



John Marshall Cook

Partner

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John's practice concentrates on guiding clients through all phases of the construction process, from project inception through dispute resolution. His extensive knowledge covers a full range of complex construction issues, particularly cost and schedule analysis related to delay, disruption, inefficiency and acceleration claims.

A seasoned litigator, John has resolved multiple disputes in federal and state courts and before administrative tribunals, as well as through negotiation, mediation and domestic and international arbitration. He has led litigation teams in disputes related to a wide variety of projects including power plants, transit projects, data centers, refineries, chemical demilitarization plants, a TNT plant and food processing facilities. John has also worked extensively as project counsel on large industrial construction projects, providing practical advice on contract forms, insurance coverage, establishing project procedures and resolving project disputes.

Domestic and international government contractors rely on John's experience and insight to navigate and resolve protests, claims and disputes with federal and state agencies and departments as well as with prime and sub-contractors. He also advises contractors on compliance with a broad range of federal regulations.

John is trained as an arbitrator and mediator and is a member of the American Arbitration Association (AAA) National Panel of Arbitrators and Mediators.

Services

- Construction
- Federal Government Contracts

Before Fox Rothschild

Prior to joining Fox Rothschild, John was a member of a boutique law firm in Virginia. He was formerly an instructor on Contract Claims at the George Washington University Law School Government Contracts Program.

Beyond Fox Rothschild

John gives back to the industry through his active participation in the leadership of the ABA Forum on Construction Law where he is Chair and Chair of the Special Programs and Education Committee. He has chaired, co-chaired and served as a faculty member for the Forum's Trial Academy program, which is dedicated to training young construction litigators. John is also a Fellow in the American College of Construction Lawyers and a Fellow in the Project Management College of Scheduling.

A thought leader and frequent speaker on construction and government contract topics, John lectures on construction scheduling through FedPubs and at the University of Virginia School of Law.

Bar Admissions

- District of Columbia
- Virginia

Court Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- Armed Services Board of Contract Appeals
- Civilian Board of Contract Appeals

Education

- Haverford College (B.A., *with honors*, 1990)
- American University, Washington College of Law (J.D., *cum laude*, 1993)

Memberships

- American College of Construction Lawyers Fellow
- Project Management College of Scheduling Fellow
- American Bar Association, Forum on the Construction Industry
 - Forum Chair (2023-Present)
 - Special Programs and Education Committee 2018-Present (Chair)
 - Special Programs and Education Committee 2000-Present (Committee Member)
 - Governing Committee, 2017-2020
- American Bar Association, Public Contract Law and Litigation Sections
- Virginia State Bar
- District of Columbia Bar
- Associated Builders & Contractors of Virginia
- Associated General Contractors of Metropolitan Washington DC

Honors & Awards

- Recognized by *Chambers USA* for Construction in Virginia (2021-2025)
- Selected to the "Best Lawyers in America" list for Construction Litigation (2019-2026) and Construction Law (2023-2026) in Washington, DC by *Best Lawyers*
- Selected to the list of "Super Lawyers" for Construction Litigation and Government Contracts in Virginia (2021) and Washington D.C. (2021-2025)
- Recognized by *Who's Who* in the field of Construction (2018-2021) and as "Thought Leader" in Construction (2019-2020)

Publications

November 11, 2022

Construction Laws and Customs: Virginia

Thomson Reuters Practical Law

April 29, 2022

New Virginia Law Attempts to Prohibit Pay-When-Paid Clauses in Construction Contracts

January 1, 2020

Obtaining Time Extensions

Construction Law Handbook

January 1, 2019

Preparing the Complex Construction Case for Litigation

Construction Disputes: Representing the Contractor

February 1, 2017

Social Programs, Preferences and Incentives

Construction Law: State and Local Projects

January 2, 2017

Overhead Costs

Federal Government Construction Contracts

Representative Matters

- Obtained judgment in favor of the prime contractor at the Pueblo Chemical Demilitarization Plant in Pueblo, CO., fully defending the client against \$82 million in claims brought by a subcontractor in Fairfax County Circuit Court.
- Defended designer, in International ICDR Arbitration, against claimed defects in the Front-End Engineering Design Report for a project involving the potential storage of natural gas in a depleted oil field in Brazil.
- Defended designer against claims from contractor and its electrical subcontractor in a New Jersey state court trial involving a \$70 million dispute regarding the construction of the Hudson Bergen Light Rail transit system. Case settled favorably after the trial commenced.
- Defended government contractor against multimillion-dollar claims in prime/sub disputes related to AMRAAM missile contract.
- Obtained verdict for the client in a federal jury trial, and nearly complete defense of more than \$7 million in contractor claims related to delays, acceleration and changes during the construction of a Nitric Acid/Sulfuric Acid Concentration Plant.
- Prepared and successfully resolved extensive claims for delay and disruption on behalf of the contractor on the \$2.2 billion Ivanpah Solar Electric Generating System in California's Mohave Desert.
- Secured International ICC arbitration panel award of more than \$20 million in damages for client related to the design and construction of the first TNT plant constructed in the United States in over 40 years. Award represented nearly complete recovery of claim value for client.
- Defended claims in Canadian courts against turbine and HRSG supplier related to equipment supplied for a cogeneration power plant.
- Served as project counsel >for a \$500 million modernization effort at the Radford Army Ammunition plant.
- Successfully represented contractor terminated for default and with affirmative claims for delay and disruption and construction changes in litigation before the Armed Services Board of Contract Appeals, resulting in favorable settlement for client.
- Represented large multinational contractor in extensive litigation in New Jersey state court pursuing more than 80 separate claims, including extensive delays of 240 days, valued at more than \$130 million against the State of New Jersey related to the construction of the RiverLine light rail transit system.
- Served as project counsel for a global sugar corporation on a fast-track, multi-prime, sugar refinery construction project valued at more than \$300 million. Handled disputes with electrical, mechanical and roofing contractors.
- Successfully overturned a termination for default and recovered more than \$20 million in damages for an international contractor through litigation before the General Services Board of Contract Appeals.