



# Erin A. Hockensmith

Counsel, Providence, RI

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## PRACTICE AREAS

[Litigation](#)

[Construction](#)

[Insurance Coverage & Defense](#)

## EDUCATION

George Mason University,  
Antonin Scalia Law  
School (J.D., 2007)

George Mason University  
(B.S., *magna cum laude*,  
2004)

## ADMISSIONS

Rhode Island

Massachusetts

District of Columbia

Maryland

Virginia (inactive)

U.S. District Court,  
District of Rhode Island

U.S. District Court,  
District of  
Massachusetts

U.S. District Court,  
District of Columbia

U.S. District Court,  
District of Maryland

## OVERVIEW

Erin is Co-chair of the firm's construction practice group, with more than fifteen years of experience. Her practice includes advising and representing clients in complex commercial and construction disputes, including all aspects of the construction process, government contracts claims, surety law, and insurance disputes. She represents clients before state and federal courts and arbitration panels, including owners, general contractors, construction managers, subcontractors, suppliers, and sureties in construction related matters. She is a co-chair of the firm's construction practice.

Prior to joining the firm, Erin was an associate and partner at a civil litigation firm in Rhode Island and an associate at a boutique firm in Washington, D.C. that specialized in [construction litigation](#) and [government contracts](#). Erin has experience pursuing federal and state government construction contract and private construction contract claims and prosecuting and defending bid protests for the award of federal and state construction contracts. In addition, Erin has extensive experience in drafting, reviewing and negotiating construction contracts, subcontracts, purchase orders and teaming and joint venture agreements. Erin also has experience in defending claims against insurance carriers and their insureds regarding coverage and damages disputes.

## REPRESENTATIVE MATTERS

- Advised a state agency regarding a bid protest filed in connection with a contract award for the construction of a new multi-million dollar operations facility.
- Successfully researched and briefed motion to dismiss a complaint filed against a town for claims of public nuisance and breach of contract under a third-party beneficiary theory and seeking injunctive relief involving the operation of a wind turbine.
- Successfully defended a \$10 million delay and extra work claim brought by a subcontractor against the general contractor and payment bond surety involving a \$40 million bridge repair and painting project in New England.
- Successfully represented general contractor in briefing and filing a bid protest for

U.S. District Court,  
Eastern District of  
Virginia

U.S. Court of Appeals for  
the Fourth Circuit

reprocurement and ultimate award of state contract involving highway and bridge construction for over \$50 million.

- Briefed opposition to petition seeking award of attorney's fees filed by relators in a False Claims Act action.
- Obtained over \$500,000 damage award in state court action on behalf of demolition and site contractor for claims against a private owner involving extra work and differing site condition claims.
- Successfully represented owner in arbitration involving termination for default for general contractor's failure to obtain performance and payment bonds and recovered over \$500,000 in additional costs for reprocurement.
- Successfully represented subcontractor in three arbitrator panel proceeding for claims against general contractor in federal government demolition and abatement construction contract involving extra work and differing site condition claims for recovery of over \$700,000.
- Negotiated a resolution of dispute on behalf of owner with HVAC manufacturer concerning claims involving product defects and breach of warranties.
- Successfully represented general contractor against public owner to convert termination for default to termination for convenience at trial before the District of Columbia Contract Appeals Board.
- Successfully defended against size protests and appeals before the Small Business Administration Office of Hearings and Appeals for confirmation of awards of \$13 million and \$12 million federal construction contracts.
- Represented insureds in claims against commercial insurance carriers in federal and state courts involving claims for breaches of the policies and unfair claim settlement practices, including successfully moving to compel the insurance carrier to proceed to appraisal.
- Successfully negotiated resolution of claims on behalf of electrical subcontractor for recovery of subcontract balance and claims involving extra work and delay against general contractor for hotel construction project.
- Successfully negotiated resolution of claims on behalf of mechanical subcontractor against general contractor and payment bond surety.
- Drafted form design agreements, subcontracts and purchase orders for general contractors involving private and public construction contracts.
- Advised contractors on compliance with requirements to obtain and maintain certifications as small and minority owned and veteran owned entities.
- Represented demolition and asbestos abatement subcontractor in month long arbitration hearing against general contractor on claims involving recovery of subcontract balance, extra work and delay for federal government contract project.
- Negotiated the sales of books of business for owners of insurance agencies.

## HONORS

- Professional Excellence in the Law, Construction Law, *Rhode Island Monthly*, 2019 – 2023.
- Featured in The Faces of Construction Law, *Rhode Island Monthly*, 2021.
- Featured in Outstanding Women in Business, *Rhode Island Monthly*, 2020.
- Research Editor, *Journal of Law, Economics and Policy*, George Mason University, Antonin Scalia Law School.

## PROFESSIONAL AFFILIATIONS

- Board Member, Women and Infants Hospital Foundation.
- Member, Professional Women in Construction, Boston Chapter.
- Member, Rhode Island Bar Association
- Member, American Bar Association, Forum on Construction Law and the Tort Trial and Insurance Practice Section.