

Jason P. Conte

Partner | Group Leader, Construction



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Practices/Industries

- Construction
- Catastrophic Loss
- Complex Business Litigation
- Oil & Gas

Education

University of Notre Dame
(B.A., *magna cum laude*, 1996)

Vanderbilt University Law School
(J.D., 1999)

Overview

As Group Leader of Ulmer's Construction Practice Group, Jason focuses on solving clients' issues related to construction projects, including but not limited to construction litigation and the negotiation of construction contracts. Jason also focuses on catastrophic loss, complex business, product liability, and trust, estate, and fiduciary litigation. Jason has extensive experience representing plaintiffs and defending companies in personal injury and wrongful death tort litigation. He has participated in several high-stakes cases involving fires, explosions, burns, electrocutions, automobile and industrial accidents, structural collapses, and other instances of catastrophic personal injury and loss of life. Jason takes his clients' battles personally and formulates comprehensive investigation, litigation, and settlement strategies to obtain the best possible results for clients.

Named to *The Best Lawyers in America*® for Construction Law, Jason also represents owners, contractors, architects, and engineering firms in commercial and construction litigation, involving breach of contract, defective construction, delay, and lien claims. He also negotiates contracts for all varieties of commercial development and residential construction, including schools, commercial buildings, and hospitals. In his many years of experience, Jason has represented numerous clients in litigation and business affairs. This includes representing banks in commercial and UCC related litigation, assisting businesses with contractual negotiations and disputes with competitors, suppliers, and partners, and representing trustees, executors, and beneficiaries in probate litigation.

Experience

Construction

- Represented a large multinational corporation in a contract negotiation with a construction manager for the construction of a multimillion dollar addition to a facility.
- Negotiated numerous multimillion dollar contracts for architects and engineers on large construction projects.
- Represented a large public university in complex construction defect claims.
- Represented plaintiffs and defendants in multimillion dollar landslide claims.
- Represented builders, owners, architects, engineers, and contractors in contract negotiations and breach of contract claims, delay claims, and defective construction claims.
- Represented homeowners in lawsuits against contractors and manufacturers to remediate mold problems in their homes.
- Represented a national window supplier in warranty and defect claims.

Catastrophic Loss

- Represented plaintiffs and defendants in numerous personal injury and wrongful death claims, including industrial accidents.

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Experience (Cont)

Catastrophic Loss (Cont)

- Represented a plaintiff who was performing maintenance on HVAC equipment on the roof of a gas station. As he was climbing the ladder to the roof, the grab rail welds on the ladder failed causing plaintiff to fall to his death.
- Represented the defendant in a case where the plaintiff sustained fatal burns to the majority of his body while working as an instrument technician at a natural gas facility.
- Represented a plaintiff who was walking to work in a crosswalk when struck by an automobile, causing serious head and neck injuries.
- Represented the defendant in a case where multiple plaintiffs suffered occupational exposure to a toxic flavoring, which resulted in lung disease and pulmonary impairment.
- Represented a plaintiff who was a passenger in a motor vehicle accident and who died as a result of excessive drinking by the driver of the vehicle that caused the accident.
- Represented the defendant in a case where the plaintiff was electrocuted, sustained electrical burns, and injuries to his head (which ultimately resulted in his death) when he attempted to remove equipment purchased by his employer that was not disconnected from its power source.
- Represented a plaintiff who suffered significant back injuries resulting in two back surgeries when she was rear-ended while driving.

Complex Business Litigation

- Represented two national flavoring companies in over 20 lawsuits that relate to claims of lung damage allegedly caused by the presence of the chemical diacetyl in food flavorings provided by the defendant companies.
- Assisted a multinational corporation in developing a program compliant with franchise laws of all 50 states.
- Represented several banks in UCC related and fraud litigation.
- Represented a software developer in contract negotiations and intellectual property matters.
- Represented numerous corporations and banks in various contractual negotiations and disputes with competitors, suppliers, and business partners.

Trust, Estate & Fiduciary Litigation

- Represented trustees, executors, banks, and beneficiaries in various probate disputes.
- Revised trust terms for certain trustees of large trusts.

Presentations

- "Risk Mitigation Strategies for Engineers" (February 2020)
- "Professional Liability Risk Management Strategies" (May 2019)
- "Construction Contracts: 12 Key Points You Must Keep in Mind" (2018)
- "Successful Contingency Fee Work" (2016)
- "What to Look for in Indemnification Provisions in Construction Contracts" (2016)
- "Understanding Key Project Issues and How to Manage Them" (2015)

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Presentations (Cont)

- “Five Common Contractual Provisions Every Contractor Should Understand” (2015)
- “Demystifying the Construction Litigation and Arbitration Game” (2014)
- “Planning for Family Conflict: A Probate Litigation Perspective” (2012)
- “Litigation Roundtable: Amended Pleadings” (2011)
- “Effective Techniques for Settling Cases” (2009)
- “Make a Mold Claim and Litigate the Case” (2007)
- “Proving Damages Caused by Mold Infestation in Ohio” (2004)
- “Nuts and Bolts of Franchise and Business Opportunity Statutes” (2001)

Publications

- “Understanding Integrated Project Delivery,” *Commercial Construction & Renovation* (May/June 2012)

Involvement

Professional Affiliations

- Cincinnati Bar Association
- Ohio State Bar Association
- Kentucky Bar Association

Community Involvement

- Signal Hill Homeowners Association (*President*)

Honors & Distinctions

- Named to *The Best Lawyers in America*, Construction Law (2017-2022)
- Designated *Best Lawyers* Construction Law “Lawyer of the Year” in Cincinnati (2022)
- Named to the Ohio Super Lawyers Rising Stars list (2011-2013)
- Fellow, Cincinnati Academy of Leadership for Lawyers (2006)

Admissions

- State of Ohio
- Commonwealth of Kentucky
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio