



Randall F. Hafer

Partner

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Services

Alternative Dispute Resolution
Construction & Infrastructure
Construction Litigation
Government & Regulatory

Industries

Energy

Throughout his entire career, Randy Hafer has focused his practice exclusively on issues related to the construction industry. He has been involved in matters all over the United States and internationally on a wide variety of construction projects, including tunnels, wastewater treatment plants, airports, power plants, mass transit systems, mining facilities, bridges and highways, hospitals, office buildings, sports arenas, resort condominiums, universities and schools, manufacturing and processing facilities, and military facilities.

Examples of Mr. Hafer's most recent experience include:

- Represented a consortium of international contractors, designers and OEMs in a \$400 million ICC arbitration involving a hydro-electric plant and tunnel in Panama;
- Represented a worldwide supplier of plants, equipment and services for hydropower stations and for the pulp and paper industry in disputes arising from a \$2 billion pulp mill project in South America, and involving two separate ICC arbitrations;
- Represented the design-build-operate-maintain contractor on the \$2 billion *Tren Urbano* mass transit system in San Juan, Puerto Rico— a Federal Transit Administration "demonstration" project, including a substantial ICDR arbitration;
- Represented one of the world's largest energy sector companies as Project Counsel on an off-shore oil and gas production platform in Brazil;
- Represented one of the world's largest transportation system OEMs on the Mecca Saudi Arabia metro project;

- Represented one of the world's largest rail transportation OEMs in a AAA arbitration involving the long-term maintenance of 400 locomotives; and
- Represented the U.S. and Israeli owner/developers in a complex, multiparty AAA arbitration involving construction of a luxury condominium project in Las Vegas.

Over the years, much of Mr. Hafer's practice has focused on the representation of public owners on major infrastructure projects, including the following:

- The Boston Central Artery/Tunnel Project (the "Big Dig");
- The Hartford Connecticut Clean Water Project;
- The Boston Harbor Project for Massachusetts Water Resources Authority ("MWRA");
- The MetroWest Water Supply Tunnel for MWRA;
- The Deep Tunnel and Pollution Abatement Program for Milwaukee Metropolitan Sewerage District ("MMSD");
- The Logan Airport Modernization Project for Massachusetts Port Authority;
- The CSO Tunnel Project for the Narragansett Bay Commission in Rhode Island;
- Water/wastewater projects for the City of Atlanta, Georgia;
- The Cobb County, Georgia Water Authority Chattahoochee and South Cobb Tunnel Projects; and
- The DeKalb County, Georgia Scott Candler Water Treatment Plant.

Mr. Hafer focuses much of his practice on the prevention of construction related disputes through effective risk allocation and management and contract drafting. Mr. Hafer often works as a member of the owner's project management team at the "front end" of projects to achieve these goals. He also leads teams providing clients with the Construction Group's Project Counsel service.

Mr. Hafer works directly with construction project participants to avoid disputes and effectively and efficiently resolve, on a "real-time" basis, those disputes that cannot be avoided. He is well-versed and experienced in negotiation, mediation, arbitration, dispute review boards and other forms of construction ADR. He is a panel



member on the AAA's roster of arbitrators and mediators, he is co-chair of the American College of Construction Lawyers (ACCL) Alternative Disputes Resolution Committee, a member of the International Institute for Conflict Prevention and Resolution (CPR) Construction Advisory Committee, and the primary author of "Dispute Review Boards and Other Standing Neutrals, Achieving "Real-Time" Resolution and Prevention of Disputes" for CPR. Mr. Hafer has also helped create and has successfully implemented customized dispute resolution processes to fit the particular needs of a project when other more traditional ADR procedures are not working.

In addition to extensive construction ADR experience, Mr. Hafer has presented construction cases to judges and juries in a number of state and federal courts across the country and to administrative boards of federal, state and local government agencies. Mr. Hafer also has extensive appellate experience. He has presented cases to the North Carolina, Wisconsin and Florida courts of appeals, as well as the federal courts of appeal for the Fourth, Fifth and Eleventh Circuits.

Claims avoidance and education are an important part of Mr. Hafer's practice. He has spoken at the Construction Super Conference, the American Bar Association Forum Committee on the Construction Industry, the American Underground Construction Association, the Design Build Institute of America, the Association of Corporate Counsel, the Atlanta International Arbitration Society, and other industry related programs.

Mr. Hafer was listed in the 2018 and the nine years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* for Construction Law and he was listed as #1 in the 2018 and the seven years immediately preceding editions. Mr. Hafer was recommended by *Legal 500 US* in 2009, 2011, 2012, 2014, 2015, 2016, 2017 and 2018 for Real Estate and Construction Law and he was also recognized as a "Leading Lawyer" in 2014, 2015, 2016, 2017 and 2018 by *Legal 500 US*. He was recognized in 2019 and the 16 years immediately preceding by other practicing attorneys as one of the *Best Lawyers in America*[®] in the field of Construction Law. Mr. Hafer was named an "Atlanta Lawyer of the Year" in 2018 for Construction Litigation by *The Best Lawyers in America*[®]. He was listed in *Who's Who Legal: Thought Leaders – Construction* in 2018, The International Who's Who of Business Lawyers in 2009, 2011, 2013 and 2014 in the area of Construction, and The International Who's Who of Construction Lawyers in 2010 and 2014. Mr. Hafer is a Fellow of The American College of Construction Lawyers. He was named a Georgia "Super Lawyer" in the area of Alternative Dispute Resolution in 2009 and in the area of Construction Litigation in 2018 and the nine years immediately preceding and a Top 100 Georgia "Super Lawyer" in 2011 by Super Lawyers magazine. Mr. Hafer is AV[®] rated by Martindale-Hubbell.*

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Education

University of Tennessee, J.D. (1983) *high honors, Order of the Coif, Phi Kappa Phi*

Georgia State University, B.S. (1975) *cum laude*



Admissions

Georgia (1983)

Professional & Community Activities

Alternative Dispute Resolution Training:

AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators (2014)

Dispute Resolution Board Foundation – DRB Advanced/Chairing Workshop and DRB Administration and Practice Workshop (2013)

Straus Institute for Dispute Resolution, STAR – A Systematic Approach to Mediation Strategies (2011)

American College of Construction Lawyers (ACCL), Fellow and Co-Chair of Alternative Disputes Resolution Committee

International Institute for Conflict Prevention and Resolution (CPR) Construction Advisory Committee, Member

International Bar Association, Member

Disputes Review Board Foundation, Member

American Underground Construction Association, Member

American Arbitration Association's Roster of Arbitrators and Mediators, Panel Member

Angel Flight Pilot

University of Tennessee College of Law Dean's Circle

Insights

[News Releases](#)

Kilpatrick Townsend Achieves Recognition for 2019 Georgia Super Lawyers

February 28, 2019

[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

[News Releases](#)

Kilpatrick Townsend Receives Top Rankings from 2018 Legal 500 US

June 11, 2018

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018



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Forty-Four Kilpatrick Townsend Attorneys Named to 2017 - 2018 International Who's Who of Business Lawyers
March 19, 2018

[Events](#)

GAR Live Atlanta
March 6, 2018

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Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers
February 28, 2018

[News Releases](#)

Kilpatrick Townsend Recognized by Prestigious 2017 Legal 500 US
October 2, 2017

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Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2018 Lawyers of the Year
August 16, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2017
May 30, 2017

[Publications](#)

United States, Chapter 23
March 1, 2017

[News Releases](#)

Kilpatrick Townsend Once Again Achieves Recognition for 2017 Georgia Super Lawyers
February 28, 2017



Events

2016 Risk Management in Underground Construction Conference

November 15, 2016

News Releases

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017

August 16, 2016

In The News

Kilpatrick Townsend's Media Report July 1-14, 2016

July 15, 2016

News Releases

Kilpatrick Townsend Recognized by Prestigious 2016 Legal 500 US

June 20, 2016

News Releases

Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016

May 31, 2016

In The News

Kilpatrick Townsend's Media Report May 20-26, 2016

May 27, 2016

Events

2016 Atlanta Construction Law Seminar

April 28, 2016

News Releases

Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

News Releases

Kilpatrick Townsend Recognized by Prestigious 2015 Legal 500 US

July 15, 2015



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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015

[Publications](#)

"Chapter 15: United States," The Public-Private Partnership Law Review

April 1, 2015

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Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015