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PERSPECTIVE

Tough Team

Construction boutique Hunt Ortmann lawyers win for clients by playing point guard

By Shane Nelson

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Longtime litigator Omel A. Nieves played point guard for Fresno State University's 1983 NIT Championship Basketball Team.

"I was one of those guys that made other people happy because I distributed the ball," Nieves recalled with a chuckle. "I had my fair share of assists and made the really good players look better."

As the managing partner and chief operating officer at Pasadena based Hunt, Ortmann, Palfy, Nieves, Darling & Mah Inc., Nieves said his role today is similar.

"As a point guard, you want to get the ball to the hottest shooter," Nieves explained. "And when you make a nice assist, it sure makes you look good. ... And it sure makes me look like a lot smarter lawyer today when I'm putting people around me in a position to be successful."

Nieves said teamwork — a concept he feels is occasionally forgotten in the legal industry — remains important at his firm. "When my partner does great, it really makes me look good. When my secretary does great, it really makes me look good," he explained. "I just think it's really important to make sure your people are doing their job, and they're appreciated, and you provide whatever assistance you can to make them better."

Founded in 1990, Hunt Ortmann is home to 20 attorneys and focuses largely on construction law but also



Omel A. Nieves, Dale A. Ortmann, John D. Darling, Richard Mah, and JoLynn M. Scharrer. | Justin L. Stewart/LA Daily Journal

routinely handles employment, insurance and corporate matters, according to Nieves, who said the firm's diverse portfolio of clients sets the shop apart.

"We represent public entities. We represent private entities. We represent developers, contractors, subcontractors, material suppliers," he explained. "We represent everybody in the field, and that is, I think, pretty unique to the industry."

Shareholder John D. Darling said the firm works hard to treat those clients like family.

"We definitely don't look at them as a profit center," Darling explained. "Our client is someone we have to take care of and protect. ... And sometimes, that's telling them, 'You have to settle this case. We are not going to trial because the outcome is too much money for you.'"

Darling and Nieves insist settle-

ment is just about always the first and best result for clients, but both made it clear their firm isn't afraid to try cases.

"And when we go up against the big firms, they'll have their construction division, and it may be five lawyers," Nieves explained. "Our construction division is 20 lawyers. ... At times, we feel we have the advantage because we have a larger bench, and so we feel very, very comfortable and

confident that we can compete and provide great service to all our clients because we have all that expertise.”

In May 2019, Hunt Ortmann won a \$15 million settlement in binding arbitration for construction company Mallcraft Inc. in a wrongful termination lawsuit against Glendale Community College District. Mallcraft sued in 2016 after the school district terminated it, claiming the construction company fell behind schedule while building a \$37 million classroom facility, according to Darling. *Mallcraft Inc. v. Glendale Community College District*, 01-16-0005-6085 (AAA, filed Dec. 16, 2016).

“The project was 96% complete, and Glendale Community College alleged we did defective work, and then they ran up a bill for over \$13 million fixing our alleged defective work,” Darling said. “After the third day of arbitration, they agreed to write a check to our client for \$15 million because we didn’t do any defective work and all the money they spent on additional work didn’t need to be spent. That’s a construction company [Mallcraft] that’s been around for a long time, a family-owned business, and it was life or death for them financially. ... That’s the kind of stuff we do for people.”

Construction litigator Ted R. Gropman has opposed Darling

on several unrelated cases, and called him a worthy advocate.

“John is very, very knowledgeable and experienced in litigating construction disputes,” Gropman said. “He leaves no stone unturned. He’s very aggressive with discovery, so when he’s on the other side, I know it’s going to be a lengthy and tough battle.”

Sherman Oaks construction attorney Jeffrey D. Horowitz has opposed Nieves in a few disputes, and said the Hunt Ortmann managing partner also knows what he’s doing.

“When you deal with someone like Omel, you better be in top form,” Horowitz said. “Don’t delay taking your discovery or taking

depositions that you need. Do what you need to do to win your case because you know Omel is going to be doing the same on the other side. But he’ll be doing it in a professional and respectful way.”

Gropman said that a respectful and professional approach is true of the firm as a whole.

“There are a lot of good lawyers over at Hunt Ortmann,” Gropman explained. “The whole firm is well regarded. ... When I see them on the other side, I know I’m going to get along with them. I get along with all the lawyers. It’s always cordial, but it’s always a tough fight. They do aggressively represent their clients.”