



## Steven B. Lesser

Shareholder

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### Practices

- **Business Litigation**
  - Appellate
- **Construction Law & Litigation**
  - Chapter 558 Specialized Claims Team
  - Construction Lien Law
  - Delay Claims
  - Design & Construction Contracts
  - Design Professional Liability
  - Surety Bonds

### Education

- Cleveland-Marshall College of Law, J.D., 1979
- Ohio University, B.S.J., 1975

Steven B. Lesser chairs the firm's national Construction Law and Litigation practice group. Mr. Lesser is Board Certified in Construction Law by the Florida Bar and devotes his practice exclusively to construction law and litigation, including governmental construction claims and defense and hotel/condominium disputes. He is a Fellow of the American College of Construction Lawyers. He has received a number of distinguished awards from the Florida Bar and American Bar Associations relative to his work in the construction industry.

He is Past Chair of the American Bar Association's Forum on Construction Law, a nationally prestigious organization devoted entirely to members of the construction industry. The Forum is the largest construction lawyer group in the world and is known for its scholarly publications and programs focusing on developments and trends in construction law.

Mr. Lesser is presently Chair of The Florida Bar Association's Board of Legal Specialization and Education ("BLSE") which administers the Bar's certification plan and provides oversight over all 27 certification committees that each focus upon a specific practice area. As part of its mission, the BLSE helps identify for the general public and the profession those attorneys who have substantial experience and have demonstrated special knowledge, skills, and proficiency in certified areas of practice and professionalism and ethics in the practice of law. He has further served in the leadership of a variety of Florida Bar and American Bar Association Committees including Past Chair of the Florida Bar Construction Law Certification Committee.

### EXPERIENCE

- For more than thirty years, Steve has represented a variety of construction industry participants in various large scale high profile commercial, multi-family, specialty projects such as museums, country club communities, health care facilities and even sports complexes. He represented Swire Properties in relation to its design and construction contracts for Brickell City Centre, a \$1.05 billion mixed used development in the heart of Miami's financial district. This project is significant because it was the first large construction project to begin after the recession and spurred widespread new development in the Brickell corridor. Other examples include the Dali Museum, the Museum of Arts and Crafts in St. Petersburg, Florida and Baptist Hospital in Jacksonville. His involvement in country club representation includes Frenchman's Creek, Mirasol Country Club, and BallenIsles Country Club. He represented a sports complex owner Incredible Ice, in a deal to rebuild the Florida Panther's Ice Hockey training facility in Coral Springs, Florida. Steve represented a homeowner in the landmark case *Moransais v. Heathman*, before the Florida Supreme Court which, in effect, reshaped construction law in Florida by retreating from the economic loss doctrine and forcing architects, engineers and other professionals to be accountable for their own negligence.

### RECOGNITION

- Chambers USA, Construction Law, Band 1
- American Bar Association, Forum on Construction Law, Cornerstone Award, 2019
  - The Cornerstone Award honors a member of the Forum who has rendered long-term exceptional service to the construction industry, to the public, and to the legal profession. The Cornerstone Award is the highest award presented by the Forum on Construction Law.
- Best Lawyers in America® – Construction Law; Construction Litigation; Commercial Litigation
  - Lawyer of the Year – Construction Litigation, 2019
  - Lawyer of the Year – Construction Law, 2016
  - Lawyer of the Year – Construction, 2011
- Florida Super Lawyer, 2009-Present
- Who’s Who Legal, Construction, 2017-Present
- Florida Bar Real Property, Probate and Trust Section’s Construction Law Committee, “Lifetime Achievement Award”, 2016
  - Recognized for his contributions for his work with The Florida Bar’s efforts to offer board certification to the state’s top construction lawyers, his prolific writing on subjects critical to construction practitioners, his high-profile practice of construction law, and his dedication to community initiatives such as TopSoccer. Only eight attorneys in Florida have been awarded the Committee’s Lifetime Achievement Award.
- Florida Business, “Florida’s Legal Elite”, Construction Law, 2019
- Deborah M. Smoot Memorial Award from the Florida Bar Journal News & Editorial Board, 2003
- American Bar Foundation, Fellow
- Martindale-Hubbell, AV Rated Preeminent
- American College of Construction Lawyers, Fellow
  - The ACCL is a national organization of lawyers who have demonstrated skill, experience and high standards of professional and ethical conduct in the practice, or in the teaching, of construction law, and who are dedicated to excellence in the specialized practice of construction law. There are less than 20 Fellows of the American College of Construction Lawyers in the state of Florida.
- Cleveland Heights High, Hall of Fame Inductee
- Boca Hoops High-5 Basketball, Hall of Fame Inductee, 2019
- TOPSoccer Volunteer of the Year, 2010
- Cleveland Marshall College of Law
  - Alumni Association, Honorary Trustee
  - Hall of Fame Inductee, 2020

## PUBLICATIONS

- The Florida Bar
  - Florida Bar Manual, “Florida Condominium and Community Association Law – Construction Defect Litigation”, 2016
  - “How to Comply with Chapter 558 Florida Statutes: Current Challenges and Future Changes”, February 2009
  - Florida Civil Practice Damages, The Florida Bar Continuing Legal Education, “Damages in Commercial Cases”, September 2006
  - “The 2004 Amendments to Florida’s Construction Defect Statute: Some Solutions, More Confusion”, October 2004
  - “Florida’s New Construction Defect Statute: The Aggrieved Homeowner’s Obstacle Course”, October 2003
  - “The Great Escape, How to Draft Exculpatory Clauses That Limit or Extinguish Liability”, November 2001
  - “Chipping Away of the Economic Loss Doctrine”, October 1999
  - “The Inadvertent Waiver of Mandatory Construction Arbitration Clauses”, October 1997
  - “The Validity, Force And Effect Of No Damage For Delay Clauses”, January 1988
  - “Discovery In Construction Litigation”, December 1988
  - “The Construction Lawyer’s Guide To Chapter 558, Florida Statutes: A Practical Checklist”, April 2016

- “Who Knew? The Misplaced Use of ‘Time is of the Essence’ Clauses in Construction Contracts”, April 2018
- The Construction Lawyer
  - “My Favorite Mistakes: An Owner’s Guide to Avoiding Disaster on Construction Projects”, Spring 2017
  - “Comments From The Chair, My Back Pages”, September 2015
  - “The Future of Our Forum”, November, 2014
  - “The Twelve Deadly Sins: An Owner’s Guide to Avoiding Liability for Implied Obligations During the Construction of a Project”, Winter 2008
  - “Risky Business: The Active Interference Exception to No Damage for Delay Clauses”, Winter 2003
  - “Economic Loss Doctrine and Its Impact Upon Construction Claims”, August, 1994
  - “I Have Fallen and I Can’t Get Up: The Inadvertent Waiver of Mandatory Construction Arbitration Clauses”, October 1997
- Construction Litigation Reporter
  - “Staying Single: Preserving The Single-Purpose Entity For Construction Projects”, January 2015
  - “Design Professional Liability: Strategic Moves to Minimize Risk in Condominium Conversions”, September 2011
  - “Meet the 2007 A201 : General Conditions of the Contract for Construction: Letting Go of Paper and Making Way for the “IDM”, April, May 2008
  - “New Rules”, April, May 2008
- Daily Business Review
  - “5 Tips to Use on the Lawyer’s Road to Success”, October 2017
  - “Run Out Every Ground Ball – A Good Lesson for Lawyers”, June 2019
- American Bar Association’s Forum on Construction Law
  - A201 Deskbook: Chapter 2: Article 2 “Owner”, 2017
  - ABA Forum Construction Defects Book. Chapter 9 “Preparing the Case” (2020 Publication)
  - ABA Forum on Construction Law, Construction Checklists: A Guide to Frequently Encountered Construction Issues, Chapter 26 “How Owners Can Avoid Litigation on Construction Projects”, 2008
- Law360
  - “New Tactics For Navigating Florida Construction Defects Law”, December 2015
- Construction Today
  - “Avoiding Faulty Building Claims”, November/December 2015
- Dispute Resolution Journal, American Arbitration Association
  - “For Better or Worse: The AIA Introduces the Initial Decision Maker in its Dispute Resolution Process,” February /April, 2008
- Trial Diplomacy Journal
  - “Beyond the Rules of Civil Procedure: The Use of Case Management Techniques in Complex Multi-Party Litigation,” 1992
- Tort Trial & Insurance Practice Law, American Bar Association
  - “Construction Lawyer’s Guide to the 2007 AIA A201 ‘General Conditions of the Contract for Construction,” 2007
  - “Report on Contingent Fees in Class Action Litigation,” 2006

#### PROFESSIONAL / COMMUNITY ACTIVITIES

- American Bar Association
  - Standing Committee on Specialization, Member, 2016-2019, Chair (2020-2021)
  - 2017-2019 Annual Meeting Program Planning Committee, Past-Chair
  - Council of the Fund for Justice and Education, Member, 2019-2020
  - Building For Good, Founding Board Member
  - Tort Trial and Insurance Practice Section, Scope and Correlation Standing Committee, Member, 2017-Present
  - Association Standing Committee on Membership and the Commission on the American Jury Project, Previous Member
  - Task Force on the Contingent Fee for the Tort and Insurance Practice Section, Past-Chair
  - Tort Trial and Insurance Practice Section: Past Council Member

- American Bar Association Forum on the Construction Industry Steering Committee on Owners and Lenders (Division 12), Past- Chair
- Trial Techniques Committee of the Tort Trial and Insurance Law and Practice Section, Past- Chair
- Committee on Law Office Economics of Tort, Trial and Insurance Practice Section, Past- Chair
- Standing Committee on Professionalism for the Tort Trial and Insurance Practice Section, Past- Chair
- The Florida Bar
  - Board of Legal Specialization and Education (“BLSE”), Chair, 2019-2020, 2020-2021
    - Through administration of the certification plan, the BLSE is charged with identifying for the general public and the profession those attorneys who have substantial experience and have demonstrated special knowledge, skills and proficiency in certified areas of practice and professionalism and ethics in the practice of law.
  - Judicial Nominating Procedures Committee, Member
  - Construction Law Certification Committee, Past- Chair
  - Florida Bar’s Journal and News, Past- Chair
  - Bar’s Grievance Committees 15(f) and 17(b), Past – Chair
- International Concrete Repair Institute, Southeast Region, Vice President 2019
- The Broward County Bar Association Construction Law Committee, Past- Chair
- LEGUS, Past- Chair
- Florida Courts, Certified Circuit Civil Mediator focusing on resolving construction law disputes
- American Arbitration Association, Certified Construction Arbitrator



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