

MANN REPORT™

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| THE PEOPLE BEHIND THE DEALS IN THE NY REAL ESTATE SCENE |



ZETLIN & DE CHIARA LLP

Attorneys Who Know the Business of Construction

Front Row: Raymond T. Mellon, Michael S. Zetlin, Michael K. De Chiara, Carol J. Patterson

Back Row: Timothy F. Hegarty, Lina G. Telese, Michael J. Vardaro, Patricia A. Harris, Lori Samet Schwarz and James J. Terry

When Success Matters To Your Construction Project

Zetlin & De Chiara LLP

New York's top construction projects have a key common denominator: Zetlin & De Chiara LLP, a law firm recognized for its depth of experience and innovation in construction law.

Born of the vision of its two Founding Partners, Michael S. Zetlin and Michael K. De Chiara, to bring the highest quality construction law services to the building industries, Zetlin & De Chiara has grown to become one of the largest practices devoted to construction law in the country. According to legal rating organizations Chambers, New York Super Lawyers and Legal 500 USA, the firm receives top-tier accolades and its partners rank at the highest level.

Construction has become increasingly complex, and Zetlin & De Chiara, celebrating its 20th anniversary, continues to take the lead with stellar representation and specialty practices that capture the impact of new construction trends and technologies. The firm's national practice includes a substantial owner and design professional client base. This broad representation enables Zetlin & De Chiara to bridge a very important gap in a way that no other law firm can.

"Changes in construction means and methods impact the way contract provisions must be drafted," explains Zetlin, who is regarded as one of the construction industry's top attorneys. New industry dynamics create new litigation strategies. No one knows this better than De Chiara, who has been recognized and selected by the Legal 500 guide as one of the five leading construction litigators in the country. In all aspects of construction law, the two Founding Partners lead a team of attorneys who have created a full-service construction law practice that knows the industry from every perspective.

"Our firm has extensive knowledge of construction unavailable in most firms. With us, clients get an unparalleled breadth of experience from every vantage point – owner, construction manager, design professional, insurer and investor," says De Chiara. "And no matter who you are or where you're seated at the table, if you are in construction, we should be at your side," adds Zetlin.

In their growth as a top-tier construction practice, both Partners serve as General Counsel to New York's leading building and design professional associations. Zetlin serves as General Counsel to the New York Building Congress and the NYC AIA Chapter. De Chiara serves as General Counsel to the New York Building Foundation and the NYS Chapters of the AIA and ACEC.

In addition, the firm's Senior Partners are active industry leaders. Carol J. Patterson, one of the industry's most widely respected attorneys specializing in construction transactions and dispute resolution, was lead editor of *Construction Law*, a textbook published by the ABA Forum on the Construction Industry. She previously served as a President of the Association of Real Estate Women (AREW). Partner Lina Telese was recently installed as AREW's 2013 President, advancing an expanded agenda for women in the building industries. Senior Partner Ray Mellon serves as General Counsel to several architectural organizations in New York City. Partner Lori Samet Schwarz serves as General Counsel to the Women Builders Council.

"Our attorneys, many of whom hold engineering or architecture degrees and LEED accreditation, are immersed in the industry they serve and share their insights through education, publications and lectures," says Patricia Harris, the firm's Managing Partner. "We bring value to the deal; we do not just document it."

Building with the Right Legal Counsel

The firm's Senior Partners, Carol Patterson and Ray Mellon, have also created a legacy for themselves as savvy construction attorneys who protect their clients with proactive contract negotiation and litigation strategies.

Mellon recently won a case for an owner client whose construction was challenged by an adjacent building owner. Mellon was able to secure his client's right to advance the project's construction, despite a neighbor's objections and NYC Building Department intervention. "We were at a critical point in the construction," explains Mellon, "and had my client not been able to proceed, tremendous cost overruns and schedule delays would have ensued."

Mellon counsels many of the firm's owner clients to enter pre-construction license and protection agreements to facilitate construction. "These agreements anticipate potential adjacent property disputes, provide mechanisms to avoid them and help to foster good relations between the project's owner and the adjacent property owners."

"Bringing multiple perspectives is an important competitive differentiator for the firm," says Patterson. "As a firm, we are unique in our understanding of what a client needs to know before they build. It is very rewarding to help a client work through project challenges and assist them in accomplishing their goals. Often, the time spent up front identifying potential problems and negotiating solutions that work for all members of a project team yields dividends."

“We are here for our clients in a variety of ways. That’s the partner we are, and that’s the partner we always will be.”
— Zetlin & De Chiara

According to Partner Lori Samet Schwarz, “We have a specific, construction industry outlook, not usual to most general practice firms. We offer options, evaluating the law and the facts, to give clients the tools they need to make sound business decisions, no matter their role in the project.”

“When you understand the issues from every side, it’s easier to negotiate for your client,” adds Partner Lina Telese. “Regardless of the project, clients need someone at the table with a global, multi-faceted understanding of construction.”



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A Suite of Services with Added Value

Zetlin & De Chiara’s technical background in construction and engineering enables it to perceive issues quickly, translating that information into effective contracts and negotiating strategies. The firm also specializes in many other construction-related legal services, including litigation and alternative dispute resolution, risk management, corporate and employment law, IP and emerging technology and professional licensing.

“An effective and comprehensive contract is the foundation of a successful construction project,” says James J. Terry, Partner. “Our clients get something that no other firm can offer – specialized construction expertise that contributes significantly to cost savings and project success.” As an example, says Terry, “Labor management approaches such as Project Labor Agreements (PLAs), with which our firm has considerable experience, can effectively control construction costs.” Terry recently authored the firm’s briefing paper on PLAs, highlighting their strategic utilization as mechanisms to facilitate successful project completion.

Zetlin & De Chiara has also taken the lead on advancing Integrated Project Delivery (IPD). IPD is a project delivery approach that uses several unique tools to enhance collaboration and transparency among all participants – owner, architect, engineer, contractor, sub-contractors and sub-consultants. Partner Timothy Hegarty, who also leads the firm’s New Jersey office, knows all about the benefits of IPD. “Clients want a comprehensive contract that considers all roles and responsibilities and holds everyone accountable on a construction project. That’s why IPD is a viable option,” says Hegarty.

Collaborative project agreements like IPD are not the only way that construction is changing. “Building Information Modeling (BIM)

is a technology that, if implemented correctly, can provide significant cost, schedule and operational benefits to owners and developers,” adds Partner Michael Vardaro. Well-versed in crafting new contract documents to reflect BIM savings, Vardaro recently worked with a project team to design a tailored BIM Execution Plan. “The importance of implementing a plan that defines the roles and responsibilities of all involved is critical in realizing the benefits associated with BIM.”

A Trusted Business Advisor

Zetlin & De Chiara’s ability to approach construction law from every angle has earned the firm successful project engagements in both the public and private sectors. Its experiences have made the firm an authority in Public Private Partnerships (P3s), in which both sectors strategically partner. Several of the firm’s Senior Partners have taken the lead on advancing P3s as a workable model in construction.

“We are here for our clients in a variety of ways,” says Zetlin. “While we specialize in construction contracts, litigation, alternative dispute resolution, risk mitigation, and more, most clients turn to us for a broad range of construction-related issues, even before they begin to build.”

“We always go above and beyond for our clients,” adds De Chiara. “That’s the partner we are, and that’s the partner we always will be.”

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New York's Construction Counsel of Choice

Innovative construction law solutions are synonymous with Zetlin & De Chiara.

With over 20 years of industry service, Zetlin & De Chiara is the construction counsel of choice for comprehensive pre-construction, construction and post-construction representation.

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