

Timothy F. Hegarty

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Timothy F. Hegarty, a Partner at Zetlin & De Chiara, is well known for his successful litigation and transactional practice in the area of construction law with an emphasis on construction and development contracts, claims, arbitration, mediation, and surety law. Mr. Hegarty counsels property owners, developers, institutional clients, lenders, private equity firms, owner's representatives, architects, engineers, design consultants, construction managers, general contractors, and various trade contractors.

Mr. Hegarty has drafted and negotiated complex design, construction, and development agreements for high-end projects involving traditional delivery methods as well as construction management, design-build, integrated project delivery, and public-private partnerships. He helps clients negotiate contracts, mitigate disputes that often arise during design and construction, and resolves large construction claims for projects located both across the United States and internationally.

Mr. Hegarty also has litigated construction cases in Federal and State Courts. Mr. Hegarty assists clients with their design and construction related legal issues from adjacent property and access license agreement related issues as well as preconstruction, demolition and from concept design through construction administration and post-project completion by anticipating and addressing common issues, outcomes and consequences that may impact their project.

Mr. Hegarty is an adjunct professor at Columbia University where he has proudly taught "Legal Issues in Building Construction" for more than ten years. He has counseled clients on projects that touch all ends of the construction built environment including redevelopment, adjacent property issues such as license agreements and disputes involving change orders, extra work, additional

services, liquidated damages, delays, payment/ performance bond/ surety issues, mechanic's liens, cumulative impact claims, lost productivity, acceleration and inefficiency claims for projects of all types including mixed-use commercial developments, residential communities, office buildings and universities, healthcare, hospitals, pharmaceutical, casinos and public projects, among others.

Prior to attending law school, Mr. Hegarty worked as a civil engineer on complex construction projects and developed a keen ability to read and understand plans and specifications - a highly specialized skill that provides him with a distinct advantage and perspective when evaluating claims and preventing and resolving disputes.

In addition, Mr. Hegarty is General Counsel to the American Council of Engineering Companies of New Jersey. He also serves as a member of the Glen Ridge Planning Board where he has also served as the Acting Chairman of the Board.

Mr. Hegarty is one of the contributors to "Construction Law," Second Edition, 2019, published by the American Bar Association, and is a frequent speaker before professional audiences including the ASCE, ACEC, AIA, PANYNJ, and The New York City Bar Association. He has also written numerous articles for various publications including the New Jersey Law Journal. He has also served as a visiting lecturer at Manhattan College, Pratt Institute, Brooklyn Polytech University and New York Institute of Technology.

Education

Rutgers School of Law, Newark, J.D.

Rutgers College of Engineering, B.S.C.E.

Admissions

New Jersey

New York

Court Admissions

U.S. District Court, District of New Jersey

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

High-End Storage Facility Buildings

We represented the owner/developer of an high-end storage facility in New York.

Office Building in New Jersey

We represented the owner and developer of an office building in New Jersey.

Global Bank Offices and Amenities

We represented the developer of a Madison Avenue building for a global bank's office and amenities building.

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.

Cultural Institutions

International Governmental Cultural Center Construction Contracts

We represented an international governmental entity in connection with construction related contracts for the development of a cultural center with construction values anticipated to exceed \$30,000,000.

Education

New Facilities for a Private Education Institution in New York

We represented a private education institution in connection with the construction of a brand new facility by drafting and negotiating various design and construction management agreements.

New High Rise, Student Housing Project Redevelopment in New Jersey

We represented a national developer in connection with a new student housing project.

Healthcare

Hospital-Related Entities Construction Contracts for New and Renovation Projects

We represented a number of hospital related entities in the construction of new and renovation projects.

New York City Area Hospital System Design-Build Contracts

We developed and negotiated a series of design-build construction contracts on behalf of one of the New York area's largest hospital systems.

Infrastructure

Highway Transportation and Bridge Design Litigation

We defended an international architectural and engineering firm against allegations of design negligence exceeding \$50 million in damages in connection with the design and construction of a highway/bridge project in New Jersey.

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.

Mixed-Use Project-Retail, Residential, and Public Park Space Construction Contracts

We drafted and negotiated design, construction, and other related contracts for the developer of a 1.3-million-square-foot mixed-use development with four buildings in the downtown of a Metro New York suburb.

Power Generation & Distribution

Wind Farm Dispute

We litigated a large multi-million dollar wind farm action in the Northeast involving various claims of trespassing, nuisance and negligent design, and violations of environmental impact statements.

Residential

Residential Tower Arbitration

We arbitrated on behalf of owner with claims including fraud against a construction manager.

Single-Family Residential Construction Projects in New York

We drafted and negotiated various adjacent property access and license agreements with adjoining neighbors, and resolved party wall disputes.

Luxury High-Rise Residential Tower Projects Across Manhattan

We drafted and negotiated various design and construction management contracts and served as liaison for resolution of ongoing disputes including termination of contracts.

High-Rise Residential Tower Projects in New Jersey

We drafted and negotiated various redevelopment, design and construction management contracts, served as liaison for resolution of ongoing disputes including termination of contract, and defended architect and engineering design professionals in litigation.

HONORS

Honors & Recognitions

- Best Lawyers

NEWS & EVENTS

News

Partner Timothy F. Hegarty to Present at NY Metro Builds Bio+ Annual Symposium for Life Science Innovation and Development

11.12.2024

Partner Timothy F. Hegarty Quoted in *Construction Dive*

Construction Dive, 01.18.2024

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

08.18.2022

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 LLP Lawyers Highly Recognized by Best Lawyers®

Best Lawyers®, 08.19.2021

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

08.20.2020

ABA's Revised & Updated Construction Law, Second Edition Published

American Bar Association, 09.26.2019

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

The Best Lawyers in America 2020, 08.15.2019

Tim Hegarty Featured in *The Dotted Line: How to Make the Most of Contingency Funds-Construction Dive*

Partner Tim Hegarty to Speak at AIA Project Delivery Symposium 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

Public-Private Partnerships and the President's Infrastructure Draft Bill

Tim Hegarty Quoted in Globe St.com

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

Timothy Hegarty quoted in 'Kindred' Case Highlights SCOTUS' Clash With States Over Arbitration,
New Jersey Law Journal

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

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

Ray Mellon and Tim Hegarty quoted in Working with Exterior Contractors Making the Experience
Work, The Cooperator, March 2016

Working with Exterior Contractors
The Cooperator, 03.2016

Arbitration Is Under Attack: Counsel Should Pay Attention, by Timothy F. Hegarty, New Jersey Law
Journal, February 2016

Zetlin & De Chiara Partner Timothy Hegarty Presents at AIA Contracts Seminar

Zetlin & De Chiara Partners Carol Patterson and Timothy Hegarty Present at the AIANYS Convention

Timothy Hegarty Presents on P3's in Higher Education

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

2006 Issue 1

New Jersey Law Journal, February 21, 2005, "New Partners Yearbook" mentioned Timothy F.
Hegarty's recent promotion to partnership at Zetlin & De Chiara LLP

Speaking Engagements

Zetlin & De Chiara's 30th Anniversary Celebration
12.14.2022

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

Zetlin & De Chiara Attorneys to Moderate Panels at 2019 Tri-State ACEC Fall Conference
Monday, September 23

AIA 2019 Project Delivery Symposium: Delivering the Future
03.11.2019

ACECNJ Fall Conference 2017
09.25.2017

Zetlin & De Chiara Partner Timothy Hegarty Presents at AIA Contracts Seminar

Construction Law and Expert Witness Issues for Forensic Engineers
11.2012

Integrated Project Delivery, A Case Study
10.2012

ACEC Tri-State Convention - Engineers: Doing the Right Thing
09.2012

ACEC Tri-State Convention: Ethics for Engineers
09.2012

Sustainable Practice Workshop
06.2012

The Art of Pursuing International Work
05.2012

Ethics for Engineers and Architects
02.2012

Ownership Transition: Legal Issues
11.2011

ACEC New Jersey Fall Business Conference - Engineer's Construction Phase Services: Pitfalls to Avoid
10.2011

Construction Law and Expert Witness Issues for Forensic Engineers
Manhattan College, 09.2011

Sustainable Practice Workshop: Contract Documents and Practice - Contemporary Issues & Concerns
08.2011

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

ACEC Fall Convention: BIM, the IPD Revolution and the Legal Issues You Need to Know
10.2010

SMPS National Convention - Ownership Transition: Legal Issues
07.2010

Columbia University Mentorship Program - Construction Contracts: The Basics
04.2010

Design/Build, Construction Management, Contract and Specification Issues
01.2010

Lorman Continuing Legal Education Program: The New AIA Construction Contracts
09.2009

Visiting University Lecturer: Managing the Engineering and Construction Process
Fall 2006

Visiting University Lecturer - Construction Disputes: Their Prevention and Resolution
Fall 2005

Managing Construction Projects in New York
05.2005

Visiting University Lecturer - Construction Disputes: Their Prevention and Resolution
Fall 2004

Construction Litigation in New York
05.2004

Construction Litigation in New York
05.2003

AIA New York State's Spring Symposium Program: Contracts and Insurance Requirements in New York State
04.2003

Drafting/Negotiating Owner-Architect Agreements
2002

Adjunct University Faculty Construction and the Law
2002

Visiting University Lecturer: Architecture and the Law
2002

Publications

Owner and Developers Beware: Amended Law Reduces Allowable Amount of Retainage and Facilitates Expedited Path to Final Payment
12.12.2023

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

"The Design Team's Roles and Contracts"
ABA Construction Law, Second Edition 2019

Zetlin & De Chiara LLP Fall 2018 Update
10.23.2018

Zetlin & De Chiara LLP Spring 2018 Update
05.08.2018

Zetlin & De Chiara LLP Fall 2017 Update
10.12.2017

Arbitration is Under Attack: Counsel Should Pay Attention
New Jersey Law Journal , 02.2016

IPD: Changing the Collaboration Game
Construction Today, 12.2013

Integrated Project Delivery: A Valuable Tool For Owners Who Want to Achieve On-Time and Under-Budget Construction Projects
Mann Report , 06.2013

Construction Next Door: Three Easy Steps To Plan For Success
Mann Report , 02.28.2013

Collaboration by Contract: The Legal Side of Integrated Project Delivery
Zetlin & De Chiara LLP Review, 09.2012

New Opportunities in a Down Economy: Position Your Firm Accordingly
Real Estate Weekly, 12.2011

Fast Forward: Marketing Through Leadership Change
Society for Marketing Professional Services White Paper, 07.2010

Developer's Silver Lining to High Energy Prices: Green Building and LEED Green Building Rating System
New York Real Estate Journal, 12.27.2005

Construction Contracts (Chapter 3)
New York Construction Law, 03.2003

AFFILIATIONS

Organizations

- American Council of Engineering Companies, New Jersey - General Counsel

- Glen Ridge Zoning Board of Adjustment
- New Jersey Alliance for Action
- New Jersey Bar Association
- New York Building Congress - Member, Healthcare Committee

Faculty Memberships

Columbia University, Adjunct Professor