


James J. Terry

PARTNER

801 Second Avenue
New York, NY 10017

 212.300.1456
jterry@zdlaw.com



James J. Terry, a partner at Zetlin & De Chiara LLP, is a successful litigator, negotiator and advocate specializing in the resolution of complex design, development and construction management disputes across the spectrum of the built environment.

In practice for more than four decades, his portfolio includes construction defect claims, bid protests, change orders, liquidated damages, delays, cumulative impact claims, lost productivity, acceleration and inefficiency claims for national and international clients. He resolves disputes involving construction contract and tort issues through mediation, arbitration and litigation. He has defended or secured more than hundreds of millions of dollars in claims and settlements on behalf of his clients.

Mr. Terry devotes a significant portion of his practice to contract preparation, and he has negotiated and drafted construction management contracts for major real estate development projects in the academic, institutional, cultural, hospitality, medical, retail and office sectors.

A skillful communicator, he excels at making clear the responsibilities and rights of all parties in a transaction and ensuring that his clients' roles are accurately reflected in agreements. His clients also seek his counsel on matters of risk management and general business practices.

Mr. Terry's expertise includes the development and execution of Project Labor Agreements (PLAs) that set labor compensation, work rules, schedules and performance expectations upfront, with the goal of ensuring quality and achieving the economical and efficient completion of a construction project.

In addition, Mr. Terry has deep experience in the area of performance and payment bond agreements. He has represented bond sureties in connection with the takeover and completion of several major projects from defaulting contractors; these include a sewage treatment plant, a state transportation authority complex, portions of the Washington D.C. and New York City subway systems and a substantial railroad maintenance facility.

Prior to joining Zetlin and De Chiara, Mr. Terry served as Vice President/General Counsel of F.J. Sciamie Construction Co., Inc. As a Litigation Partner of an international law firm, he served as the lead appellate attorney in a significant and precedent-setting win for his client and benefiting similarly situated industry participants.

He is a member of the New York Building Congress and the Federal Bar Council, and is a former arbitrator for the Court-Annexed Arbitration Program, U.S. District Court for the Eastern District of New York.

Recent publications of his include “Leveraging Labor to Control Costs “ in Construction Today.

Mr. Terry holds the notable AV rating for ethical standards and legal ability from *Martindale Hubbell* and has been recognized in the practice area of construction law by *Super Lawyers* in New York. *The Best Lawyers in America* has recognized Mr. Terry as a leading construction lawyer in New York.

Education

Columbia University School of Law, J.D.

New York University, B.A. *summa cum laude*

Admissions

New York

Court Admissions

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

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

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

EXPERIENCE

Representative Matters

The following are select representative matters:

Aviation

IPD Construction Contracts for an Airport Terminal

We negotiated and crafted an Integrated Project Delivery (IPD) agreement for the renovation of an executive lounge at a terminal in a major New York City airport.

Commercial

International Law Firm's Headquarters Relocation Design and Construction Agreements

We counseled a major international law firm in the preparation of its design and construction agreements for the relocation of its headquarters on Manhattan.

Global Financial Institution Renovation Construction Contracts

We represented the construction manager of a global financial institution, in a major redevelopment project which included demolition and renovation of its midtown location.

Project Labor Agreement for a Grand Central Terminal Office Tower and Public Improvements

We represented a major owner/developer in negotiation and drafting of a project labor agreement for its \$3 billion, 1.6 million square-foot office tower and related public improvements in the area of Grand Central Terminal.

Construction Contracts for an Office Tower in New York

We represented a prominent developer in the negotiation and drafting of a construction management agreement for the construction of an 850,000 square foot office tower constituting one of the first significant developments in the New York metropolitan area following the 2008 recession.

Times Square, New Year's Eve Celebration Venue Construction Contracts

We represented a major owner/developer in retrofitting of its Times Square venue in order to accommodate the iconic New Year's Eve countdown ball drop.

Empire State Building Auxiliary FM Antenna Design-Build Construction Contract

We represented the owner of the landmarked Empire State Building, one of New York City's iconic skyscrapers, in negotiating and drafting agreements for the highly unusual design-build delivery system for a new auxiliary FM antenna on a transmission tower atop the Empire State Building, with associated equipment and a temporary cocoon installation to ensure safety and to avoid interruption of building operations.

International Law Firm's Headquarters Renovation Construction Agreements

We represented a major international law firm in drafting and negotiating numerous construction agreements for the extensive renovation of its office headquarters as well as certain auxiliary facilities located in New York City.

Cultural Institutions

Downtown New York Performing Arts Center Construction Contracts

We represented the Construction Manager of a high-design and technically sophisticated \$363 million Performing Arts Center project.

Education

Columbia University Science Facility Contractor Dispute

We are representing Columbia University, an internationally renowned Ivy League university, in a dispute with a contractor in connection with work on its Jerome L Greene Science Center, home to the Mort Zuckerman Mind Brain Behavior Institute, at its uptown, Manhattanville campus. The \$6.3 billion project is a high-tech, sophisticated medical research facility. The dispute involves multi-million dollars in delay and disputed work claims with the contractor.

University Facility Renovation Construction Contracts

We provided counsel and drafted of construction contracts and subcontracts for renovations of university facilities in the New York metropolitan area.

Higher Education Medical Research Facility Litigation

We have represented an Ivy League university in connection with contractor claims for delays and cost overruns totaling over 25 million in connection with the construction of a new medical research facility.

Government

Construction Contracts for the Conversion of a Social Services Facility

Having earlier participated as a member of a team that negotiated and drafted construction/lease agreements for the conversion of the former Bayview Women's Correctional Facility to "The Women's Building" offering numerous social services, we subsequently assisted their selected construction manager in connection with contract and subcontract agreements.

Healthcare

Medical Village Construction Contracts

We represented a major hospital system in crafting design and construction contracts for creation of a medical village (including emergency, radiology, outpatient treatment, and health education services) on a hospital campus.

Hospitality

Luxury Hotel Development Company Renovation Construction Contracts

We represented a major hotel development company in negotiating and drafting general contractor and construction manager agreements in connection with extensive renovation of a prominent hotel in Boca Raton, Florida.

Infrastructure

Manhattan Transportation Center Telecommunications System Construction Dispute

We represented a construction manager with a design sub-consultant in a multi-million dollar dispute over the design and construction of a wireless communications system to service a major transportation center in Manhattan.

Mixed-Use

Mixed-Use Residential Project in Manhattan

We represented a major developer in negotiation and preparation of preconstruction and construction management agreements for a mixed-use residential project in Manhattan.

Education

\$420 Million Mixed-Use Building Project Agreements

We represented a prominent developer in connection with construction agreements for an approximately \$420 million project consisting of a 43-story mixed-use building, including the fit-out of a public school.

Mixed-Use

Multi-State Legal Survey of Construction Laws for a Co-Working Development Group

We prepared a multistate legal survey of frequently recurring legal issues for a leading co-working enterprise active in numerous jurisdictions.

Power Generation & Distribution

Solar Power Construction Alternative Dispute Resolution (ADR)

We are representing a multi-national photovoltaic solar energy firm in a dispute with an Italian equipment supplier. The matter, which will be adjudicated in arbitration, will focus on deficiencies of critical equipment on the solar plants and related warranty claims.

Multinational Energy Firm Dispute With An European Equipment Supplier

Zetlin & De Chiara represented a multinational energy firm operating a sophisticated network of photovoltaic solar plants in a dispute with an European equipment supplier, analyzing the merits of the client's claims and initiating arbitration proceedings arising from deficiencies and breaches of warranty of critical equipment totaling tens of millions of dollars.

Infrastructure

Dispute Resolution on Behalf of Performance Bond Sureties

We represented performance bond sureties in connection with the takeover and completion of several major projects from defaulting contractors.

Residential

Luxury Residential Project Construction Delayed by COVID-19

A national real estate developer has a large, luxury residential project in New York City that was scheduled to be completed before the COVID-19 construction shutdown. The project, an 82 story, 162 luxury condominium unit tower in Mid-town Manhattan, has been in progress for seven years. The residential project was undertaken in concert with the major renovation of the Museum of Modern Art, one of the City's most valued cultural institutions. The developer is now in a dispute with the contractor over damages for the delay in completion. We are advising the developer after having been involved earlier in the project with drafting and negotiating the construction contract as well as crafting and negotiating the project labor agreement governing wages and work rules for all labor working on the project.

Residential Tower Developer Dispute With A Contractor

We represent one of New York's largest real estate developers in a dispute with an HVAC contractor. The project, a new high-rise residential tower in mid-town Manhattan, underwent major remediation of the heating and cooling system. The HVAC system was found to be defective and incomplete. The owner has engaged Zetlin & De Chiara to resolve the dispute.

Condominium Project Construction and Project Labor Agreements

We represented a high-profile developer in connection with project labor and construction management agreements for a significant condominium project.

Sports & Entertainment

Sports/Entertainment Company Venue Renovations in New York, Los Angeles, and Las Vegas.

We have represented a major sports/entertainment company in the crafting of construction contracts and resolving disputes related to the construction or extensive renovation of venues in York, Los Angeles, and Las Vegas.

HONORS

Honors & Recognitions

- Best Lawyers, Construction Law
- Client Choice Awards, Construction
- Super Lawyers

NEWS & EVENTS

News

Super Lawyers 2024 Recognizes 13 Zetlin & De Chiara Attorneys
10.24.2024

The Best Lawyers in America 2025 Recognizes 15 Zetlin & De Chiara Attorneys
08.15.2024

Super Lawyers 2023 Recognizes 14 Zetlin & De Chiara Attorneys
09.22.2023

The Best Lawyers in America 2024 Recognizes 16 Zetlin & De Chiara Attorneys
08.17.2023

Super Lawyers 2022 Recognizes Zetlin & De Chiara Attorneys for Their Expertise in Construction Law
Super Lawyers

Zetlin & De Chiara LLP Again Recognized in the Best Lawyers List
08.18.2022

Legal Q and A: PLAs and the Non-Union Contractor
The Construction Broadsheet, 03.17.2022

What Contractors Need to Understand About Project Labor Agreements
CONEXPO CON/AGG 365, 03.16.2022

Project Labor Agreements Now Required on Federal Construction Projects
Construction Drive, 02.24.2022

Zetlin & De Chiara LLP Ranked Tier 1 in 2022 Edition of U.S. News- Best Lawyers® Best Law Firms®
11.04.2021

Zetlin & De Chiara Attorneys Widely Recognized in Super Lawyers 2021
09.30.2021

Zetlin & De Chiara LLP Lawyers Highly Recognized by Best Lawyers®
Best Lawyers®, 08.19.2021

Zetlin & De Chiara Ranked in the Top Tier for Construction Law by Legal 500 USA
Legal 500, 06.10.2021

Super Lawyers Selects 10 Zetlin & De Chiara Attorneys for Its 2020 Ranking
11.05.2020

Zetlin & De Chiara Lawyers Named to 2021 Best Lawyers and to Ones to Watch Lists
08.20.2020

Eleven Zetlin & De Chiara LLP Attorneys Recognized by Super Lawyers 2019
09.25.2019

Zetlin & De Chiara's Construction Law Expertise Recognized Again by *Legal 500 US*
09.11.2019

Eight Zetlin & De Chiara LLP Attorneys Selected For *The Best Lawyers in America 2020*
The Best Lawyers in America 2020, 08.15.2019

Zetlin & De Chiara LLP Ranked Tier 1 in 2019 Edition of U.S. News' "Best Law Firms"

Seven Zetlin & De Chiara LLP Attorneys Selected For *The Best Lawyers in America*, 2019

Jim Terry's Inside Story on Project Labor Agreements Appears on the Cover of Mann Report

Twelve Zetlin & De Chiara LLP Attorneys Receive Prestigious Thomson Reuters' Super Lawyers
2018 Ranking

James J. Terry to Present at PLI Annual Commercial Real Estate Institute

Zetlin & De Chiara LLP Ranked Tier 1 in U.S. News' 2018 "Best Law Firms"

Zetlin & De Chiara Attorneys Selected For The Best Lawyers in America 2018

James Terry Quoted in Bracing for Lien Times, The Real Deal, April 2017

James Terry Recognized by Client Choice Awards

Zetlin & De Chiara LLP Recognized as Top Tier Construction Law Firm by U.S. News – Best Lawyers 2017

Eight Zetlin & De Chiara LLP Attorneys Named 2016 Super Lawyers

Seven Lawyers from Zetlin & De Chiara LLP Selected for Best Lawyers in America

James Terry is honored by Client Choice Awards as top Construction Attorney

What do you mean there's an issue with my additional insured coverage? by James Terry and Christopher Long

Zetlin & De Chiara Partners Speaking at the New York State MWBE Forum

Zetlin & De Chiara Attorneys Recognized in Super Lawyers

When Success Matters To Your Construction Project published in the Mann Report, February 2013

Asphalt Green Dispute Continues to Stall Battery Park City Center

Zetlin & De Chiara Partner James Terry Receives Top Rating
12.30.2011

Promotion of Jim Terry to Partner
Building Long Island, 03.2009

Weighing the Issues on BIM Technology
01.01.2009

An announcement regarding the arrival of James Terry appeared in the December 17-23, 2007 issue of Crain's New York Business.

Speaking Engagements

Partner James Terry to Speak on Association of Medical Facility Professionals (AMFP) Panel
05.15.2025

Zetlin & De Chiara's 30th Anniversary Celebration
12.14.2022

COVID - 19 Challenges to the Construction Industry WEBINAR
WEBINAR, 04.08.2020

PLI 19th Annual Commercial Real Estate Institute
12.04.2017

New York State MWBE Forum - For Design Professionals: New Work Opportunities
10.2012

Owner-Contractor Agreements: Understanding Provisions Affecting the Design Professional
09.2011

New York County Lawyers Association and Tort/Insurance Practice Section of the American Bar
Association
2011

The Fundamentals of Construction Contracts: Understanding the Issues Seminar

Moot Court Judge
Columbia Law School

ABA Forum on the Construction Industry: Performance Bond Surety's Duty of Investigation
01.2011

Publications

Updated Guidance for New York Construction Businesses
06.17.2020

COVID - 19 Challenges of to the Construction Industry Webinar: Questions & Answers
04.21.2020

Mock Mediation Adds Dimension to Columbia University Graduate Course
12.23.2019

Zetlin & De Chiara LLP Fall 2018 Update
10.23.2018

Zetlin & De Chiara LLP Spring 2018 Update
05.08.2018

Project Labor Agreements, an Owner's Tool for Controlling Costs

Zetlin & De Chiara LLP Fall 2017 Update
10.12.2017

Top 10 Contract Tips for Owners and Developers
04.11.2017

Leveraging Labor to Control Costs
Construction Today, 03.2014

What do you mean there's an issue with my additional insured coverage?
Zetlin & De Chiara LLP Newsbulletin , 12.2013

Integrated Project Delivery: An Industry Overview
Zetlin & De Chiara LLP Review, 09.10.2012

Owner/Contractor Agreements: A Drafter's Dozen
Real Estate Weekly, 08.2011

China: New Regulations Establishing Foreign Invested Partnerships
Zetlin & De Chiara LLP Review, 12.2010

Legislative Alert: Real Estate Deductions for Commercial Properties
Quarterly Review, Zetlin & De Chiara LLP, 2010

Recent Construction Contract Act Amendments Impact the Owner/Developer – Contractor Relationship
Quarterly Review, Zetlin & De Chiara LLP, 2010

The Fundamentals of Construction Contracts: Understanding the Issues
Lorman Educational Services Seminar, 12.2004

AFFILIATIONS

Organizations

- American Bar Association - Member, Forum on Construction Law
- Federal Bar Council
- New York Building Congress - Member, Public Building and Higher Education Committees
- New York County Lawyers Association
- New York State Bar Association