



Deirdre Joan Cox

Partner

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Pronouns: she, her, hers

For over twenty years, Deirdre Joan Cox has practiced in the **construction** and **public** contracting field. Joan's practice involves representing public agencies in complex construction matters, including strategizing development and procurement approaches, drafting construction documents, including performance and payment bonds and parent guarantees, advising clients during the course of construction, claims review and analysis, and claims resolution, including mediation, arbitration, and **litigation**. She assists in the resolution of issues that occur at the intersections between funding, design, acquisition, and construction. She serves as special counsel to a number of local agencies and general counsel for the Olivehurst Public Utility District. She has extensive litigation experience in state and federal court. Her efforts, from a project's early stages through trial and beyond, allow public agencies to deliver public projects on time and on budget.

Her experience includes multi-million dollar projects for cities, counties, and other municipalities, including hospitals, community college, school and special districts, and other commercial facilities in myriad bond funded projects, individual projects, and capital improvement programs. She has particular experience in lease revenue bond financing, Mello-Roos bonds, public private partnerships, and other financing mechanisms.

Joan has extensive experience working with public entity clients to develop construction project manuals: "front-end" construction documents for all types of public works projects using delivery methods that involve competitive bidding utilizing lowest responsive, responsible bidding and "best value" concepts for traditional hard bid / design-bid-build, design-build, construction manager at risk, and lease-leaseback delivery mechanisms. She also drafts contracts for architects, engineers and other professionals.

Her work includes preparing the project documentation including drafting, negotiation, structuring of delivery and procurement

PRACTICES

Construction Law

Employment Law and Litigation

Litigation

Public Law

EDUCATION

J.D., Golden Gate University
School of Law, 1994

B.A., summa cum laude Golden
Gate University, 1991

ADMISSION

State Bar of California

United States District Court for
the Central District of California

United States District Court for
the Eastern District of California

United States District Court for
the Northern District of
California

United States District Court for
the Southern District of
California

AFFILIATIONS

American Bar Association

California Women Lawyers

Bar Association of San Francisco

Contra Costa County Bar
Association

Alameda County Bar
Association

Women Lawyers of Alameda
County

National Association of Women
in Construction

approaches and risk evaluation. She also assists public entity clients in administering the bidding process and facilitating the defense and handling of bid protests, subcontractor listing, project setup, and related issues that arise during the bidding / proposal process including attending hearings and assisting in preparing findings and conclusions.

Joan also has experience in inverse condemnation and California land use, development and CEQA law, having represented both private and public entities in connection with flood control disputes, water rights, and environmental impact review/mitigated negative declaration issues.

Joan received her J.D. with honors from Golden Gate University School of Law. She served as a Settlement Commissioner for the Alameda County Superior Court, a fee arbitrator and a private mediator. She taught contract law at East Bay Law School for ten years. She has also taught Public Finance and Law & Economics at Golden Gate University. Over the last 12 years, Joan served as the Planning Commissioner, Councilmember, and Mayor of the City of Sausalito.

PUBLICATIONS

California Appellate Court Limits Public Agency's Right To Withhold Retention Only As Security For Stop Notice Claims And Deficiencies In Contract Performance

California 4th Appellate District Court Confirms that Competitive Bidding is Not Required for K-12 Lease-Leaseback Construction Procurements

REPRESENTATIVE MATTERS

Special Districts

- Analyzes and consults on legislation, policies and regulations affecting public agencies, codification of ordinances, rate issues, Voting Rights Act issues, Brown Act issues, the Political Reform Act, the Public Records Act, the Public Contract Code, public works procurement, annexation of services within Districts' sphere of influence, negotiation of JPA's.
- Notifies public agencies of changes in state and federal laws that require changes in agency regulations or policies and offers periodic training seminars to existing and prospective clients.
- Assists public officials and employees in maintaining awareness of ethical standards and to avoid potential conflicts of interest.

Assist in Community College Districts and School Districts

- Represents various community college districts and school districts in Mello-Roos funded programs and other capital improvement programs involving new construction and renovations, including drafting and negotiating professional services agreements, drafting construction front-end documents, advising on construction claims, course-of-construction oversight, and related construction disputes.
- Assist in administering the bidding/proposal process and facilitating the defense and handling of bid protests, subcontractor listing, project setup, and related issues that arise during the bidding/proposal process including attending hearings and assisting in preparing findings and conclusions.

Construction Claims Avoidance and Contract Administration

- Represents public agencies in construction dispute resolution, including mediation, arbitration, and litigation of course-of-performance and post-completion claims pertaining to delay, impacts, and workmanship.
- Represents public agencies in complex litigation involving design and construction deficiencies.
- Drafts and negotiates agreements on behalf of public owners with prime and multiple prime contractors.
- Negotiates complex projects, including residential, commercial, municipal and institutional projects.
- Represents public agencies in reviewing, negotiating, and drafting agreements with design professionals, design-build firms, construction managers, and owner's representatives.
- Advises public agencies regarding course of performance issues including bid protests, claims, contract modifications, change orders, mechanics' liens, stop notices, and insurance coverage issues.