



## Eric J. Hulett

Counsel

### Martinsburg Office

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**Eric J. Hulett is Counsel in the Construction and Insurance industry groups, focusing primarily on litigation. He practices out of the Firm's office in Martinsburg, West Virginia.**

Eric has extensive experience litigating and trying myriad of cases before state and federal courts. Although the majority of his practice involves construction law, surety bonds claims, professional liability and insurance coverage, Eric is willing and able to handle anything that comes his way.

Eric has represented subcontractors, property management companies, builders, realtors, insurers, and more in every phase of their litigation needs. Clients know that, when Eric is representing them, they are being represented by one of the best. As a matter of fact, *Super Lawyers*® show him as a "top rated construction litigation attorney." In 2015 and 2017, he was named by *Best Lawyers*® as "Lawyer of the Year" for litigation - construction law.

## Awards

- Named the *Best Lawyers*' 2020 Morgantown Litigation – Construction "Lawyer of the Year"
- Named the *Best Lawyers*® Morgantown, WV Litigation - Construction Law "Lawyer of the Year" (2017)
- Named in West Virginia *Super Lawyers*® for Construction Litigation Law (2016-2018)
- Named the *Best Lawyers*® Morgantown, WV Litigation - Construction Law "Lawyer of the Year" (2015)
- Selected by his peers for inclusion in *The Best Lawyers in America*® for Litigation - Construction and Construction Law (2011-2024)

## Notable Legal Experience

- Multiple arbitration defenses of builders against construction defect claims
- Trial for defense of property management company regarding repair claims
- Gas pipeline construction litigation representing owners and contractors throughout Ohio, Pennsylvania, and West Virginia
- Represented sureties in performance, payment, Miller Act, trustee, and probate bond claims and cases
- Defended HVAC and plumbing subcontractor against claims of significant mold contamination throughout 160 rooms of newly constructed hotel
- Trial for subcontractor for highway project boring/piping failure

- Defended subcontractors in radon exposure cases alleging defectively installed radon mitigation systems in multiple residential homes in multiple subdivisions
- Defended claims of insurance "bad faith" and breach of contract
- Prepared construction defect and faulty workmanship coverage opinions for multiple insurers involving various construction defects
- Defended coverage litigation for multiple insurers involving various coverage issues for Kentucky, Maryland, Virginia, and West Virginia
- Litigation involving multi-million dollar sewer plant design defect
- Trial for defense in medical malpractice case
- Drafted and negotiated custom construction agreements for commercial projects, including shopping center, resort hotel, national scouting reserve, and professional office buildings
- Defended numerous realtors against claims involving property sales
- Negotiated settlements in multi-million dollar cases involving wrongful death, product defect, professional malpractice, and construction defect claims

## Work History

- Jackson Kelly PLLC (2018-Present)
- Steptoe & Johnson PLLC, Member (2000-2018)
- Brown & Levicoff PLLC (1993-2000)

## Practices

- Litigation
- Commercial Litigation
- Construction Law

## Industries

- Construction
- Banking

## Education

- West Virginia University College of Law (J.D., 1993)
- Virginia Tech (B.A. in Philosophy, 1990)

## Admissions

- West Virginia (1993)
- District of Columbia (1995)
- U.S. District Court, Northern District of West Virginia (1993)
- U.S. District Court, Southern District of West Virginia (1993)
- U.S. Court of Appeals, Fourth Circuit (2016)
- Pennsylvania State and Federal Courts (Pro Hac Vice)
- Virginia State and Federal Courts (Pro Hac Vice)

## Professional Organizations

- Defense Trial Counsel of West Virginia
  - Construction Law Committee
  - Board of Governors

- Defense Research Institute
  - Construction Law Committee
- American Bar Association
  - Fidelity & Surety Law Committee
  - Construction Law Forum
- Eastern Panhandle Home Builders Association
- Contractors Association of West Virginia
- American Institute of Architects
- Associated Builders and Contractors
- American Council of Engineering Companies
- Berkeley County Chamber of Commerce

## Community

- American Red Cross, Eastern Panhandle Chapter, Board Member
- Presbyterian Church (USA) Permanent Judicial Commission Member (Synod of the Mid-Atlantic)

## Speaking Engagements & Publications

### Speaking Engagements

- Co-presenter with **Danielle M. Waltz**, "How to Avoid Getting Sued and What to Do if it Happens," AIA West Virginia January Chapter Meeting, South Charleston, West Virginia, Jan. 18, 2019
- "Construction Contracting Issues in the Energy Industry," Defense Trial Counsel of West Virginia Annual Conference, June 2015
- "How to Avoid Getting Sued and What to Do When It Happens," CAWV Expo, Charleston, West Virginia, March 26, 2014
- "Construction Project Risks in the Natural Gas Industry," CAWV Expo, Charleston, West Virginia, March 26, 2014
- "Law, Liability, and Loss: Manage, Reduce, Remove, Resolve," West Virginia Society for Healthcare Engineering, Aug. 7, 2013
- "CGL Coverage for Construction Defect Claims," PLRB Claims Conference & Insurance Services Expo, Boston, Massachusetts, March 17-20, 2013
- "Law of Construction Defects and Failures: Complexity — Confusion," Law of Construction Defects and Failures Conference, Charleston, West Virginia, March 13, 2013
- "CGL Coverage for Construction Defect Claims," PLRB Regional Adjusters Conference, Dallas, Texas, Nov. 13-14, 2012
- "CGL Coverage for Construction Defect Claims," WVU College of Law, Insurance Law CLE, Sept. 21, 2012
- "Insurance Coverage for Construction Defects & Primer on Surety Bonds," WVU College of Law, Insurance Law CLE, Sept. 21, 2012
- "Employee Handbook Seminar," ABC, Sept. 18, 2012
- "Change Orders and Emails," ABC Seminar, Aug. 24, 2012
- "CGL Coverage for Construction Defect Claims," PLRB Regional Adjusters Conference, Provide, Rhode Island, June 26-27, 2012
- "Hidden Risks of Green Construction," AIA-CAWV Expo, March 21, 2012
- "Builders' Risk, Performance Bonds and Insurance Coverage Issues in the Construction Industry," WVU College of Law, Insurance Law CLE, Oct. 8, 2010
- "Risk Management and Tips on Surviving the Recession," EPHBA Member Meeting, Sept. 29, 2009
- "How to Avoid Getting Sued — Construction Law for Engineers," ACEC - WV Annual Convention, June 24, 2009
- "Alcohol, Drug, and Substance Abuse Policy," ABC Lunch Presentation, Sept. 24, 2008

- "Mechanic's Liens Basic Information," ABC Lunch Presentation, Aug. 21, 2008
- "West Virginia's New Drug Testing Policy," ABC State Convention, Aug. 16, 2008
- "Mechanic's Liens," EPHBA Member Meeting, May 20, 2008
- "2007 West Virginia Legislation of Interest," ABC Winter Meeting, Dec. 8, 2007
- "Construction Law for West Virginia Architects, Engineers and Contractors — Resolving Disputes — How to Avoid Getting Sued & What To Do When It Happens," HalfMoon Seminar, Oct. 25, 2007
- "Design Law for West Virginia Architects and Engineers," HalfMoon Seminar, Dec. 14, 2006
- "Insurance Coverage," Eastern Panhandle Entrepreneurs Forum, March 2, 2006
- "Legal Issues for West Virginia Professional Engineers — How to Plan for and Limit Liability for the Real World," HalfMoon Seminar, Jan. 26, 2006
- "Legal Issues for West Virginia Professional Engineers — Overview of Contract Law for Engineers, HalfMoon Seminar, 2006
- "Legal Issues for West Virginia Civil Engineers — How to Plan for and Limit Liability for the Real World," HalfMoon Seminar, July 14, 2005
- "What You Need to Know to Prevent Getting Sued & What Happens When You Get Sued," United Country Real Estate Regional Meeting, May 14, 2004

### **Writings and Publications**

- "Accidental Death Policies: Do They Cover Death Due to Alcohol or Drug Use?," DRI *For the Defense*, Dec. 2013
- "CGL Coverage for Construction Defects: Chaos, Resolution, and more Chaos," DRI *The Critical Path*, Vol. 16, Issue 4, Feb. 4, 2013
- "Contractor Can Challenge Poor Performance Evaluation by Government," DRI *The Critical Path*, Vol. 15, Issue 1, April 20, 2012
- "Are Attorney's Fees Collectible From a Performance Bond?," Defense Trial Counsel of West Virginia article, Aug. 2011