

Thomas J. O'Leary

PARTNER

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WALSH PIZZI O'REILLY LLP
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Practice Areas:

- Mediation, Arbitration, and Special Master Appointments
- Commercial Litigation
- Construction Law
- Special Education Law

States Admitted to Practice:

- New Jersey
- New York

Courts Admitted to Practice:

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Courts for the Eastern District of New York
- U.S. District Courts for the Southern District of New York

Education:

- Boston College Law School (1998)
- Rutgers University College of Engineering (1987)

Affiliations:

- New Jersey State Bar Association
- American Bar Association
- Council of Parent Attorneys and Advocates

Thomas O'Leary practices in the areas of complex commercial litigation with an emphasis on construction law, bad faith litigation, and special education law. With a substantial background in nuclear engineering, Tom advises clients on a broad spectrum of construction-related matters including the drafting of construction contracts and providing advice to resolve complex construction disputes. During the course of his career, he has represented public and private owners, developers, engineers and architects, sureties, construction managers, prime contractors, subcontractors, and equipment and material suppliers in a variety of complex matters involving claims for delay and disruption, productivity losses, design and construction defects, default terminations, differing site conditions, scope of work disputes and performance and payment bond claims. Projects include heavy/highway, public works, commercial, marine and residential construction, as well as highways, hospitals, schools, universities, shopping centers, prisons, segmental earth retaining walls and geotechnical and power plants. He has also accumulated substantial experience with respect to bad faith claims asserted in first-party insurance coverage actions and surety performance bond claims.

In 2011, Tom was selected to be a Member of the Construction Industry Panel of the American Arbitration Association. Admission to the American Arbitration Association's Roster of Neutrals for construction cases is an elite designation that is only open to the most accomplished experts in the construction industry.

Tom is committed to representing individuals with disabilities and their families. A substantial focus of his practice concerns the legal rights of disabled individuals, including special education, the American with Disabilities Act, and accommodations for "high stakes" testing including licensing examinations. Tom's deep understanding of special education issues has been informed by personal circumstances involving his own child. From a legal and personal perspective, he appreciates the unique challenges that parents face in raising children with special needs, and in obtaining the education and services to which they are entitled. Tom advises parents regarding eligibility, evaluations and the preparation of Individualized Education Plans (IEPs) and assists them in obtaining accommodations for their children under Section 504 of the federal Rehabilitation Act. When disputes arise, parents rely on Tom for representation in mediation, as well as litigation before the New Jersey Office of Administrative Law and in federal and state courts.

Prior to becoming a lawyer, Tom worked for the U.S. Nuclear Regulatory Commission (NRC) as an on-site monitor at a nuclear generating station. He also served in the U.S. Navy as an engineering officer on board a nuclear-powered fast attack submarine, where he accumulated more than 1,500 hours supervising the operation of the ship's nuclear propulsion plant and served as the ship's quality assurance officer where he was responsible for ensuring that more than 400 repairs to the ship's nuclear and nonnuclear systems complied with applicable technical specifications. During his tour in the U.S. Navy, Tom was certified as a Naval Nuclear Engineer by the U.S. Department of Energy, Naval Reactors Division.

Representative Experience

- Lead trial counsel and obtained a jury verdict in excess of $1.4 million against a subcontractor in a breach of contract action arising out of the demolition of a retired power plant; successfully pierced corporate veil to hold subcontractor's principal personally liable for entire verdict.
- Represented Fortune 500 company in arbitration to resolve $1.5 million claim arising out of new corporate headquarters that did not comply with fire code when project neared substantial completion.
- Represented project owner in resolving construction lien claims in excess of $2.5 million filed in connection with the demolition of a retired power plant.
- Represented project owner and prime contractor in connection with differing site conditions claim asserted by a second-tier subcontractor on a horizontal directional drilling project; obtained a judgment requiring first tier subcontractor to indemnify prime contractor for attorneys' fees incurred in defending against second tier subcontractor's claim.
- Represented supplier of windows in lawsuit seeking $5 million in damages alleging manufacturing and installation defects in connection with windows on high rise apartment building.
- Represented paving contractor in connection with a performance bond claim for alleged defective work asserted by a municipality.
- Represented developer of 760,000 sq. ft. retail shopping center in multiple lawsuits and an arbitration in connection with $8.5 million claim against site work contractor arising out of defective design and construction of segmental retaining walls, subterranean reinforced concrete pipe, and multiple pavement failures of four lane highway and the defense of site contractor's $17.5 million claim for damages for delay, productivity losses and unanticipated subsurface conditions. Successfully defended surety from bad faith claims asserted by contractor against developer's surety.
- Appellate counsel to a municipality that had been sued by a religious group that filed a development application to construct a mosque and Township subsequently changed zoning ordinance requiring applicant to apply for a conditional use variance.
- Represented electrical subcontractor in connection with $13 million delay and productivity loss claim arising out of the construction of a psychiatric hospital.
- Represented design build contractor in connection with State's claim for $23 million in damages due to alleged defective construction of high temperature hot water heating system for prison.
- Represented electrical prime contractor against board of education in connection with $700,000 claim for constructive acceleration and delay damages incurred during renovations to five public schools.
- Represented contractor in connection with $10 million in claims arising out of disputes concerning scope of work during the construction of a coal fired power plant in China.
- Represented Horizontal Directional Drilling Subcontractor in connection with $5 million claim arising out of the construction of underground pipeline beneath Long Island Sound.
- Represented mechanical contractor in connection with $1.7 million claim for loss of productivity and delay damages incurred during renovations to high school.
- Represented general contractor in defense of subcontractor's claim for damages in excess of $1.5 million arising out of its termination from project involving renovations to security building at Lincoln Tunnel.
- Represented material supplier against developer of town homes in connection with its $180,000 claim for materials supplied to project and the defense of material supplier in connection with developer's $1 million claim for defective materials and delay damages.
- Represented general contractor in defense of paving subcontractor's claim for delay and loss of productivity damages in excess of $1 million.
- Werner Deconstruction, LLC v. Siteworks Services NY, Inc., 2024 WL 3070230 (D.N.J. June 20, 2024)
- **Woytas v. Greenwood Tree Experts, Inc.**, 2018 N.J. Super. Unpub. LEXIS 1678 (App. Div. July 13, 2018)
- **Griffoul v. NRG Residential Solar Solutions, LLC**, 2018 N.J. Super. Unpub. LEXIS 1051 (App. Div. May 4, 2018)
- **NRG REMA LLC v. Creative Environmental Solutions Corp.**, 454 N.J. Super. 578 (App. Div. 2018)
- **State v. Perini Corp**., 221 N.J. 412 (2015)
- **Basil v. Wolf**, 193 N.J. 38 (2007)
- W. v. New Providence Bd. of Educ., 2023 WL 869395 (D.N.J. Jan. 27, 2023)
- P., et al. v. New Jersey Department of Educ., et al., 2020 WL 2611572 (D.N.J. May 22, 2020)
- M. v. Summit City Bd. of Educ., 39 F.4th 126 (3d Cir. 2022)
- E. v. Northern Highlands Regional High School Board of Educ., Fed. Appx. 2020 WL 7388081 (3d Cir. Dec. 16, 2020)
- **O. and K.O. v. Summit City Bd. of Educ.**, 2015 U.S. Dist. LEXIS 97888 (D.N.J. July 27, 2015)

Decisions

- 171 Hillside, LLC v. Maimon, 2026 WL 1581032 (App. Div. June 3, 2026)
- Werner Deconstruction, LLC v. Siteworks Services NY, Inc., 2024 WL 3070230 (D.N.J. June 20, 2024)
- Woytas v. Greenwood Tree Experts, Inc., 2018 N.J. Super. Unpub. LEXIS 1678 (App. Div. July 13, 2018)
- Griffoul v. NRG Residential Solar Solutions, LLC, 2018 N.J. Super. Unpub. LEXIS 1051 (App. Div. May 4, 2018)

- NRG REMA LLC v. Creative Environmental Solutions Corp., 454 N.J. Super. 578 (App. Div. 2018)
- State v. Perini Corp., 221 N.J. 412 (2015)
- Basil v. Wolf, 193 N.J. 38 (2007)
- C.W. v. New Providence Bd. of Educ., 2023 WL 869395 (D.N.J. Jan. 27, 2023)
- C.P., et al. v. New Jersey Department of Educ., et al., 2020 WL 2611572 (D.N.J. May 22, 2020)
- J.M. v. Summit City Bd. of Educ., 39 F.4th 126 (3d Cir. 2022)
- K.E. v. Northern Highlands Regional High School Board of Educ., Fed. Appx. 2020 WL 7388081 (3d Cir. Dec. 16, 2020)
- T.O. and K.O. v. Summit City Bd. of Educ., 2015 U.S. Dist. LEXIS 97888 (D.N.J. July 27, 2015)