



Of Counsel  
rsmith@smithpachter.com

8000 Towers Crescent Drive, Suite 900  
Tysons Corner, VA 22182  
P: (703) 847-6300  
F: (703) 847-6312

## Richard F. Smith

For over 40 years, Mr. Smith has been primarily engaged in matters relating to construction and contract disputes resolution. Currently his practice involves dispute resolution as a mediator, arbitrator, project neutral and Disputes Review Board member in construction related issues. He has dispute resolution experience with contractors, owners, subcontractors and design professionals, including public and private projects. He has helped resolve disputes dealing with delay claims, CPM scheduling, differing site conditions, contract terms and specification interpretation issues, defective specifications, change order pricing, extra work claims, inefficiency claims, and contract administration issues.

### Practice Areas

- Construction
- Mediation
- Resolution of Construction Disputes
- Arbitration

### Practice Focus

Mediator; Arbitrator; Project Neutral; DRB Member. Serves as a neutral in private and as a member of the Mediation and Arbitration Panels of the American Arbitration Association. Works with parties involved in construction contract disputes to assist in resolving all types of claims involving private and government contracts.

### Employment History

Smith, Pachter, McWhorter PLC; Partner 1986-1999, Senior Counsel 2000-present  
Wickwire, Gavin; Partner, 1980-1986  
Lewis, Mitchell & Moore; Partner, 1976-1979, Associate 1972-1976

### Education and Educational Achievements

B.S. Wake Forest University, 1962-1966 (Cum Laude)  
LL.B. University of Virginia, 1966-1969  
LL.M. George Washington University Law School, 1971-1973 (Government Procurement Law with Highest Honors)

### Alternative Dispute Resolution Experience

Mr. Smith is a member of the AAA Commercial Panel of Arbitrators and the AAA Panel of Mediators. In over 250 ADR proceedings, Mr. Smith has served as a mediator, arbitrator, project neutral and Dispute Review Board member.

### Alternative Dispute Resolution Training

- AAA Advanced Mediator Training Series;
- The Extent (or Limit) of Mediator Influence to Effect Settlement, 2012;
- AAA Maximizing Efficiency & Economy in Arbitration;
- Challenges at the Preliminary Hearing, 2011;
- AAA Advanced Mediator Training, 2010;
- College of Commercial Arbitrators Annual Meeting, 2011, 2009;
- Faculty, AAA/ICDR Neutrals Conference, 2009;
- VBA Annual Meeting: Solutions for the Future – Interest Based Negotiations, 2008;
- Attended AAA Neutrals Conference, 2006, 2005;
- AAA Arbitrator Ethics & Disclosure (ACE003), 2004;
- AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2004;
- Disputes Review Board Administration and Practice Workshop, 2003;
- AAA Annual Arbitrator Update, 2002;
- AAA Annual Arbitrator Update, 2001;
- AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2001;
- Northern Virginia Mediation Service, Mediation Role Play and Observation – Commercial, 1999;

- Northern Virginia Mediation Service, Basic Mediation Skills and Process, 1999;
- AAA Construction Arbitrator Training, 1996;
- Advanced Arbitration Training, 1993;
- AAA Mediation Training, 1993

## Professional Activities

- Fellow, College of Commercial Arbitrators, 2009-Present;
- Fellow, American College of Construction Lawyers, 1997-Present; Board of Directors (2003-2006).
- American Bar Association, 1972-Present; Forum on the Construction Industry, Member, Governing Committee, 1998-2001; Chairman, Division 1, Dispute Avoidance & Resolution, 1996-1998.
- Virginia State Bar, 1972-Present; Chairman, Construction Law and Public Contracts Section, 1985 and 2008; Board of Governors, 1979-1985; 2000-2008. Virginia Bar Association, Member Board of Governors, 2006-2012.
- Adjunct Faculty, University of Virginia Law School, 2009-Present.
- Adjunct Professor, University of Richmond Law School, 1980-1991 Government Procurement Law.
- Lecturer in Government Procurement, William & Mary Law School, 1977-1998
- Adjunct Faculty, Averett University MBA Program, 2002-2003.

## Community Activities and Public Service

- Board of Directors, The Columbia Foundation, 1985-2006
- Trustee, Averett University, 1996-2003
- Trustee, The John Leland Center for Theological Studies, 1998-2001, 2007-Present
- Board of Directors, Crosslink International, Ltd., 1996-2002
- Board of Directors, Vienna Light Opera Company, 1976-1990
- Past President, Treasurer, Runnymede Property Owners Association
- President, Baptist General Association of Virginia, 2004-2005, Vice President 2003-2004

## Military Service

United States Air Force; Captain, Judge Advocate General's Corps, 1969-1972  
Assistant to the Chairman of the Armed Services Board of Contract Appeals, 1971-1972

## Articles and Publications (with others)

"Alternative Dispute Resolution," Chapter 23, Virginia Construction Law Deskbook (with Edmund M. Amorosi), © Virginia Law Foundation 2008

Co-Author: Richard F. Smith, Val S. McWhorter & W. Stephen Dale, Differing Site Conditions, ABA FORUM ON CONSTRUCTION INDUSTRY: CONSTRUCTION LAW TEXTBOOK (AMERICAN BAR ASSOC.) (Allensworth, et al. ed., 2008).

Co-Author: Obtaining Time Extensions by Richard F. Smith and John Marshall Cook, Chapter 23 in Construction Law Handbook, R. Cushman & J. Myers eds. (Aspen Publishing 2008)

Discovery Deskbook for Construction Disputes, ABA Books, 2007

"Innovations in Arbitration: Improving the Presentation of Evidence in Construction Arbitration," Dispute Resolution Journal, August-October 2003, p. 30.

Tips on Effectively Presenting Construction Cases in Arbitration – From An Arbitrator's View Point, ABA Section on Dispute Resolution, Annual Meeting, March 2003

"Overhead Costs," Federal Government Construction Contracts, American Bar Association Forum on the Construction Industry, 2003

"Practical Uses of CPM Scheduling," Construction Briefings No. 2002-2, February 2002

“Scheduling for a Construction Project,” Fundamentals of Construction Law, American Bar Association, Forum on the Construction Industry, 2001

“Project Overhead: A Dilemma Faced by Federal Government Contractors,” The Construction Lawyer, Vol. 21, No. 4, 2001

Co-author: Government Contracts and Construction Disputes by Richard F. Smith and Jonathan Shaffer, Chapters 3 and 14 in Public Assembly Facility Law (Int'l Assoc. of Assembly Managers, 1998)

“Discovery in Arbitration Proceeding Under Virginia’s New Uniform Arbitration Act” Virginia Bar News, February, 1997

“Dysfunctional ADR: Tips to Avoid the Pain,” The Construction Lawyer, Vol. 16, No. 4, 1996

“Dobson v. Rutgers: A Roll of the Dice for Multi-Prime Contractors,” The Construction Lawyer, 1984

“Scheduling and Proof of Claims,” Construction Briefings No. 82-6

“The Use of Critical Path Method Techniques in Contract Claims,” 7 Public Contract Law Journal 1, 1974

## **Speeches, Panel Discussions and Seminars**

- Speaker at ABA Forum on the Construction Industry Annual Meeting, 1994, 1996, 1997, 1998, 2003, 2006
- Speaker at ABA Section on Dispute Resolution Annual Meeting, 2003, 2004
- Speaker at AAA Neutrals Conference, 2005
- Speaker at Virginia State Bar Construction Law and Public Contracts Section Annual Seminar, 1982, 1994, 1995, 1999, 2006
- Speaker at Virginia Bar Association Annual Meeting, 2005, Summer Meeting 2005

## **Professional Honors**

- Recipient of the Cornerstone Award, ABA Forum on the Construction Industry, 2010
- Chambers USA 2020, Construction - Virginia, Senior Statesman
- Best Lawyers in America in the area of Arbitration, Construction Law and Mediation, 2003-2020
- Virginia Super Lawyers in the area of Alternative Dispute Resolution, 2006-2020
- Washington DC Super Lawyers in the area of Alternative Dispute Resolution, 2006-2020
- International Who’s Who of Construction Lawyers, 2005-2020
- Virginia Business Legal Elite in Alternative Dispute Resolution, 2005, 2013