OLES MORRISON

J. Craig Rusk understands and skillfully navigates the legal and business challenges owners, general contractors, specialty subcontractors and international engineering firms face when involved in complex commercial enterprises. Craig's clients turn to him for his proven track record – he has helped clients collect millions in payments, including collecting 100 percent of payment in arbitration on behalf of a contractor claimant from an international owner – and his ability to present practical solutions to complex issues quickly.

Working with private and government general contractors along the West Coast from Alaska to Mexico, Craig assists clients with structuring contracts and proactively identifying risks on the front end of projects, managing issues that arise throughout and ensuring that his client's contracts are promptly enforced at the conclusion of a project. He has represented clients in mediating, arbitrating, and litigating construction claims; and in negotiating and drafting construction contracts for private groups and public and federal agencies. Additionally, he has tried construction cases in state and federal courts and has represented clients in scores of arbitrations and mediations.

J. CRAIG RUSK

OF COUNSEL

Main Phone: 206.467.7475
Fax: 206.682.6234
Location: Washington
Email: rusk@oles.com

PRACTICE AREAS

- Construction
- Commercial Litigation
- Business & Real Estate
- Government Contracts

EDUCATION

- J.D., University of California at Davis, 1979
- B.A., Stanford University, History, 1976

BAR ADMISSIONS

- Washington State Courts
- U.S. District Court, Eastern District, Washington
- U.S. District Court, Western District, Washington
- California State Courts
- U.S. District Court, Eastern District, California
- U.S. District Court, Northern District, California
- U.S. District Court, Central District, California
- U.S. Court of Federal Claims

AFFILIATIONS

- Washington State Bar Association, Construction Law Section
- King County Bar Association
- California State Bar Association

AWARDS & HONOR

- *Best Lawyers in America*, Litigation-Construction, 2019 - present
- *Best Lawyers in America*, Construction Law, 2019 - present

REPRESENTATIVE MATTERS

Transactions

- Assisted a large telecommunications company with the procurement and construction of a large fiber optic and microwave repeating communication network in remote portions of Alaska. Assisted in the development of the request for proposals to be sent to contractors, developed the construction contracts to be used and participated in the negotiation and final negotiations of the contracts with the various suppliers and contractors, including issues regarding the applicability of prevailing wage rules. Also, assisted in the resolution of disputes that arose during contracting and construction
- Draft/prepared contract documents the to be used by all parties in the construction of a large power plant, including subcontracts, supply contracts, warranty provisions and insurance requirements including negotiations with various carriers regarding the scope and nature of the builder's risk coverage to be provided.

Contract Administration and Regulatory Compliance

- Assisted a large telecommunications company with the procurement and construction of a large fiber optic and microwave repeating communication network in remote portions of Alaska. Assisted in the development of the request for proposals to be sent to contractors, developed the construction contracts to be used and participated in the negotiation and final negotiations of the contracts with the various suppliers and contractors, including issues regarding the applicability of prevailing wage rules. Also, assisted in the resolution of disputes that arose during contracting and construction

Procurement Disputes (Bidding and Bid Protests)

- Handled the bid protest for the manufacturer and supplier of engines and control systems on a contract for the construction of ferries for the Washington State Department of Transportation including pursuing the protest through a multi-day court hearing after which court ruled in favor of the client on its protest resulting in a rejection of the award to another supplier.

Litigation

- Provided representation to an electrical subcontractor on a new school project regarding disputes during the course of construction and helped prepare and present a substantial claim for delay disruption and the contract balance. The claim was pursued through a five-week jury trial after which the client was awarded a judgment for all amounts sought including costs and fees.
- Represented a general contractor in a dispute with a major fabricator/steel supplier over issues that arose during the construction of a new bridge over the Kenai River in Alaska. The dispute concerned issues regarding responsibility for compliance with specified tolerances and the cause of the failure to meet specifications.
- Litigated disputes regarding contract for the provision of services in Hanford over the issue of the appropriateness of the termination of the contract, the improper solicitation of the client’s employees by the terminating party and the nature and scope of damages that could be recovered.
- Litigated a lengthy trial regarding disputes that arose out of the remodel, repair and new construction at an oil refinery.

Claims

- Provided representation to an electrical subcontractor on a new school project regarding disputes during the course of construction and helped prepare and present a substantial claim for delay disruption and the contract balance. The claim was pursued through a five-week jury trial after which the client was awarded a judgment for all amounts sought including costs and fees.
- Represented a drilling contractor in a dispute with the California Department of Transportation on claims for encountering differing site conditions during the construction of a portion of a new highway in slide prone territory. Assisted in the preparation of the claims and pursued it through arbitration resulting in an award to the client
- Represented a general contractor in a dispute with a major fabricator/steel supplier over issues that arose during the construction of a new bridge over the Kenai River in Alaska. The dispute concerned issues regarding responsibility for compliance with specified tolerances and the cause of the failure to meet specifications.
- Litigated disputes regarding contract for the provision of services in Hanford over the issue of the appropriateness of the termination of the contract, the improper solicitation of the client’s employees by the terminating party and the nature and scope of damages that could be recovered.

Alternative Dispute Resolution

- Represented a drilling contractor in a dispute with the California Department of Transportation on claims for encountering differing site conditions during the construction of a portion of a new highway in slide prone territory. Assisted in the preparation of the claims and pursued it through arbitration resulting in an award to the client

Commercial Litigation

- Represented the members of a successful rock band in litigation over responsibility for injuries to those attending a large concert. The issues related to which party had contractual responsibility for safety of attendees and crowd control and behavior in the mosh pit as well as contractual indemnity questions.

PUBLICATIONS & PRESENTATIONS

- Speaker, “Effective bidding and contracting for state and federal projects,” 9th Annual Construction Law Seminar, Anchorage, AK, November 8, 2016.
- Speaker, “Advanced Construction Contracts – Beyond the Insurance Language,” Anchorage, AK, April 20, 2016.
- Speaker, “Liens & Getting Paid,” AGC of Alaska, Anchorage, AK, April 19, 2016.
- Speaker, “Liens and Bond Claims: How to Get Paid,” AGC of Alaska Annual Conference, Anchorage, AK, November 11, 2015.
- Panelist, “Failures of risk management in construction– case studies” Failures of Risk Management in Construction & Mysteries of Builder’s Risk Seminar, Parker Smith Feek, March 24, 2015.
- Speaker, “Effective Contracting and Contract Language Allocating Liability,” 7th Annual Construction Law Seminar, Anchorage, AK, November 11, 2014.
- Speaker, "Killer Contract Clauses: A Concise Review of Clauses/Language that is Often Inserted into Contracts and the Unexpected Consequences that can Follow," Oles Morrison Alaska Construction Law and Government Contracting Seminar, 2012.
- Speaker, “Alternative Energy Projects: Rules and Regulations You Must Know to Assess Business Opportunities" NECA National Conference, October 22, 2011.
- Speaker, "Identifying and Assessing Risk in Project Delivery," Oles Morrison Construction and Public Contract Law Seminar, 2005

NEWS & INSIGHTS

- The Washington Supreme Court Issued Decision in Conway Construction Co. v. City of Puyallup Published in the Daily Journal of Commerce
- Oles Morrison is Ranked Among Nation’s Top Law Firms by U.S. News – Best Lawyers® 2021 List
- Oles Morrison Rinker & Baker Attorneys Named to The Best Lawyers in America©
- The 2020 Edition of The Legal 500 Nationally Ranks Oles Morrison's Construction and Government Contracts Practices
- Join Us for Moving Alaska Forward in the Age of COVID-19 Webinar Series
- Washington’s Version of “Shelter in Place”: What it Means for the Construction Industry
- COVID-19 and Impacts on Construction
- Oles Morrison is Ranked Among Nation’s Top Law Firms by U.S. News – Best Lawyers®
- Nine Attorneys Were Selected For Inclusion in The Best Lawyers in America 2020
- Legal 500 Recognizes Oles Morrison Rinker & Baker’s Government Contracts Practice In 2019 National Guide
- Oles Morrison Rinker & Baker Receives Rankings In 2019 Issue Of Chambers USA Guide
- Oles Morrison is Ranked Among Nation’s Top Law Firms by U.S. News – Best Lawyers®
- Oles Morrison Rinker & Baker LLP attorneys selected for inclusion in The Best Lawyers in America® 2019
- Serving Our Clients for 125 Years
- Viable Alternatives to Payment and Performance Bonds
- Oles Morrison Names Angelia Wesch New Managing Partner
- Craig Rusk to Present on Advanced Construction Contracts
- Craig Rusk and Michael Geraghty to Present at AGC of Alaska
- Craig Rusk to present at AGC of Alaska’s Annual Conference
- Angelia Wesch and Craig Rusk to present in Anchorage
- Craig Rusk Will Present at the 7th Annual Alaska Construction Law Seminar
- Attorney Craig Rusk to Address Alaska Construction Law Conference
- Oles Morrison featured in AGC’s The Alaska Contractor Magazine
- Oles Morrison Co-Presents Seminar In Anchorage
- J. Craig Rusk Presents on Fed. Contracting at the Pacific and Northwest Engineer Training Symposium
- J. Craig Rusk to Address 5th Annual Alaska Construction Law Conference
- 2012 Alaska Construction Law and Government Contracting Seminars
- Craig Rusk and Allen Estes Speaking at NECA National Convention October 24

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