



→ Emily D. Anderson

Partner

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Emily D. Anderson is a partner in the Business Trial Practice Group in the firm's New York office. She is also a member of the firm's Construction, Energy and Transportation industry teams.

Areas of Practice

Emily's practice involves advising contractors, real estate developers and owners on all aspects of construction projects, including contract negotiation, issues arising before or during construction, and resolution of claims through mediation, dispute resolution boards, arbitration and litigation.

Some of Emily's representative matters include:

- Obtained summary judgment on behalf of the developer and owner of a skyscraper in Brooklyn dismissing the entirety of a curtainwall trade contractor's claims for mechanic's lien foreclosure, breach of contract and other quasi-contract related causes of action and represented the developer on appeal related to the willful exaggeration of the trade contractor's mechanic's lien.
- First chaired an arbitration representing the developer of a solar project in connection with disputes with its EPC contractor involving breach of contract claims related to termination and defective work resulting in discrepancies between projected and actual energy output.
- Represented the general contractor on a transportation depot public-private partnership in a 9 month long arbitration and related litigation involving contractual claims for extra work, delay damages, withheld retainage, liquidated damages and trust fund diversion under the New York Lien Law and other insolvency issues of the developer.
- Represented a real estate developer of an mixed-use skyscraper in a litigation and appeals stemming from a class action alleging trust fund diversion of building loan funds under the New York Lien Law and other contractual claims with a trade contractor related to retainage, back charges and defective work, and favorably settled the claims.
- Represented the developer of an airport terminal megaproject in the resolution of disputes related to change order work with its design-builder before a dispute resolution board.
- Advised a general contractor on termination, mechanic's lien and project close-out issues when a major trade contractor became insolvent during the pendency of multiple on-going construction projects. Continued the representation in the resulting Assignment for the Benefit of Creditors proceeding and mechanic's lien foreclosure actions brought by lower-tier subcontractors and suppliers.
- Obtained an order granting a license pursuant to RPAPL 881 for a developer to access a neighboring property to install site protection during the duration of a construction project following an evidentiary hearing.

- Secured a favorable settlement for a restaurant owner during the mediation of a lease dispute stemming from structural defects identified during a build-out of the leased space.
- Represented a developer and its architect in multiple lawsuits with a neighbor over access to the neighboring property during the pendency of construction, the building permit and the interpretation of a zoning and land use development agreement. Obtained the full dismissal of claims against the architect, and obtained a license pursuant to RPAPL 881 to access the neighboring property.
- Represented a telecommunications contractor in a mediation resolving claims for extra work and delay damages in connection with the construction of fiber-optic cable and cell towers in the Southeast U.S.
- Negotiated all of the construction contracts needed for a hedge fund lessee to build-out its Class-A office space using a tenant improvement allowance, including its owner-contractor guaranteed maximum price agreement, its architecture agreement and all design agreements.

Prior to working in private practice, Emily interned with Justice Saliann Scarpulla of the New York State Supreme Court of New York County prior to her elevation to the New York Appellate Division, First Department and the Legal Department of the New York City Department of Environmental Protection. Before attending law school, Emily worked as a sales representative in the elevator industry.

In addition to Emily's practice, she chairs a division of the American Bar Association Forum on Construction Law (Division 10 – Infrastructure, Energy and the Environment) and oversees Division 10's blog, *2x4x10*. She is also the chair of the Law & Legislation Subcommittee for the New York City Metro Chapter of the Design Build Institute of America.

Internally, she serves as the co-Impact Ambassador Practice Specialist, Norma Mondonado, for the firm's New York office raising over \$20,000 per year of individual and firm-matching donations and organizing service activities for the office, including making sandwiches for a local food kitchen, organizing drives for a camp devoted to children fighting cancer and organizing volunteers and a walking team for suicide awareness and prevention.

Honors

Ones to Watch – Construction Law and Litigation, *Best Lawyers*, 2021-2024

Leading Lawyer - Construction, *Chambers USA*, 2023

New York Rising Star - Construction Litigation, *Super Lawyers*, 2015-2022

Sheppard Mullin's Bob Williams Award, 2022

Construction Industry Industry Diversity Fellowship, *American Bar Association*, 2017-2020

Recommended Lawyer - Construction, *Legal 500*, 2022-2023

Articles

- The Need for Model Legislation on Private Investment in Public Infrastructure Projects
The Construction Lawyer, Spring 2022
- When Subcontractors Sue Only the Surety on Payment Bond and Tips for General Contractors
ConsensusDocs Construction Law Newsletter, 06.17.2019

- Using Construction Contracts to Limit Time-Consuming Discovery In Arbitration
Under Construction, Spring 2018
- International Arbitration Considerations
Practical Construction Law & Risk Issues
AGC Law in Brief Vol. 3, Issue 4, July 2017
- Offshore Wind Projects: One Example of Challenges on the Horizon, 2x4x10
American Bar Association Forum on the Construction Industry, Summer 2014

New York Commercial Division Round Up Blog

- "The Changing Landscape of Electronic Service," February 8, 2022

Media Mentions

DBIA Testifies before NY State Assembly in Favor of Progressive Design-Build Authority
DBIA, 12.22.2023

Sheppard Mullin Names 10 Partners In Calif., New York
Law360, 03.03.2023

New law on electronic service takes effect in 2024
Daily Journal, 09.07.2022

Artists' Suit Ties Up NYC's New Jail Plans
Law360, 05.16.2022

Speaking Engagements

- Speaker, "Blue Line to Bottom Line: Capitalizing on Megaproject Financing Opportunities in Evolving Markets," American Bar Association Forum on Construction Law 2024 Midwinter Meeting, January 25, 2024
- Moderator, "Past, present, and future of design-build laws for New York public works projects and navigating legislation, procurement, and contracts," Design-Build Institute of America (DBIA), April 27, 2023
- Guest Lecturer on Construction Law, "CIVG 507: Introduction to Engineering Investigations/Forensic Engineering," Manhattan College, April 26, 2023
- Guest Lecturer on Construction Law, "CIVG 507: Introduction to Engineering Investigations/Forensic Engineering," Manhattan College, April 27, 2022
- Presenter, Minority & Women Contractors & Developers Association 2022 Incubator Program, "Construction Contracts 101," March 15, 2022; "Estimating and Proposals Strategies," April 5, 2022; "Change Order Management," March 8, 2022
- Moderator, ABA Forum on Construction Law 2022 Midwinter Meeting, "Division 8 and Division 10 Lunch: The Business of Energy," February 24, 2022
- Guest Lecturer on Construction Law, Manhattan College, CIVG 507: Introduction to Engineering Investigations/Forensic Engineering, April 21, 2021
- Guest Lecturer on Construction Law, Manhattan College, CIVG 507: Introduction to Engineering Investigations/Forensic Engineering, March 14, 2020

- Regional Coordinator and Speaker, ABA Forum on Construction Law Regional Program: Sticks & Bricks, September 2019

Events

Past, present, and future of design-build laws for New York public works projects and navigating legislation, procurement, and contracts.

Hosted By: Design-Build Institute of America (DBIA)

Sheppard Mullin New York Office, 04.27.2023

Memberships

American Bar Association, Forum on Construction Law

- Chair of Division 10 (Infrastructure, Energy and the Environment), Fall 2022 – Fall 2024
- Steering Committee Member for Division 10 (Infrastructure, Energy and the Environment), 2013 – Present

Design Build Institute of America (DBIA)

- Chair, NYC Metro Chapter Law & Legislation Subcommittee, January 2022 – February 2024

Practices

Construction

Energy, Infrastructure and Project Finance

Litigation

Public-Private Partnerships

Industries

Construction

Energy, Infrastructure and Project Finance

Transportation

Education

J.D., Brooklyn Law School, 2013, recipient CALI Excellence for the Future Award in Construction Law and Jack Weprin Real Estate Prize

M.U.P., Hunter College, City University of New York, 2013

B.A., University of Illinois, 2006, *with distinction*

Admissions

New York

New Jersey

Illinois

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

Second Circuit Court of Appeals