



DAVID M. McLAIN

STATEMENT OF PRACTICE:

David M. McLain is a founding member of Higgins, Hopkins, McLain & Roswell, LLC, a firm which specializes in construction law and construction litigation throughout Colorado. Mr. McLain received his undergraduate degree from Colorado State University, graduating *cum laude*, and his law degree from the University of Denver, College of Law. He has a general civil litigation practice with an emphasis on the defense of complex construction lawsuits on behalf of developers and general contractors. As a result of the experience gained by defending some of Colorado's largest residential construction defect lawsuits, developers, general contractors, and subcontractors seek out Mr. McLain to consult on risk avoidance and risk management strategies. Currently among his clients are several of the state's largest home builders, regional and custom builders, and numerous insurance carriers. Mr. McLain is an AV® Preeminent™ Peer Review Rated attorney by Martindale-Hubbell and is a regular speaker at local, regional, and national seminars regarding construction defect litigation in Colorado.

PROFESSIONAL EXPERIENCE:

Higgins, Hopkins, McLain & Roswell, L.L.C. – Founding Member Denver, Colorado	2001 – Present
Long & Jaudon, P.C. – Associate Attorney Denver, Colorado	1998 – 2001

HONORS AND AWARDS:

AV® Preeminent™ Peer Review Rated by Martindale-Hubbell.¹

Selected for inclusion in the 2009, 2010, 2011, and 2012 *Colorado Rising Stars* for construction litigation and construction/surety law by Law & Politics Magazine.

Nominated as one of 2009, 2010, 2011, and 2012's *Forty Under 40* by the Denver Business Journal.

Eagle Scout, Boy Scouts of America, Troop 143, Denver, CO, September 24, 1990.

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Member of American Mensa.

PROFESSIONAL ACTIVITIES:

- **Voting Member**, Government Affairs Committee of the Colorado Association of Home Builders, 2010, 2011, and 2012
- **At-Large Director**, Colorado Defense Lawyers Association, 2010 and 2011
- **Member**, Home Builders Association of Metro Denver
- **Board Member**, Associate Member Council of the Home Builders Association of Metro Denver, 2003 and 2004
- **Graduate**, Home Builders Association of Metro Denver, *Quality Construction Committee Certification Course*, 2002
- **Member**, Colorado Association of Home Builders
- **Member**, Construction Law Attorney Forum of the National Association of Home Builders, 2009 to Present
- **Member**, Associated General Contractors of Colorado
- **Member**, Council on Litigation Management
- **Member**, Defense Research Institute
- **Member**, Colorado Bar Association
- **Member**, Denver Bar Association
- **Graduate**, Deposition Skills, National Institute for Trial Advocacy, 1998
- **Graduate**, Trial Advocacy Skills, National Institute for Trial Advocacy, 1999

BAR ADMISSIONS:

United States District Court for the District of Colorado, 1999

United States Court of Appeals for the Tenth Circuit, 1999

Colorado Supreme Court, 1998

EDUCATION:

Juris Doctor, University of Denver College of Law, 1998

Bachelor of Arts, Political Science, *cum laude*, Colorado State University, 1995

PUBLICATIONS:

David M. McLain & Bret L. Cogdill, *From Dream Home to Nightmare: Risk Management From the Perspectives of the Homeowner and the Home Builder*, MOUNTAIN BUILDER, ASPEN AND VAIL EDITION, Volume III (2012)

David M. McLain, *Some Builders Are Choosing to Discontinue Insurance Coverage: Is Now Really the Time to Bare It All?*, COLORADO BUILDER FORUM (September/October 2011)

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David M. McLain, *Construction Defects Lawsuits Are Avoidable: Homeowners and Builders Can Take Mutual Steps to Avoid Costly Litigation*, MOUNTAIN BUILDER, ASPEN AND VAIL EDITION, Volume II (2011)

David M. McLain, *One Court Interprets Newly Enacted Construction Defects Legislation as Matter of Law. Will Others Do the Same?*, COLORADO BUILDER FORUM (Winter 2010)

David M. McLain & Sheri H. Roswell eds., *Construction Litigation Desk Reference: A State-By-State Compendium (Colorado Chapter)*, DRI, THE VOICE OF THE DEFENSE BAR (2010)

David M. McLain, *Strategies for Managing Your Risk*, COLORADO BUILDER FORUM, WINTER EDITION (2010)

Kim Jackson, *Practical Solutions for Preventing Construction Defects Lawsuits* (interview of David M. McLain), COLORADO BUILDER FORUM, JANUARY/FEBRUARY EDITION (2009)

David M. McLain & Alex M. Nelson, *Additional Insured and Insured Contract Liability; Insurance Coverage for General Contractors*, COLORADO LAWYER (November 2007)

SPEAKING ENGAGEMENTS:

Builder Eye Opener Breakfast, Greenwood Village, CO, Home Builders Association of Metro Denver, March 21, 2013

"Construction Defect Claims: The Good the Bad and the Ugly" – Co-Presenter

Small Business Development Center Training Seminar, Denver, CO, Denver Metro Chamber of Commerce, March 7, 2013

"Managing Construction Risk From Start to Finish" – Co-Presenter

Building Your Tomorrow Today - 35th Annual Conference, Crested Butte, CO, Colorado Defense Lawyers Association, July 28, 2012

"Common Building Code Violations" – Co-Presenter

PIIAC and Young Agents of Colorado Seminar, Denver, CO, Professional Independent Insurance Agents of Colorado, January 26, 2012

"The GL Marketplace for Construction Professionals and Legal Issues Post HB 10 1394" - Co-Presenter

Rocky Mountain Builder Conference & Expo, Beaver Creek, CO, Colorado Association of Home Builders, October 7, 2010

"Construction Defect Claims in Colorado and HB 1394" - Co-Presenter

Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, June 24,

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2010

"What's Happening in Colorado Construction Law?" - Presenter

"Additional Insured Coverage for Developers and General Contractors" - Co-Presenter

West Coast Casualty's Construction Defect Seminar, Anaheim, CA, May 13, 2010

"Standing. . . Who Really Has the Right to Bring an Action in Construction Defect Cases?" - Panelist

Colorado Construction Defect Law Seminar, Denver, CO, MC Consultants, Inc. and Esquire Solutions, February 25, 2010

"Colorado Construction Defect Law Update" - Panelist

Rocky Mountain Builder Conference & Expo, Beaver Creek, CO, Colorado Association of Home Builders, October 8, 2009

"Construction Defects A to Z" - Co-Presenter

MC Consultants' 15th Annual West Region Construction Defect and Construction Law Conference, San Diego, CA, September 18, 2009

"Rocky Mountain States Coverage & Current Trends" - Moderator and Panelist

Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, January 13, 2009

"What's Happening in Colorado Construction Law?" - Co-Presenter

"Additional Insured Coverage for Developers and General Contractors" - Co-Presenter

MC Consultants' 14th Annual Conference - West Region Construction Defect & Construction Law Conference, Colorado Springs, CO, October 17, 2008

"New Conflicts with AI Coverage" - Panelist

Using OCIPs and CCIPs in Colorado, Denver, CO, Lorman Education Services, June 25, 2008

"Construction Defect Claims and Coverage Under a Liability Policy"

"Coverage Considerations Under an OCIP or CCIP" - Co-Presenter

"Claim Issues Under OCIP or CCIP"

West Coast Casualty's Construction Defect Seminar, Anaheim, CA, May 8, 2008

"The Rest of the West: The 5 Things You Need to Know About CO, ID, HI, WA, and OR"
Panelist

Construction Claims in Colorado, Denver, CO, Lorman Education Services, January 10, 2008

"Happening in Construction Law Across the County?" - Co-Presenter

MC Consultants' 13th Annual Seminar - Handling Construction Defect Claims: Strategies & Tactics, Colorado Springs, CO, October 20, 2007

"Colorado Coverage & Economic Loss Issues" - Panelist

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Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, January 10, 2007

"Update on Changes in the Law"

Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, January 19, 2006

"Update on Changes in the Law"

"Construction Defect Litigation - Panel Discussion" - Panelist

Construction Defect Claims in Colorado, Colorado Springs, CO, Lorman Education Services, August 10, 2005

"Update on Changes in the Law"

"Litigating Construction Defect Claims" - Co-Presenter

Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, January 19, 2005

"Update on Changes in the Law"

"The Aftermath of Amendment 34: Is H.B. 1161 Still in Effect or Are We Playing Under New Set of Rules?" - Panelist

"Case Study - The Sinking Restaurant" - Co-Presenter

Construction Defect Claims in Colorado, Colorado Springs, CO, Lorman Education Services, August 31, 2004

"Update on Changes in the Law"

"Litigating Construction Defect Claims" - Co-Presenter

Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, January 7, 2004

"Update on Changes in the Law"

Construction Defect Claims in Colorado, Denver, CO, Lorman Education Services, January 24, 2003

"Case Study - The Sinking Restaurant" - Co-Presenter

REPORTED CASES:

- *Microsemi Corp. of Colorado v. Broomfield County Bd. of Equalization*, 200 P.3d 1123 (Colorado Court of Appeals 2008).
- *Stiff v. Bilden Homes, Inc.*, 88 P.3d 639 (Colorado Court of Appeals 2003).
- *Cooper v. United States Ski Ass'n*, 48 P.3d 1229 (Colorado Supreme Court 2002).
- *Cooper v. United States Ski Ass'n*, 32 P.3d 502 (Colorado Court of Appeals 2000).