MASLONLLP



JAMES F. KILLIAN

Partner

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OVERVIEW

As a partner in Maslon's Construction & Real Estate Litigation Group, Jim Killian represents owners, design professionals, and contractors in all phases of the construction process. In the last five years, his practice has focused on the development of independent power production facilities on an international basis. In that capacity, Jim has drafted and negotiated Engineering, Procurement, and Construction ("EPC") Agreements for over $4 billion of design and construction services. He has also served as lead trial attorney for all construction and performance disputes arising out of these projects, most recently defending a $60 million contractor claim venued in the Federal District Court for the Southern District of New York. Jim also has extensive experience representing national lender groups and sureties in priority disputes arising out of troubled projects.

While Jim's current practice is focused on representing owners and construction lenders, he has represented and continues to represent national contractors in complex delay, acceleration, and mechanic's lien claims across the country. He also acts as national counsel for an international insurance brokerage agency on all unfair competition claims. In that role, Jim is currently admitted *pro hac vice* in litigations venued in the state and federal courts of New Jersey, California, Arizona, and Oregon. He is licensed in state and federal courts in Wisconsin and Minnesota as well as the United States Court of Federal Claims. Jim has lectured extensively on construction-related topics and formerly served as a steering committee member on the American Bar Association Forum on the Construction Industry.

LEADERSHIP & COMMUNITY

- Minnesota State Bar Association
- Wisconsin State Bar Association
- Hennepin County Bar Association
- Ramsey County Bar Association

AREAS OF PRACTICE

Litigation

- Business Litigation
- Construction & Real Estate Litigation
- Corporate Trust Litigation
- Employment Litigation
- Insurance Recovery
- Tort & Product Liability

Financial Services

- Corporate Trust Litigation
- Corporate Trust Representation

BAR ADMISSIONS

Minnesota, 1988

Wisconsin, 1988

U.S. District Court

- Minnesota, 1988
- Wisconsin, W.D., 1988

U.S. Court of Federal Claims, 1994

EDUCATION

University of Wisconsin Law School
J.D., 1988

Macalester College
B.A., *summa cum laude*, 1984
Honors: Phi Beta Kappa

SELECTED HONORS

- **Selected for inclusion in *The Best Lawyers in America*®**, 2026-2027
- **Recognized in *Chambers USA*: America's Leading Lawyers for Business,** Construction, Minnesota, 2011-2019
- **Up and Coming Attorney in Minnesota for Construction**, *Chambers USA*, 2009-2010
- **AV Preeminent**, Martindale-Hubbell®

SELECTED PRESENTATIONS

- "The Growing Risk Posed by Public Interest Litigation," panelist, The Trial Network Top Gun Litigation Program, 2024
- "Operational and Legal Issues Arising From Electrical System Failures in Data Centers," Data Center World Global 2016, AFCOM, 2016
- "Legal Issues Arising in the Design, Construction and Operation of Data Centers," Association for Computer Operations Management's Minneapolis Symposium, 2015
- Jim lectures extensively on construction law-related topics.

SELECTED PUBLICATIONS

- Minnesota Legislature Revises Minnesota's Corporate-Trustee-Friendly Trust Instruction Statute
- "Teaming Agreements," *Specialized Agreements for the Construction Project: Forms and Substance*, American Bar Association, 2006
- "Contractor Team Arrangements: The Negotiation, Drafting and Enforcement of Pre-Bid Agreements to Collectively Seek and Perform Complex Design and Construction Projects," American Bar Association, 2004
- "Minnesota Twisted Law of Indemnification Takes Another Turn: Conditional Indemnification Claims and Minnesota Common Law," Findlaw's Corporate Counsel Center, 2003
- "Enforceability of Arbitration Agreements in Multiparty Litigation when the Relevant Arbitration Agreement Governs the Rights and Responsibilities of Fewer than all Litigants," Minnesota Institute of Legal Education, 2001
- "The Continued Viability of Race- and Gender-Based Preference Programs in Light of *Croson* and *Adarand*," Lorman Education Services, 2000
- "The Reinsurer's Liability for Extra-Contractual Bad Faith and Punitive Damages Claims," Minnesota Institute of Legal Education, 1998
- The Continued Viability of Race-Based Preference Programs in Quasi-Governmental and Private Construction, 1995
- "Set-Aside Laws in the Wake of *City of Richmond v. J.A. Croson*: Where Have All the MBE's Gone?"