



Thomas H. Wolfendale

Senior Of Counsel

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OVERVIEW

In over 40 years as an attorney, Thomas Wolfendale's litigation and legal counseling work has involved civil and criminal practice in state and federal courts as well as regulatory agencies and private dispute resolution forums. Work has encompassed subject areas such as construction contracts and projects, environmental civil and criminal matters, municipal governance, tort, products liability, CERCLA, RCRA, Clean Water Act, Clean Air Act and land use issues. He has represented public and private individuals, entities and corporations, developers, architects, engineers, general contractors, and subcontractors, as plaintiffs and defendants in these matters. Tom has served as chair of the Uniform Contracts, Rules and Regulations Subcommittee of the Washington State Bar Association Section on Public Procurement and Contract Law, currently serves as the Chair of the Washington State Bar Association Construction Law Section and was an executive board member of both the Environmental and Land Use Law and Public Procurement and Private Construction Law Sections of the Washington State Bar Association. He has lectured on the subjects of public procurement, construction law, environmental and land use law before attorneys' organizations and private business groups.

PROFESSIONAL BACKGROUND

Tom was a senior deputy prosecuting attorney for 10 years in the civil and criminal divisions of the King County Prosecutor's Office, where he represented King County in criminal, tort, eminent domain, employment law and construction matters. Since 1981, he has been in private practice with firms whose practices have included public and private clients engaged in large and complex private and public construction and environmental activities as well as municipal governance, torts, trademarks and products liability issues. The work has ranged from the conception of a construction project through to completion, including consideration of environmental issues and regulatory review, project delivery system selection, procurement methods, contract drafting, construction counseling, and resolution of construction disputes. With public sector work, he has litigated and counseled public and private clients on public sector law matters, including public transit, public correctional facilities, public water treatment, facilities, public records act requests, open public meetings, jurisdictional issues and board conduct. Tom also brings, from public and private sector litigation practice, experience with cases involving products liability, employment discrimination and toxic torts. In addition to litigating matters before courts and administrative agencies, he has served as an arbitrator and mediator for the American Arbitration Association, the U.S. District

Court for the Western District of Washington and for private parties, while counseling and assisting clients on the effective use of alternative dispute resolution processes to successfully conclude problems.

ACHIEVEMENTS

Tom has been selected to the Washington Super Lawyers List (2003–2006, 2009–2010, 2013–2018) and to the Corporate Counsel Edition in Construction Law. He was also recognized by Martindale Hubbell for preeminent status in Transportation Law.

SPEAKING ENGAGEMENTS

- WSTA's Legal Affairs Roundtable, October 2018
- Construction 101: WSBA Construction Law Section Spring CLE, April 2014
- Ch. 39.10 RCW Procurement Procedures: WSAMA Spring Conference, 2012
- Risk Allocation, Construction Contracts, Terms and Sample Forms: Benton County Bar Association and WSBA Construction Law Section Course, 2012
- Contract Negotiations and Philosophy of Risk Shifting: ABA Form on the Construction Industry, 2011

OTHER INFORMATION

CONSTRUCTION LAW

Tom has advised public and private owners on construction law issues since 1976. While a senior deputy prosecuting attorney for King County, he provided project and day-to-day advice to the County Department of Architecture, which oversaw all county capital projects with the exception of road building. Tom entered private practice in 1981 and has practiced with firms, whose clients have been involved in large and complex private and public construction projects. From 1982-1988, his practice dealt primarily with private sector clients such as design professionals, general contractors, and subcontractors. Since joining K&L Gates in 1988, Tom has primarily represented public sector clients such as Klickitat PUD, Cowlitz County PUD, Renton School District, Bellevue School District, Steilacoom Historical School District, Riverview School District, King County School Coalition, Pierce County, Municipality of Metropolitan Seattle, City of Yakima, City of Centralia, Clackamas County in Oregon, Pacific Hospital Public Development Authority, Seattle Chinatown International District Public Development Authority, Pike Place Market Public Development Authority, Pierce Transit, Sound Transit, Clark County Transit, Port of Seattle and the Washington State Major League Baseball Stadium Public Facilities District in matters ranging from project delivery system selection to contract drafting and negotiation to procurement issues and dispute resolution (during and post-construction). Tom has served as arbitrator and mediator in construction disputes, both privately and as a member of the American Arbitration Association.

Tom serves as Chair of the Washington State Bar Association Section on Construction Law 2011-2012.

ENVIRONMENTAL LAW

Tom's civil and criminal counseling and litigation practice in state and federal courts includes construction contracts and projects, environmental civil and criminal matters, and land use issues. He has represented public and private owners and corporations, developers, architects, engineers, general contractors and subcontractors, and private citizens' groups in construction, environmental and land use disputes. He has served as chair of the Uniform Contracts, Rules and Regulations Subcommittee of the Washington State Bar Association Section on Public Procurement and Contract Law, and was an executive board member of both the Environmental and Land Use Law and Public Procurement and Private Construction Law Sections of the Washington State Bar Association. He has lectured on the subjects of construction law, and environmental and land use law before attorneys' organizations and private business groups. He has been recognized as a "Super Lawyer" by the Washington Law & Politics publication for his work in construction and environmental law.

Tom was a senior deputy prosecuting attorney for 10 years in the civil and criminal divisions of the King County Prosecutor's Office, including representation of the King County Airport. He also brings to the firm, from public and private sector litigation practice, experience with cases involving products liability, employment discrimination and toxic torts. In addition to litigating matters before courts and administrative agencies, he serves as an arbitrator and mediator for the American Arbitration Association, the U.S. District Court for the Western District of Washington, the King County Superior Court and for private parties, while counseling and assisting clients on the effective use of alternative dispute resolution processes to successfully conclude problems.

EDUCATION

- J.D., The University of Chicago Law School, 1971
- A.B., Washington State University, 1968 *with distinction, Phi Kappa Phi*

ADMISSIONS

- Bar of Oregon (Inactive)
- Bar of Washington
- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit
- United States Court of Federal Claims
- United States District Court for the Eastern District of Washington
- United States District Court for the Western District of Washington

AREAS OF FOCUS

- Environment, Land, and Natural Resources

- Appellate Litigation
- Class Action Litigation Defense
- Construction and Infrastructure
- Mass Tort
- Oil and Gas
- Product Liability
- Public Policy and Law