



Andrew G. Guess

 Associate

☎ 503.205.2351 📍 Portland Office
✉ andrew.guess@millernash.com
🐦 @millernashllp

“I collaborate closely with clients at all stages of construction and development projects to prevent disputes from arising, and to quickly and efficiently resolve those that do. I value open dialog to learn the details of each project, while keeping sight of the client’s larger business concerns.”

Andrew Guess is a construction attorney, advising owners, general contractors, major trade contractors, design professionals, and suppliers. He works with clients to achieve their goals on public and private construction and development projects through deliberate contract drafting, pragmatic project closeout negotiations, and result-focused litigation. Andrew represents clients in claims related to delay and impact, mechanic’s liens, payment disputes, bid protests, and public and private bond issues. He is experienced in drafting and reviewing construction contracts, including master service agreements, subcontracts and purchase order agreements, change orders and contract modifications, tolling agreements, and project closeout agreements.

Andrew’s practice is guided by his experience as a construction project engineer. In this capacity, before earning his law degree, he helped manage the development and construction of large-scale multifamily projects. Effective construction litigation requires an understanding of project planning and estimation, preconstruction, execution, and project closeout. Andrew’s experience in construction management has provided him with a deep understanding of how business issues such as cash flow, labor concerns, supply-chain management, technology, safety, and overhead costs are as critical at the project level as they are during contract negotiations and litigation.

Professional Activities

- Oregon State Bar
 - Construction Litigation Section, member

Education

J.D., University of California, Hastings College of Law, 2014

M.S., California State University, East Bay, construction management, 2011

B.S., Ohio State University, 2003

Bar Admissions

Oregon, 2016
California, 2014

Court Admissions

U.S. District Court, District of Oregon

U.S. District Court, Northern District of California

U.S. District Court, Southern District of California

U.S. District Court, Eastern District of California

Representative Experience

Construction

- Recovery of \$275,000 for a contractor client on a \$1.2 million exterior cladding project from owner's interference with means and methods and overly restrictive site access. Negotiated release from remaining contract obligations.
- Recovery of \$70,000 in disputed change orders on pump station project while avoiding \$300,000 in liquidated damages.
- Recovery of \$75,000 in disputed change orders for general contractor on construction of public park while avoiding \$300,000 in liquidated damages.
- Negotiated amendment to \$10 million design and engineering project for large-scale pump and irrigation project to allow for the early release of over \$1 million in retainage.
- Successful motion for summary judgment for plumbing subcontractor client to avoid over \$800,000 in alleged liability.

Publications

- "Master Subcontract Agreements: What You Need to Consider and Why," Miller Nash, *From the Ground Up* (May 2021)
- "Oregon & Washington Construction Impacted by Governors' New Orders" Miller Nash Graham & Dunn, *From the Ground Up*, coauthor (Nov. 2020)
- "A Better Way to Document Construction Claims," National Association of Minority Contractors Oregon, *NAMC-Oregon Newsletter*, coauthor (Fall 2020)
- "What Does Reopening a Safe and Strong Oregon Mean for Construction?" Miller Nash Graham & Dunn, *From the Ground Up* (June 2020)
- "Chapter 25: Construction," Oregon State Bar BarBooks™, *Insurance Law in Oregon 2020 Edition*, coauthor (May 2020)
- "Companies in a Seasonal Lull May Want to Review Contract Forms," *Daily Journal of Commerce* (Dec. 2018)
- "Some Legal Concepts Every Contractor's Foreman Should Know," *Daily Journal of Commerce* (Dec. 2017)
- "Ways to Take Control of Construction Litigation Costs," *Daily Journal of Commerce* (Oct. 2017)
- "Need-to-Know Info About Oregon's Employer Liability Law," *Daily Journal of Commerce* (Sept. 2016)

Presentations

- "AIA Contract Document Workshop," HalfMoon Education Inc. (July 2018)

Personal Activities

Andrew enjoys exploring the outdoors with his family with urban hikes, biking, and snowboarding. At home, he stays busy with house projects which include building a treehouse for his kids and experimenting with brewing his own beer and cider.