

ERIC J. FIRSTMAN

PRINCIPAL

TEL:
510.808.2034

EMAIL:
efirstman@meyersnave.com

OFFICE:
Oakland

LANGUAGES:
English



A veteran construction litigator and strategist for engineering-intensive projects, Eric is helping clients build California's next generation of infrastructure.

California builders keep Eric Firstman close for the length of the job. He is lead construction counsel to private developers, transit agencies, airports, hospital systems, and local governments on programs the state will be riding for the next century.

That's because he is bilingual in the two languages a project runs on, the engineers' *and* the decision-makers'. Forty years alongside builders has made schedules, sequencing, loads, and delay math his everyday working vocabulary, so an opposing expert's analysis gets tested in its own terms, with nothing lost in translation, and Eric many steps ahead. What reaches leadership is plain English, real partnership, and practical options to manage cost, read risk early, outflank the opposition, and get the project built.

Eric's value comes from perspective across *every stage* of a project's life, from the earliest planning and procurement strategy through contract development, funding, and high-stakes disputes. That perspective compounds. Procurement strategy shapes how he drafts, drafting shapes how he litigates, and every fight feeds back into the next set of documents. Forms he drafted decades ago are still out to bid across California, and he has taught public and private contracting to state agencies and other attorneys since 2001, which means opposing counsel often learned the rules from him. When a dispute cannot be avoided, owners want his record behind it.

The projects that draw him are technically demanding, high-stakes, regionally-consequential, and often measured in the hundreds of millions and billions of dollars. That's where he and his team do their best work, [building California](#).

EDUCATION

University of California College of the Law, San Francisco, JD, 1983

University of California, Los Angeles, BA, Political Science, 1980

ADMISSIONS

California, 1983 – Bar No. 111534

U.S. District Court, Northern District of California

U.S. District Court, Central District of California

U.S. District Court, Eastern District of California

U.S. District Court, Southern District of California

PRACTICE AREAS

Construction

Public Contracts & Procurement

Trial & Litigation

HONORS & AWARDS

- “Northern California Super Lawyers list: Construction Litigation and Government Contracts,” Super Lawyers Magazine (2007–2026)
- “Super Lawyer: Corporate Counsel list,” Super Lawyers Magazine (2008–2013)
- AV Preeminent rating, Martindale-Hubbell (“Legal Leaders: Construction Law,” The American Lawyer and Corporate Counsel)

PROFESSIONAL & COMMUNITY AFFILIATIONS

- The State Bar of California, Member
- Construction Lawyers Society of America, Charter Fellow and Advisory Board Member
- Associated General Contractors of California, Member
- Forum Committee on the Construction Industry, Member
- Litigation Counsel of America, Fellow

PRESENTATIONS & PUBLICATIONS

- Presenter, *Public Contract Code Training*, County Water Agency (June 18, 2025)
- Presenter, *California Construction Law: Current Issues and Delay Claims*, County Counsels' Association of California's 2024 Fall Public Works & Contracts Study Section (October 17, 2024)
- Presenter, *Public Contracting Requirements and Competitive Bidding in California*, Meyers Nave and Lorman Education Services seminars throughout California (2017–2020)
- Author, *Public Contract Code Section 9204: New Challenges for Drafting and Administering Public Works Contracts*, Meyers Nave Client Alert (2017)
- Author, *California Supreme Court Decision Provides Guidance for Identifying and Avoiding Section 1090 Conflicts in Public Contracting and Procurement*, Meyers Nave Client Alert (2017)
- Presenter, *SB 465: New Reporting Requirements and Working Group Studies*, County Counsels' Association Fall Public Works and Contracts Study Section Conference (2017)
- Presenter, *Evolving Standards for Expert Testimony and Hearsay: Proving Damages and Lost Profits*, Construction Lawyers Society of America Conference (2017)
- Presenter, *Planning for, and Defending Against, Public Works' Contractor Claims in California*, Lorman Education Services webinar (2017)
- Author, *SB 465 Has Major Impact on Construction Industry*, California

Constructor (May/June 2017)

- Presenter, *Planning for, and Defending Against, Public Works' Contractor Claims*, Lorman Education Services webinar (2016)
- Presenter, *Current Issues On Bidding, Contracting and Claims on California Public Works Contracts*, Lorman Education Services webinar (2015)
- Presenter, *Public Law: Handling Contractor Claims on Public Works Construction Projects*, The State Bar of California 88th Annual Meeting (2015)

REPRESENTATIVE EXPERIENCE

Transbay Joint Powers Authority (TJPA) – The Portal. Lead construction and transactional counsel on the estimated \$7 billion downtown rail extension, including the \$2 billion progressive design-build contract for the civil and tunnel work, the program's organizational conflict-of-interest policy, and federal funding compliance under 2 CFR Part 200 and FTA Circular 4220.1G.

Santa Clara Valley Transportation Authority (VTA) – BART Silicon Valley Extension Litigation. Lead litigation counsel defending delay claims and prosecuting counterclaims on the nearly \$1 billion design-build extension from Fremont to North San Jose. After four years of litigation and more than 100 depositions, the case resolved with a \$20 million payment to the Authority, release of all claims, and forfeiture of \$5 million in retention, a \$25 million affirmative recovery, with contractor claims exceeding \$50 million fully defended.

California Department of Water Resources – Dyer Reservoir. Defended \$14 million in contractor claims for delay, differing site conditions, extended overhead, and lost productivity through State Contract Act arbitration, more than 30 depositions, 32 days of testimony, and appellate proceedings, culminating in a ruling denying the contractor's substantial-compliance theories under California contractor licensing law.

Kaiser Hospitals – South Bay Medical Center Design-Build Default. Represented the hospital owner after default termination of the design-build contractor at roughly 30% completion of the \$300 million project. Tried claims by and against the contractor to final judgment through more than 50 depositions and 20 days of testimony. The final award denied \$130 million in contractor claims for lost profits and quantum meruit.

City of Santa Barbara – Estero Wastewater Treatment Plant. Represented the City against the design firm responsible for the plant's replacement tertiary filtration system. A month-long, expert-driven jury trial produced a \$2.25 million design negligence verdict, with total recovery by settlements exceeding \$2.5 million.

City of Hayward – State Route 238 Reconstruction. Secured summary judgment on a contractor's affirmative claims, more than \$14 million in disputed changes, delays, and lost productivity on the \$60 million highway contract, by enforcing the contract's administrative dispute procedures. The owner retained the contract retention; the

contractor recovered nothing on its claims.

City of Berkeley – Central Library Litigation. Resolved before a third trial with the contractor taking zero on affirmative claims exceeding \$10 million and zero on more than \$2 million in claimed retention, by enforcing the contract's claim procedures. The matter produced two published opinions, *Arntz Builders v. City of Berkeley* (2008) 166 Cal.App.4th 276 and *Westamerica Bank v. City of Berkeley* (2011) 201 Cal.App.4th 598.

Los Angeles International Airport (LAX) – Litigation Counsel. Lead litigation counsel on matters including closeout of the CM-at-Risk Bradley West projects, settlement of \$23 million in delay and differing-site-conditions claims on Taxilane S, Runway 25L concrete deterioration litigation, and prevailing wage enforcement disputes settled the first day of trial.

City of Monterey – Convention Center Renovation. Secured a full defense of contract delay and disruption claims exceeding \$15 million on the City's \$60 million convention center renovation five days before the start of trial. The matter continues after reversal on appeal.

City College of San Francisco – Child Development Center & Chinatown Campus. Recovered \$4.8 million, 98% of the demand, for construction defects that rendered the new Child Development Center a total loss, through settlement at a judicial settlement conference after expert discovery. Continues to represent the College in affirmative defect claims on the Chinatown campus.

Washington Hospital Healthcare System – Master Plan. Ongoing counsel on the three-phase master plan exceeding \$500 million, now in design on Phase Three. Work spans advance contracting for base isolation, contract development, contractor and design professional procurement and replacement, contract administration, closeout, and dispute resolution.

County of San Mateo – Capital Improvement Program. Provided template general, design-build, and CM-at-risk contracts and advised on OSHPD renovation contracts, Labor Code compliance, and construction claims across the \$631 million, five-year program covering hospital and jail facilities and a new county office building.

County of Santa Clara – Construction Contract Templates. Revised and revamped the County's standard construction contracts, including new templates for design-bid-build, CM-at-risk, and design-build, after serving as litigation counsel on claims arising from the County's design-build medical center program.

Kaiser Hospitals – Hospital Construction Program. Lead transactional counsel on 11 new hospital construction projects with a combined value exceeding \$2 billion, using design-bid-build, CM-at-risk, design-build, and target-cost delivery. The group's reusable contract manuals for Kaiser span 13 hospitals and remain in use.

Port of Oakland – Airport & Seaport Expansion. Lead transactional counsel on an expansion program exceeding \$2 billion, including the \$1.5 billion Vision 2000 airport program's new concourse, gates, and baggage facilities, procured through a Master Builder approach with design-build contracts, followed by reusable design-build

procurement templates.

San Francisco International Airport (SFO) – Terminal Expansion. Lead transactional counsel on the \$2.4 billion expansion, delivered through more than 40 contracts, including the 2.5-million-square-foot international terminal, the design-build AirTrain system, two parking garages, and access improvements from Highway 101 and BART.