor.
- Successfully represented a major general contractor in achieving a favorable resolution in a fiercely contested and highly publicized case involving the Silver Spring Transit Center project in Montgomery County, Maryland. After four weeks of a jury trial, the county dropped its multimillion-dollar claims and agreed to pay our client $3 million on the client's affirmative claims. The case involved highly technical issues regarding concrete construction, schedule analysis, and damages.
- Successfully represented a merchant power company in a $533 million power plant construction project in Upstate New York in a series of complex arbitration proceedings against the EPC contractor, one of the world's largest power plant construction contractors. The client successfully defeated 95 percent of the plaintiff's claims, and the arbitrators awarded the client nearly $27 million in liquidated damages.
- Successfully represented the owner of a historic hotel in achieving settlement of disputes related to construction at the hotel. Defended against 25 mechanic's lien claims brought by the general contractor and subcontractors, which totaled $18 million, and 12 lien enforcement actions.
- Represented several corporate officers and directors and partnership managing partners in a case that combined two shareholder derivative actions and several partnership rights actions. Counseled the clients to form disinterested director demand committees to undertake, on behalf of the corporations, independent evaluations of the shareholder demands. The demand committee's report, which found no mismanagement or abuse, was accepted by the trial court; the attempted shareholders' derivative action was summarily

dismissed, and the result was affirmed on appeal in a precedent-setting and now frequently cited decision in the State of Maryland.

- Defended the State of New Jersey in a lawsuit brought against the state by a major international contractor on a large Superfund site remediation project. The engineering firm that designed the project was also made a defendant and cross-defendant. Partial summary judgments were rendered, forcing the contractor to settle.
- Represented a real estate developer and owner in a suit regarding a large new development that was constructed immediately adjacent to a downtown office building they owned. The client's building was destabilized, damaged structurally, and had to be evacuated. Filed suit against the excavation and construction firm and the insurer, and the dispute was settled after mediation. The settlement included the repair and restoration of the building, compensation for lost rental revenues, and compensation for other expenses for the client.
- Successfully represented a power plant owner in a dispute involving the construction of a 309-megawatt natural-gas-fired, combined-cycle plant. Defended against EPC contractor claims of $35 million and asserted claims against the EPC contractor. Achieved a favorable settlement that resulted in the dismissal of lawsuits and close-out of the project.
- Successfully represented a power plant owner in a dispute involving the construction of a combined-cycle plant. The publicly held owner asserted claims against the EPC contractor of $16 million due to nonconforming work and delays. Our team advised the owner and conducted settlement negotiations, resulting in a favorable global settlement.
- Successfully represented an owner of geothermal power plants in a dispute in which the owner pursued delay and performance liquidated damages claims totaling approximately $2.85 million against the turbine manufacturer.
- Successfully represented a power plant owner in a dispute involving the construction of a three-turbine hydroelectric power plant in Livingston County, Kentucky. Defended the owner against claims of over $7 million made by an electrical contractor on the project and asserted claims on behalf of the owner against the electrical contractor due to nonconforming work and delays. A favorable settlement of all claims was achieved resulting in the dismissal of the lawsuit.
- Represented a not-for-profit wholesale power supplier and services provider in a dispute related to the cancellation of the 960-megawatt coal-fired AMPGS power plant located in Meigs County, Ohio. Our client sued the defendant for $97 million for wanton and reckless breach of the EPC contract. The ensuing litigation was ultimately resolved through mediation.

Prior Experience

- Shapiro, Lifschitz & Schram, Principal and Co-President
- Washington, Perito and Dubuc, Partner
- Finley, Kumble, Wagner, Heine, Underberg, Manley, Meyerson & Casey, Partner
- Epstein Becker & Green, PC, Associate
- Hudson, Creyke, Tacke and Bixler, Associate

Selected Community Activities

- Sulam, President
- Greater Washington Community Kollel, President
- Explore! Children's Museum, Board Member

Selected Honors

- *The Best Lawyers in America*®: Construction Law, 2019–2023, 2025–2027
- *Chambers USA*, District of Columbia: Construction, 2023–2026
- Selected to *Super Lawyers* Washington DC: Construction Litigation: Business, 2009–2026
- *Legal 500*, Washington DC Elite, Commercial Disputes, 2026
- *National Law Journal*, Real Estate/Construction Law Trailblazer, 2022

Selected Speaking Engagements

- American Bar Association Fall Forum on Construction Law, "When the Axe Falls: Termination on Government Projects"
- *Emerging Litigation Podcast*, "Impact of Surfside Condo Collapse with Judah Lifschitz"
- Strafford, "Avoiding Pitfalls in Energy Project Construction: EPC Contract Disputes, Owner Protections, Resolving Claims"
- EUCI, "EPC Contracts for Power & Energy Projects"
- American Public Power Association, "What Every APPA Member Needs to Know About Construction Contracts"

Selected Media

- *The Legal Intelligencer*, "Deviations, Deficiencies and Defects in Construction: A Dual Perspective on Risk and Resolution"
- *POWER Magazine*, "Avoiding Pitfalls in Power and Energy Construction Projects"
- *Construction Business Owner*, "Inside the Baltimore Bridge Collapse & Aftermath"
- *Highways Today*, “Legal Lessons of the Kansas City Bridge Collapse”
- *POWER Magazine*, “Allocating Risks Strategically: How to Complete Successful Power and Energy Projects”
- *Construction Executive*, “What Next? Key Steps Following a Structural Collapse or Other Crisis Caused by Defective Work”
- *Construction Executive*, “Alleged Construction Defects: Be Consistent, Pick Your Battles, and Document Carefully”