

John D. Lien

Partner/Retired



John D. Lien is a retired partner with Foley & Lardner LLP, and was the former chair of the firm's Construction Practice. He has over 30 years' litigation experience representing clients in the real estate lending, real estate development, construction and manufacturing industries. His litigation work encompassed virtually all aspects of these industries, including loan document disputes, commercial mortgage foreclosures, commercial lease disputes, mechanic's liens, and construction contract problems, as well as bankruptcy issues relating to the foregoing. As an outgrowth of his construction industry litigation experience, he also handled significant work negotiating and drafting construction contracts.

Lien also has considerable experience in litigation involving Articles 2 and 9 of the Uniform Commercial Code, letters of credit, wills and trusts, insurance coverage, partnership disputes, and general contract matters. He has defended large class action cases involving both real estate and securities issues. He has tried several jury cases, many bench trials, and has argued numerous cases in both federal and state appellate courts. He has twice taught at Emory Law School's two-week trial techniques program.

Lien received his law degree from Harvard University in 1968 and his bachelor's degree from the University of Wisconsin in 1965. From 1968 until 1972, he served as a captain in the United States Air Force, where he was a trial attorney in the Office of the Air Force Chief Trial Attorney. In this position, he tried numerous cases involving government contracts.

Lien, a member of the Chicago and American Bar Associations, was admitted to practice before the U.S. District Court for the Northern District of Illinois, the U.S. Seventh Circuit Court of Appeals and the Supreme Court of Illinois. He was admitted to the Trial Bar of the U.S. District Court for the Northern District of Illinois. He has twice been elected to serve as a trustee on the Village Council of Winnetka, Illinois.

Lien was Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system and was selected for inclusion in the 2007 and 2008 *Illinois Super Lawyers®* lists for his construction litigation work. He was also named a "Leading Lawyer" for 2007 by the Leading Lawyers

Network, for his work in the field of construction law.

Representative Experience

- Representation in 2007 of a general contractor in a multi-issue dispute with the owner/developer on a project involving the conversion of an 80 year old high rise office building to a 189 unit apartment building. This “fast track” arbitration was settled two days before the start of a scheduled three month arbitration proceeding. The trial would have involved over 3,000 exhibits, close to 40 fact witnesses, expert witnesses, and over 50 disputed change orders. The issues included delay claims, liquidated damages, limitations of liability, and the scope of work described in the plans and specifications. All major subcontractors were parties to the arbitration.
- Representation of a large general contractor in a multi-million dollar mediation proceeding with a major hospital system that resulted in a favorable settlement agreement for the contractor.
- Representation of major general contractor for ten years in major lawsuits brought by subcontractors and owners of high-rise office buildings, hospitals, and high-rise residential projects.
- Representation of major Chicago hospital during fifteen year building program, including drafting all construction contracts, advising on procurement methods for obtaining construction and architectural services, and defending hospital against contractor claims.
- Representation of architectural firm specializing in hospital and medical buildings against claims by owners for alleged defective design.
- Representation of major Chicago museum in defending and prosecuting claims relating to an extensive, multi-year museum renovation project.
- Represented owner of Chicago multi-use high-rise building on claims for failure of exterior marble curtain-wall.
- Representation of owner on roof failure of 1,000,000 square-foot warehouse.
- Representation of electric utility on major cost overruns and design deficiencies on engineering and construction work for renovation of nuclear power plant.
- Representation of national non-for-profit institution on litigation arising from 50 percent cost overrun claims on a major building renovation and conversion project.

Admissions

*The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.