

## Benjamin J. Morris

### Partner

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San Diego

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Benjamin Morris is a construction lawyer advising and counseling owners, developers, contractors, engineers, subcontractors, and suppliers throughout all phases of complex construction projects and construction litigation. He is a partner in the firm's Construction and Business Litigation & Dispute Resolution Practices.

Benjamin guides clients through contract drafting and negotiation, risk management analysis, delay analysis, lien filing, and defense and claim enforcement on both private and public projects. During his career, Benjamin has worked on various projects ranging from large commercial and industrial facilities to mixed-use residential and commercial buildings, highways and railways, and large data centers. He also guides clients on regulatory compliance issues related to contractor licensing.

Benjamin also handles business and complex litigation, including defense of trade secret misappropriation, breach of contract, unfair competition, and consumer class action claims. His commercial clients have included biopharmaceutical companies, consumer electronics manufacturers, technology companies, consumer products companies, and banks.

With a strong commitment to pro bono work, Benjamin routinely mentors others working on pro bono matters. He is currently the Vice Chair of the Board of Directors for the San Diego Volunteer Lawyers Program, serves on the firm's National Pro Bono Committee, and is the Pro Bono Chair for the firm's San Diego office.

Prior to joining Foley, Benjamin was an associate with a global intellectual property law firm. He has served as a judicial extern for the Honorable Patricia D. Benke of the California Court of Appeals, Fourth District, Division One (2007) and as a law clerk in the Civil Division of the U.S. Attorney's Office (2006).

### Representative Experience

- Represented owner of a large California multi-family project on claims against performance bond surety following default and termination of general contractor.

- Represented large subcontractor on federal government construction project related to construction and installation of Sensitive Compartmented Information Facilities.
- Advised large HVAC-tech company regarding contractor license regulatory issues related to installation of clean energy upgrades at facilities nationwide.
- Represented developer of senior living conversion project on claims against general construction for delay and cost issues.
- Successful resolution of significant non-payment claim for subcontractor on large Northern California public works project.
- Representation of the receiver of a national electrical contractor in arbitration concerning the US\$1.3bn Utah Data Center constructed by the Army Corps of Engineers for the National Security Agency.
- Represented the owner in litigation related to engineering and construction defects present in a major cathedral complex.
- Represented high net worth owner on construction defect claim related to significant water intrusion and building envelope failures stemming from multimillion-dollar new construction and renovation project.
- Represented local nonprofit church in defense of claims by general contractor for breach of contract during renovation project.
- Assisted a worldwide leader in architectural, engineering, planning, and construction services in the development of a multimillion-dollar claim measuring the cumulative impact of hundreds of owner-imposed changes, delays, and disruptions on a major public highway project.
- Obtained judgment against client's subcontractor for significant additional costs incurred from subcontractor's breach of contract and abandonment of project.
- Full recovery of engineering client claims plus attorney fees after client wrongfully terminated for cause by owner.
- Obtained TRO and preliminary injunction against former officer of California bioscience company when the officer abruptly disappeared with company computer and records amid investigation of financial irregularities. Obtained forensic evidence that the officer copied and then deleted files from the computer after being served with turnover order from the court.

### **Awards and Recognition**

- Selected by *San Diego Business Journal* as one of the Top 100 Leaders of Influence in Law (2024)
- Casa Cornelia Law Center's 2021 Pro Bono Publico Award (2021)
- Wiley W. Manuel Certificate for Pro Bono Legal Services, California Lawyers Association (2021)
- *San Diego Super Lawyers*® – *Rising Stars* list (2015, 2016 and 2017)

### **Affiliations**

- Vice Chair, San Diego Volunteer Lawyer Program's Board of Directors (SDVLP); Board Member Since 2021
- Member, Build & Serve Committee, Associated General Contractors of America, San Diego Chapter

- Barrister, Honorable William B. Enright Chapter of the American Inns of Court
- Member, American Bar Association (including Forum on Construction Law)
- Member, San Diego County Bar Association (including Construction Law Section)

## Presentations and Publications

- Author, “[The Importance of Knowing and Complying With Your Contract’s Notice Provisions](#),” *Piledriver*, Vol. 14 No. 6 (2017).
- Author, “[Does Your Additional Insured Endorsement Entitle You to a Defense?](#)” *Under Construction*, Vol. 19 No. 2 (2017).
- Co-author, “[Do You Want to Know a Secret? Recent Developments in California Trade Secret Law](#),” *ABTL Report*, Volume XVIII No. 2 (2011).
- Author, “A Door Left Open? *National Railroad Passenger Corp. v. Morgan* and its Effect of Post-filing Discrete Acts,” *CAL. W. L. REV.*, 43, 497 (2007).
- “What’s New?: Construction Law Update,” Associated General Contractors of America, San Diego Chapter (August 2023 & June 2021)
- “Recent Developments in California Construction Law,” California Lawyers Association, Real Property Law Section (July 2021)
- “Recent Developments in California Construction Law,” Construction Law Section San Diego County Bar Association (June 2018 and June 2019)

## Sectors

- [Energy](#)
- [Energy Transition](#)
- [Oil & Gas](#)
- [Racial Justice & Equity](#)
- [Renewables](#)

## Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [Construction](#)
- [Litigation](#)

## Education

- California Western School of Law (J.D., magna cum laude, 2008)
  - Editor-in-Chief, *California Western Law Review*
  - Associate Writer, *California Western International Law Journal*
- University of California, Berkeley (B.A., 2000)

## Admissions

- California

- U.S. Court of Appeals for the 9th Circuit
- U.S. District Court for the Southern, Central, Eastern and Northern districts of California