

Barry J. Miller

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Overview

Throughout his 40+ year career, Barry has focused his practice on the construction industry, representing owners, construction managers, design-builders, contractors, subcontractors, suppliers, design professionals, sureties and insurers in an exhaustive list of construction disputes. He has represented every segment of the industry in prosecuting and defending virtually every type of dispute arising from capital improvement projects, ranging from straightforward builds to the most complex projects.

Barry has translated these experiences into constructive and practical guidance for his clients on very large, multi-project capital improvement programs that range in size to more than $1 billion.

Construction Claims

Barry represents owners, construction managers, design-builders, contractors, subcontractors, suppliers, design professionals, sureties and insurers in an exhaustive list of construction disputes. These claims range from bidding disputes to extra work claims to delay and disruption issues to design deficiencies to material failures. These claims involve simple two party disputes to multiple party disputes that are several layers deep into the parties contractual privity chains. The history of these claims span from a single event to multiple events over multiple years and involve ever increasing levels of technological innovation and sophistication.

Project Counsel

Barry has extensive experience in guiding public and private entities in the organization and management of large, multiple project capital improvement programs. He represents clients in every aspect of the process, from selecting project delivery methodology to the preparation and negotiation of the contractual agreements for every project participant that are coordinated and aligned with project goals and metrics. Barry provides valuable insight and guidance throughout the preconstruction and construction phases to avoid and minimize the inevitable issues that threaten schedule and budget requirements. If necessary, he also represents his clients through the formal dispute resolution processes that are carefully designed to include all necessary project participants into a single proceeding.

ADR

Drawing upon his extensive experience in construction law, Barry has been selected as an arbitrator and mediator in the successful resolution of hundreds of construction disputes - including many involving multiple parties.

In addition, Barry has been a contributing author to publications by the American Bar Association, Forum on the Construction Industry, Section of Real Property; the CWRU Law Review; and a contributing editor and author of Ohio Public Contract Law (2nd and 3rd editions). Barry is a frequent lecturer on construction law and alternative dispute resolution topics for the American Bar, Ohio State and Cleveland Bar Associations, Lorman Education Service, Cambridge Institute, American Arbitration Association, American Institute of Architects, Construction Specifications Institute, Construction Employers Association, and Ohio Contractors Association.

Representative Matters

- Successfully represented owners, contractors and sureties in the defense and prosecution of default termination claims.
- Successfully represented sureties in acknowledged default takeovers of numerous public and private contractors.
- Represented a construction manager in the successful prosecution of a repair cost claim against its subcontractors and insurer for defective workmanship.
- Represented a national engineering firm as coverage counsel in a dispute with its errors and omissions insurer over the applicable insurance limits to be applied.
- Representing owners as project counsel on a $800 million iron ore processing facility and a $700 million waste to fuel facility.
- Represented a public owner in the defense of a tunneling contractor’s $12 million breach of contract claim and the presentation of a counterclaim for the recapture of improperly billed time and material change orders. This representation culminated in the dismissal of the contractor’s claims and the recovery of almost $20 million for the client.
- Representing a private owner as project counsel on a $300 million capital improvement program to rehabilitate and enlarge a corporate headquarters facility.

- Represented a private owner as project counsel in a successful $1.2 billion capital improvement program. The program involved two major facilities, four large facilities, a free-standing parking garage and ten medium facilities. This representation involved the use of design-build, construction manager at-risk and general contractor project delivery methodologies and the preparation, negotiation and monitoring of more than 800 separate contracts with project participants.

Credentials

EDUCATION

- Case Western Reserve University School of Law, 1983, J.D.
  - Notes Editor: CWRU Law Review
- Kent State University, 1979, Masters in Architecture
- Miami University, 1977, BED

BAR & COURT ADMISSIONS

- Ohio
- U.S. District Court for the Northern District of Ohio
- Registered Architect (inactive)

Memberships

- Member, American Bar Association, Forum on the Construction Industry, Tort & Insurance Practice Section
- Member, Ohio State Bar Association
- Member, Cleveland Metropolitan Bar Association

Awards & Recognition

- Listed, Chambers USA Leading Lawyers, Construction, 2003-2026
- Listed, *The Best Lawyers in America®,* Construction Law; Litigation – Construction, 2005-2027
- Named, *The Best Lawyers in America®,* “Lawyer of the Year” Litigation-Construction; 2013-2014; 2016-2018; 2021
- Listed, Ohio Super Lawyers, Construction Litigation, 2003-2026

- Listed, Cleveland Leading Lawyers 2007-2010, *Inside Business Magazine*
- AV®Rated, Martindale-Hubbell Peer Review, 1984-2023

News & Insights

- 126 Benesch Attorneys Recognized in 2027 Best Lawyers® Rankings
  August 20, 2026 | Press Releases
- Benesch Recognized as Leading Law Firm by Chambers USA 2026 with Record Growth in National and Regional Rankings
  June 4, 2026 | Press Releases
- 48 Benesch Attorneys Selected to 2026 Ohio Super Lawyers and Rising Stars
  January 27, 2026 | Press Releases
- 129 Benesch Attorneys Recognized in 2026 Best Lawyers® Rankings
  August 21, 2025 | Press Releases
- 49 Benesch Attorneys Selected to 2025 Ohio Super Lawyers and Rising Stars
  December 17, 2024 | Press Releases
- 132 Benesch Attorneys Recognized in 2025 Best Lawyers® Rankings
  August 14, 2024 | Press Releases
- 40 Benesch Attorneys and 15 Practices Recognized by Chambers USA 2024, One Attorney Ranked Globally
  June 6, 2024 | Press Releases
- 41 Benesch Attorneys Selected to 2024 Ohio Super Lawyers and Rising Stars Lists
  December 31, 2023 | Press Releases
- U.S. News & World Report - Best Lawyers 2017
  October 30, 2023 | Announcements
- U.S. News & World Report - Best Lawyers 2019
  October 30, 2023 | Announcements