

Michael J. Vardaro

MANAGING PARTNER
LEED AP

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Michael J. Vardaro, Managing Partner at Zetlin & De Chiara LLP, is a former construction worker with a degree in civil engineering who focuses his practice on construction litigation, drafting and negotiating construction contracts, and providing advice to a variety of construction industry clients.

Mr. Vardaro's unique background gives him the ability to understand the intricacies and nuances of the construction process and to provide focused and innovative counseling to clients ranging from construction companies to owners/developers to architects and engineers.

Mr. Vardaro successfully represents clients in complex commercial and construction litigation matters in venues across the country. He has extensive experience resolving claims through mediation as well as representing clients before administrative boards and arbitration panels.

In addition to dispute resolution, Mr. Vardaro drafts and negotiates complex construction contracts for various project types around the world and regularly counsels clients with respect to professional licensing, corporate organization and transition, general business matters, risk management and insurance issues. He works extensively with regard to advancements in the construction process, including design build, integrated project delivery (IPD), building information modeling (BIM), and sustainable/green design and construction. Other relevant experience includes representing clients in international matters including in the Middle East.

Mr. Vardaro is well known for expertise on the ethics of construction, and is a frequent speaker on the topic. He has a particular interest in the Citicorp building in midtown Manhattan and the ethical issues that arose many years after that project was completed. He appeared on the Science Channel series *Engineering Catastrophes* to discuss problems with the building's design.

Mr. Vardaro was named a Fellow of the Construction Lawyers Society of America. He was recognized for his experience and expertise as a leading construction lawyer by **Chambers USA, The Legal 500 United States, The Best Lawyers in America, Super Lawyers** and has received the notable AV from **Martindale-Hubbell**. Mr. Vardaro has also been a featured guest lecturer at Columbia University and New York Polytechnic University speaking about legal issues in the construction industry.

Mr. Vardaro is a member of the Board of Directors of the Center for Active Design. He is also a member of the New York Building Congress and the American Council of Engineering Companies.

Michael Vardaro was featured in *Engineering Catastrophes*, Science Channel.

Education

St. John's University, J.D.

Villanova University, B.C.E Civil Engineering

Admissions

New York

Florida

New Jersey

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. District Court, District of New Jersey

U.S. District Court, Southern District of Florida

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

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

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

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

U.S. District Court, District of Vermont

EXPERIENCE

Representative Matters

Mr. Vardaro successfully represents clients in complex commercial and construction litigation matters in venues across the country. He has extensive experience resolving claims through mediation as well as representing clients before administrative boards and arbitration panels.

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The following are select representative matters:

Aviation

Logan Airport Expansion Project Dispute

A major terminal expansion at Logan Airport in Boston, Massachusetts, resulted in various deficiency claims.

Delay Claim at International Airport

We successfully litigated a delay claim centered around the construction of a major expansion of the infrastructure of an international airport.

Commercial

Design Contracts for Global Firm's Silicon Valley Corporate Headquarters

We represented two leading international architecture firms in their design contracts for three buildings at the world headquarters of one of the leading firm technology firms in Silicon Valley, California.

The architect for one of the projects designed it from the inside out so that the high-tech facility reflected how work will be conducted in the future.

The architect for the other two projects designed buildings for the conglomerate's management and for the headquarters of one of its global subsidiaries.

Mold Claims Plague a Multi-Use High-Rise Structure in South Florida

We represented the design team against claims in excess of \$26 million related to mold found in a multi-use high-rise building in South Florida.

Owner's Claim for Inadequate Construction

We prosecuted claims of property owners for damages caused by inadequate construction practices.

Administrative Hearing Before the New York State Department of Labor

We represented an EPC contractor in an administrative hearing before the New York State Department of Labor for alleged prevailing wage rate violations.

\$400 Million Convention Center Dispute in Washington, D.C.

We were asked by our client to guide the development of a case involving construction and schedule deficiencies in Washington, D.C.

Professional Licensing Advice

We advised a multi-national design professional on licensing requirements in various U.S. jurisdictions.

Grandfathered Engineering Corporation Transaction

We represented the purchaser of a grandfathered engineering corporation.

International Engineering Firm Business and Legal Counseling

Large multinational engineering firms often turn to us for business counseling.

High-Rise Contract Claims Dispute Resolution

Represented subcontractor in contract claims against owner.

Corporate Reorganization, Compliance Review and Licensing of Design Professionals for an International Engineering Firm

We acted as a strategic adviser providing guidance to an international engineering firm in its internal corporate reorganization.

Enforced Lease Obligations for a High-Profile Historic Building

An engineering inspection revealed the building was in a state of disrepair due to the tenants failure to fulfill its lease obligations.

Correctional Institutions

Arbitration Relating to the Construction of an Overseas Government Facility

We served as lead counsel in an international arbitration concerning a joint venture dispute totaling \$39 million in claims.

Cultural Institutions

Clark Art Institute Museum Expansion

We represented the engineer of record in a high profile dispute with the contractor involving the design and installation of the glass building façade.

Environmental

Professional Services Contracts for Storm Recovery Project

Zetlin & De Chiara represents the team leader/landscape architect of record for the award-winning Living Breakwaters in-water infrastructure and on-shore education and outreach project for Tottenville, Staten Island, in the review and negotiation of its professional service contracts with the NYS Governor's Office of Storm Recovery and its numerous subcontracts and amendments with its ecological and engineering consultants for the project.

Government

COVID-19 Emergency Alternate Healthcare Facilities

We negotiated design-build documents for a \$110 million Alternate Care Facility project. The agreements were negotiated quickly with the U.S. Government to allow for the emergency construction of the facility for treatment of patients affected by COVID-19.

Represented Federal Government in Claim Brought by Contractor

We defended the Federal Government with respect to an \$81 million request for equitable adjustment made by a contractor on a United States Courthouse.

Hospitality

Vermont Resort Litigation

We represented a design team against negligence and negligent misrepresentation claims in connection with the design and construction of a resort in Vermont.

Luxury Resort Hotel in Florida

We represented a structural engineer in a \$50 million claim by a resort owner for professional errors and omissions relating to a luxury resort hotel in Orlando, Florida.

Five-Star Miami Hotel Arbitration

The developer of a five star hotel in Miami, Florida asserted over \$20 million in claims for design defects and delay damages.

Contract Development and Risk Management for a Caribbean Resort

We negotiated and crafted construction contracts for and provided risk management advice on a Caribbean luxury resort hotel with detached residential properties.

Infrastructure

\$1 Billion Infrastructure Project in Qatar

We were retained by our client to negotiate a massive \$1 billion mixed-use project in Qatar.

Development of a New Municipal Water Supply by a Hydro-Geological Firm

We represented a hydro-geological firm in a dispute concerning the development of a water source for municipal water supply.

Highway and Bridge Project Litigation

We represented a client in a matter involving allegations of design negligence exceeding \$30 million in damages for delays and cost overruns in connection with the design of a highway/bridge project.

Manufacturing

Food Services Distribution and Packaging Facility Development Contracts

We negotiated design-build development contracts for food services distribution and packaging facility.

Large Retrofit Project Arbitration

We represented engineers in a large urban retrofit project.

State of the Art Industrial Production Facility Litigation

We were retained to represent our client in a hotly contested litigation over a state-of-the-art industrial production facility.

Mixed-Use

High-Rise Mixed Use Building Arbitration

We represented an architect of a high-rise mixed use building in Pennsylvania against owner's claim for professional errors and omissions in arbitration venued in Philadelphia.

Multi-Purpose Dome Stadium Reconstruction

We were retained by our client to help defend design and construction claims on a unique domed stadium venue in the Midwest.

Mixed-Use Development in Detroit

The largest developer in Detroit is building a massive inner-city mixed-use project in Detroit.

Dispute Resolution and Contract Development for Billion Dollar Project in South Florida

We were retained by a development team to resolve issues in a billion-dollar project in South Florida.

Litigated a Series of Suits in the Construction of a High-Rise Condominium in San Francisco

We successfully represented several design professionals with respect to a claim relating to the settling of a high-rise condominium tower in San Francisco in one of the most visible construction disputes in the United States.

P3, EPC & Design-Build

Represented EPC Contractor in Contractual Dispute

We represented EPC contractor in claims against an owner for additional compensation due to delays.

Power Generation & Distribution

Florida Bio Mass Fuel Plant Litigation

We represented a client in a litigation in connection with breach of contract and alleged negligence claims associated with the highly technical design and construction of a bio mass fuel power plant in Florida.

Residential

Residential Development Litigation

We represented a construction consulting firm in a large residential development.

Residential Development HVAC System Installation Arbitration

We were the lead counsel in an arbitration proceeding over the installation of a new HVAC system in a 2,820 unit, 15 building apartment complex in Manhattan, New York.

Sports & Entertainment

Obtained Federal RICO Claims Related to NFL Football Stadium in Ohio

The entire development and construction team was alleged to have violated Federal RICO and employment discrimination laws brought by various subcontractors in connection with the design and construction of a football stadium in Ohio.

Rebuilding of a Prominent Theatre in New York City's Famed Theatre District

We represented the lead architect in an arbitration concerning a contract dispute with the owner and contractor over the rebuilding and updating of a prominent theatre in New York City.

HONORS

Fellowships

Construction Lawyers Society of America

Honors & Recognitions

- The Legal 500
- Super Lawyers
- Martindale-Hubbell AV Rating

NEWS & EVENTS

News

Partner Michael Vardaro Quoted in Multi-Housing News
Multi-Housing News, 02.04.2025

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

Zetlin & De Chiara LLP Recognized as a Leading Firm in Construction Law by The Legal 500 United States 2024
06.24.2024

Chambers USA Ranks Zetlin & De Chiara LLP as a Leading Firm for Construction Law
06.06.2024

Super Lawyers 2023 Recognizes 14 Zetlin & De Chiara Attorneys
09.22.2023

Michael Vardaro Quoted in Construction Dive
08.29.2023

Zetlin & De Chiara LLP Recognized as a Leading Firm in Construction Law by The Legal 500 United States 2023

07.13.2023

Chambers USA Again Ranks Zetlin & De Chiara LLP as a Leading Firm for Construction Law

07.12.2023

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

Super Lawyers

Construction Material Prices Starting To Cool, But Demand Concerns Are Creeping In

Bisnow, 08.21.2022

Zetlin & De Chiara Recognized as Leaders in Construction in 2022 Chambers USA Rankings

Chambers USA, 06.01.2022

Zetlin & De Chiara Attorneys Widely Recognized in Super Lawyers 2021

09.30.2021

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

Z&D Client in the News: **Billy Joel Responds to Contractor's Lawsuit** in Newsday.

Newsday, 04.26.2020

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

Zetlin & De Chiara LLP Awarded CREWNY Sponsor of the Year 2018

Michael Vardaro Quoted in 9 Technologies Construction Attorneys Should Understand

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

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

Zetlin & De Chiara to Speak on the Built Environment of Healthcare at Conferences in New York and Texas

ZETLIN & DE CHIARA CONSIDERS THE BUILT ENVIRONMENT OF HEALTHCARE AT CONFERENCES IN NEW YORK AND TEXAS

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

Michael J. Vardaro and Patricia Harris Addressed Financial, Legal and Marketing Issues at Winter 2017 Meeting of the American Council of Engineering Companies – CFO Forum

Michael J. Vardaro and Patricia Harris to Address Issues of Multi-Jurisdictional Practices at Winter 2017 Meeting of the ACEC, NY Chapter

Shaping the Industry, by Michael Vardaro, Construction Today, January 2017

Michael Vardaro quoted in 10 Construction Industry Trends to Watch in 2017, Construction Dive, January 2017

Zetlin & De Chiara Appears in Bloomberg Business Week, Fortune and Money Magazines

Eight Zetlin & De Chiara LLP Attorneys Named 2016 Super Lawyers

Zetlin & De Chiara Attorneys Present CLE Program for the Association of Corporate Counsel

Results from the 2014 Architecture & Engineering Market Outlook Survey

Zetlin & De Chiara and Grassi & Co. Co-Host Second Annual A&E Market Outlook Briefing: Planning for 2014 and Beyond

Zetlin & De Chiara Attorneys Recognized in Super Lawyers

Michael Vardaro Presents at AIA National Convention

Michael Vardaro Presents on Building Information Modeling (BIM)

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

Zetlin & De Chiara Attorneys Named 2012 SuperLawyers
12.30.2012

Design Professional Service Corporations Come To New York
09.01.2012

Zetlin & De Chiara Attorneys Named 2011 Super Lawyers
Super Lawyers, 12.31.2011

Design Professional Service Corporations (D.P.C.) by Michael Vardaro
06.06.2011

New York Becomes A 'Prejudice' State
12.29.2009

Building With BIM
New York Construction, 2009

Weighing the Issues on BIM Technology
01.01.2009

In the January 14th, 21st and 28th issue of Crain's New York Business, the recent partner promotions of Lori Samet Schwarz and Michael Vardaro were announced.

Speaking Engagements

Partner Michael J. Vardaro to Speak at ACEC New York 2024 Winter Conference
01.28.2024

Understanding and Navigating the Ancillary Contracts in Construction
Virtual and Sheraton New York Times Square, 05.05.2022

Mergers, Acquisitions and ESOP: The Future of A/E/C Management
Albany Capital Center 55 Eagle Street Albany, New York 12207 United States, 01.30.2022

Michael Vardaro Participates in CREW NY Social Equity Trust Event
Virtual, 10.02.2020

If There's A Silver Lining, Where's The Playbook?
Online, 09.15.2020

The Post Pandemic Office: Perspectives on the New Normal
WEBINAR, 05.05.2020

How to Manage the Impact of COVID-19 on the Architecture and Engineering Industries
Webinar, 04.02.2020

Michael Vardaro to Talk about Contracts: Relationships, Rights, and Risk Management at ASLA
Annual Meeting
San Diego, 11.15.2019

State of Confusion: Laws and Regulations Impacting Multijurisdictional Practices
Center for Architecture, 08.20.2019

SGH Seminar: Understanding the Role of Construction Litigation Experts
11.30.2018

Succession Planning & Transition Planning Forum
2017

Multijurisdictional Practices: An Exploration of the Financial, Legal and Marketing Issues related to
Providing Services through Multiple Entities - CFO Forum
2017

Healthcare Facilities Symposium & Expo 2017
09.19.2017

ACEC Winter Meeting-CFO Forum
01.30.2017

American Council of Engineering Companies-CFO Forum

Bisnow: NY Construction & Development
11.01.2016

Bisnow's 6th Annual NYC Construction & Development Summit
11.2015

CLE Program for the Association of Corporate Counsel
05.09.2014

Ethics for Design Professionals Webinar
08.2013

AIA Trust Risk Management
AIA National Convention, 06.2013

Legal Issues in BIM
06.2013

Ethics for Architects & Engineers
07.2012

Bada Bing, Bada BIM: Sorting Through the Sizzle to Draft Meaningful BIM Contract Terms
04.2012

The Legal Risk of BIM
03.2012

BIM Legal Risk - Real or Imagined?
03.2012

Engineering Ethics for International Projects
02.2012

Energy, Energy, Energy
11.2011

Fall Business Conference: Ethics for Engineers
10.2011

50th Annual Meeting of Invited Attorneys - The Citicorp Center Project: LeMessurier Stands Tall
05.2011

Engineering Ethics: Making the Right Choice
05.2011

BIM Legal Risk – Real or Imagined?
05.2011

Ethics for Engineers
01.01.2011

AIA New York State Convention: Is Your Firm Addressing Green Building Issues?
10.2010

The Virtual Contractor: The Next Generation of Construction Contractors
07.2010

Construction Contract Negotiations
07.2009

AIA/ACEC Special Advisory Risk Management Committee Meeting: Insurance Perspectives
11.2008

Architect Symposium: Ownership Transition
10.2008

AIA New York State Convention - BIM: What Architects Need to Know
09.2008

It's a BIM New World: The Next Revolution in Design and Construction Technology
08.2008

AIA/ACEC Special Advisory Risk Management Committee Meeting: When the Crane Falls
06.2008

New Contract Form
02.2008

Second Annual BIM Symposium
11.2007

Construction Scheduling
12.2006

Design Build
11.2006

New York State Next Generation Housing Convention: Design Build Project Delivery Alternative
10.2006

ACEC Contracts Committee: Building Security Design
05.2006

Publications

Finally! Real ESOPs For New York Design Professionals Coming in July 2024
01.26.2024

New York Design Professional Corporations Can Now Be 100% ESOP Owned
07.21.2022

Critical Changes in Comprehensive Insurance Disclosure
04.13.2022

You're Doing Construction in Russia, Now What?
03.29.2022

New York City Makes Sweeping Changes to Its Building Code
10.07.2021

The Post Pandemic Office: Perspectives on the New Normal **Webinar Questions & Answers**
05.05.2020

The Post Pandemic Office: Perspective on the New Normal
05.05.2020

New York's 2020 Vision Focuses on Design-Build
01.02.2020

Zetlin & De Chiara LLP Fall 2018 Update
10.23.2018

Zetlin & De Chiara LLP Fall 2017 Update
10.12.2017

With New President Bullish on Building, Opportunity and Challenge Lie Ahead
Real Estate Weekly , 01.2017

The BIM Lifecycle Revolution
Mann Report, 09.2013

LeMessurier Stands Tall: A Case Study in Professional Ethics
AIA Trust , 05.2013

Bada Bing, Bada BIM: Sorting Through the Sizzle to Draft Meaningful BIM Contract Terms
ABA National Convention, 04.2012

New York's Design Professional Service Corporations: The New Choice
Zetlin & De Chiara LLP Review, 02.2012

Plugging Into Green To Power New York
Real Estate Weekly, 07.2011

Construction and Corruption: The Foreign Corrupt Practices Act
Zetlin & De Chiara LLP Review, 12.2010

Greening the Globe: United Nations Developing Worldwide Building Emissions Monitoring Standards
Zetlin & De Chiara LLP Review, 12.2010

USGBC Seeks Feedback on Proposed LEED Rating Systems
Zetlin & De Chiara LLP News Bulletin, 11.2010

Weighing the Issues on BIM Technology
Zetlin & De Chiara LLP Review, 2009

Doing Public Construction in NY? Wicks Law Changed Effective July 1st
Hammer Magazine, Spring 2008

NYC to Require LEED Certification on New Projects
NY Real Estate Journal, 11.2005

Implications of NYC's Building Code Changes
Real Estate Weekly, 01.2004

Design and Construction Entities and Licensing
New York Construction Law, Aspen Publishers, 03.2003

AFFILIATIONS

General Counsel / Board Membership

- Center for Active Design

Organizations

- American Bar Association
- American Council of Engineering Companies - Member, Legal Counsel Forum
- American Society of Civil Engineers
- Center for Active Design - Board Member
- Florida Bar Association
- New York Building Congress - Member, Energy, Environment, Public Procurement, Healthcare Committees
- New York State Bar Association