



Michael D. McSweeney

Shareholder, Real Estate and Litigation Groups

Practice Overview

Michael D. McSweeney specializes in civil litigation, primarily in the areas of construction, real estate, and real estate related financial disputes.

Mr. McSweeney has tried numerous real estate actions in various counties' Superior Courts, including actions involving fraud claims, contract claims, specific performance and rescission claims, title insurance claims, partition actions, and assorted easement disputes. He has represented mortgage bankers in claims against mortgage brokers and appraisers for fraudulently documented loans, and has defended banks and savings and loans against claims of predatory lending practices. He also has represented public and private entities in connection with delay damage and extra work claims on construction projects related to freeway overpasses, hydroelectric power generation facilities, publicly owned and installed underground water delivery systems, and multi-family residential improvements.

Recent Matters

Mr. McSweeney has participated in more than 100 construction lawsuits, handling a variety of issues ranging from those surrounding single-family residences to commercial high-rises. For example, he has represented at trial a products supplier in connection with claims for contract damages associated with furnishing materials on a public school project; provided legal advice and litigation representation to a developer/builder in connection with multi-million dollar extra work claims and mechanic's lien claims arising out of a major apartment development; represented developers/contractors in connection with millions of dollars in mechanic's lien and stop notice claims; and represented developers, contractors, subcontractors and design professionals in defect claims arising out of the construction of various types of buildings.

Mr. McSweeney also provides pre-construction contract preparation and during-construction claims assistance to owners, developers, contractors, subcontractors, and suppliers.

Education

J.D., 1971

Stanford University

B.A., Economics, 1968

University of California, Davis

U.S. Naval Academy

Licensed to practice
in California

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Professional Activities

Mr. McSweeney has been a panelist on the subject of preparing witnesses for deposition and trial for the California Continuing Education of the Bar; and has been a faculty member for the University of San Francisco Law School's Intensive Advocacy Program. He served more than 10 years on the board of directors of the San Jose Symphony, including terms as Vice-Chairman and Chairman. Mr. McSweeney also serves on the board of directors of Dawn Ministries, a worldwide missions organization headquartered in Orlando, Florida, and the Hunter Family Foundation, a missions support organization headquartered in Morgan Hill, California.

Admissions

Mr. McSweeney is admitted to the California Bar, the U.S. District Court for the Northern District of California, and the U.S. Court of Appeals, Ninth Circuit.