BHGR

Giovanni Ruscitti

attorney

Chairman + General Counsel

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Giovanni is as comfortable in the courtroom as the boardroom, serving as lead transactional and litigation counsel to commercial and construction industry leaders.

Giovanni's Core Practices

Construction Law | Complex Commercial Litigation + Arbitration | Corporate Law

Giovanni represents entrepreneurs, emerging growth companies, banks, and local, national, and international companies across a broad range of industries. He provides his clients with comprehensive and cost-effective counsel, working as a strategic adviser to boards of directors, C-suite executives, and general counsel. His practice focuses on construction law, corporate law, and complex commercial litigation and arbitration.

Construction Law

Giovanni provides legal counsel on a wide variety of construction project types, including biofuel (ethanol and methane), defense, geothermal, green hydrogen photovoltaic, heavy highway, hospital, hydroelectric power, industrial plant, mining, office building, oil and gas, pipeline, power plant, prison, processing plant, school, solar, utility, water storage, water and waste treatment plant, and wind projects. He represents owners, developers, general contractors, subcontractors, suppliers, sureties, and insurers in all aspects of construction transactions, claims, and disputes.

Construction Transactions. Giovanni negotiates and drafts complex contracts for public, private, and public-private partnership (P3) projects, up to $2.2 billion in value. He negotiates and drafts EPC, design-build, CMAR, and design-bid-build agreements, as well as other types of construction contracts, including concession and development agreements, drop-down and lower-tier subcontract and framework agreements, financing agreements, master services agreements, supply agreements, and purchase orders. During the construction process, he collaborates with clients on change orders and project claims procedures.

Construction Litigation. Giovanni represents his construction clients in state and federal courts, the Armed Services Board of Contract Appeals (ASBCA), Court of Federal Claims, Government Accountability Office (GAO), and national and international arbitration forums. He oversees breach of contract, construction defect, delay, fraud, indemnity, lost productivity, scheduling, and surety claims. He also handles Federal construction contract matters, including those involving bid protests, certified claims, equitable adjustments, the False Claims Act, Federal Acquisition Regulations, and the Miller Act. He has litigated EPC and other construction contract disputes with up to $1 billion in dispute.

Complex Commercial Litigation + Arbitration

Giovanni has successfully litigated complex commercial cases in federal and state court, as well as in arbitrations before the American Arbitration Association, International Centre for Dispute Resolution, the International Chamber of Commerce, JAMS, and Judicial Arbiter Group. He oversees a broad range of complex commercial disputes, including breach of contract, breach of fiduciary duty, business competition, construction, corporate, employment, environmental, federal statutory and agency (SEC, FTC, FCC, TCPA, ERISA), financial transactions, fraud, insurance, intellectual property, mining, and trade secrets claims.

Giovanni also serves as a mediator and arbitrator for the American Arbitration Association on the commercial, employment, and construction panels.

Corporate Law

Giovanni assists his corporate clients with business formation, structuring strategic alliances, commercial and intellectual property transactions, mergers and acquisitions, and creating and protecting trade secrets and other intellectual property. He also represents privately held companies with private placements and financing alternatives, including secured and unsecured credit facilities and debt or equity offerings, and SEC issues. Giovanni has experience counseling clients on exit strategies that enable them to monetize their investments, restructure, reorganize, and recapitalize.

More About Giovanni

Giovanni is a founding partner of BHGR and is currently the firm's Chairman and General Counsel. He served as BHGR's Managing Partner from 2016-2023. During his tenure as Managing Partner, Giovanni steered the firm through the COVID-19 pandemic as well as global economic volatility and societal changes. Under his leadership, the firm nearly doubled in size, embraced a hybrid work model, and became one of the first Colorado law firms to transition to a four-day work week.

Education

J.D., University of Denver, Sturm College of Law

M.B.A., University of Colorado

B.A., University of Colorado

Admissions

- Colorado
- New York
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- U.S. Court of Federal Claims

Admitted pro hac vice in: Arizona, California, Delaware, Florida, Illinois, Massachusetts, Missouri, Montana, New York, Ohio, Texas, Utah, Washington, and Wyoming

Related Practices

- Construction
- Corporate
- Litigation
- Real Estate
- Alternative Dispute Resolution

Associations

- American, Boulder, Colorado, and Denver Bar Associations
- American Arbitration Association (Commercial, Employment, and Construction Panelist)
- College of Commercial Arbitrators (Fellow)
- Associated General Contractors of Colorado
- Boulder Chamber of Commerce (former Board of Directors member)
- Boulder Economic Council (former Executive Board Chair and Vice Chair)
- Colorado Legal Aid Foundation (Board of Directors)
- Colorado Mining Association
- Rocky Mountain Mining Association
- University of Colorado Leeds School of Business Deming Center for Entrepreneurship (former Advisory Board member)

Presentations

Giovanni is a frequent presenter to national, state, and local organizations on a variety of topics. Recent presentations include:

- *Breakfast with General Counsel—Collaborating to Minimize Risk from the Construction Team Perspective* (AAA Construction Conference) (2023)
- *Builders Bootcamp*, Presented in Partnership with BizWest (2023)
- *The Best Defense is a Good Offense—Keys to Claims Prevention and Mitigation* (Construction SuperConference) (2023)
- *Breakfast with General Counsel—Your Client's Perspectives in Construction Arbitration* (AAA Construction Conference) (2022)
- *Construction of Alternative Energy Projects: Global Challenges* (Construction SuperConference) (2022)

A full list of presentations can be provided upon request.

Publications

Giovanni is the bestselling author of *Cobblestones, Conversations and Corks: A Son's Discovery of His Italian Heritage*. In his book, Giovanni tells the story of his parents' struggles in Italy during World War II, their post-war poverty, romance, and immigration to the United States to live the American Dream.

Published Cases

Ground Imp. Techniques, Inc. v. Merchants Bonding Co., 63 F.Supp.2d 1272 (D. Colo. 1999).

R.N. Robinson & Son, Inc. v. Ground Imp. Techniques, 31 F.Supp.2d 881 (D. Colo. 1998).

Weinstein v. Colborne Foodbotics, LLC, 302 P.3d 263 (Colo. 2013).

Yoder v. Honeywell Inc., 104 F.3d 1215 (10th Cir. 1997).

Honors & Awards

Best Lawyers (Commercial Litigation, Construction Litigation, Mergers and Acquisitions) (2021, 2022)

Most Influential Business Leader, BizWest (2021)

Top Construction Lawyer, 5280 Magazine (2021)

Out + About

Outside of the office, Giovanni relishes spending time with his wife and three adult children as well as his extended family. He also enjoys Italian and French wines, travel, fly fishing, cycling, hiking, yoga, basketball, and golf.

Arbitration + Mediation Services

Giovanni brings nearly 30 years of experience to his neutral practice, having served as sole arbitrator and panel member in several hundred complex construction and commercial disputes ranging from $10 million to more than $1 billion across more than 16 U.S. jurisdictions. He sits on the AAA's Mega Construction, Construction, Energy, and Complex Commercial Litigation Panels, with matters spanning construction defects, delays, M&A, healthcare, energy, intellectual property, and corporate governance. Giovanni applies that same depth of transactional and litigation experience to mediation, bringing a practical, solutions-oriented approach to high-stakes disputes — and a unique vantage point earned from decades as both lead counsel and neutral on large-scale construction, commercial, and energy matters, including EPC and infrastructure projects valued in the billions.

Learn more