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Spencer Mallard

Spencer Mallard is a Board Certified Construction Lawyer with a statewide practice in all facets of construction and oversees the Firm's construction practice. Mr. Mallard represents developers, general contractors, design professionals, environmental consultants, subcontractors and product manufacturers in a variety of contexts. These representations include construction and design defect disputes, construction transactions, construction contract/payment disputes, environmental/pollution claims and construction accident claims.

A large portion of his practice involves construction and design defect disputes, including representation of clients during the Chapter 558 pre-suit process, litigation and arbitration.

Mr. Mallard has handled countless construction and design defect related disputes, including matters premised on building code violations, breaches of statutory implied warranties, contracts, indemnity agreements, and negligence. These disputes include alleged water intrusion through building exteriors, structural instability/cracking/settlement, mechanical/electrical/plumbing/fire suppression system performance/durability issues, inadequate building/site drainage and exterior coating/cladding failures. In addition to defending all clients from these claims,

Mr. Mallard frequently represents developers and general contractors in the presentation of pass-through claims. He also has extensive experience litigating and advising on insurance coverage issues pertaining to construction and design defect claims. Mr. Mallard's practice also includes representation of owners, contractors and design professionals in construction transactions.

This includes drafting/negotiation of contracts, advising clients during planning of developments, assisting with administration the construction process, resolving issues during project close-out and pre-turnover of condominium.

EDUCATION

Florida Coastal School of Law, *cum laude*

- Staff Editor, Law Review
- Recipient of Governor's Merit Scholarship

University of Florida, B.S. Journalism-Reporting



D. Spencer Mallard, Esq.

Partner

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Florida Office Locations

Boca Raton
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Jacksonville
Orlando
Tampa
West Palm Beach



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PRACTICE AREAS

- Construction and Design Defect Litigation
- Construction Bodily Injury Claims
- Environmental Law
- Real Estate Development Transactions

HONORS & RECOGNITIONS

- Florida Bar Board Certification in Construction Law
- Fellow, Construction Lawyers Society of America
- Construction law expert for syndicated radio program, *Legal News & Review*

ADMISSIONS

- Florida Bar
- U.S Court of Appeals for the Eleventh Circuit
- U.S District Court for the Middle District of Florida
- U.S District Court for the Southern District of Florida

LYDECKER



REPRESENTATIVE MATTERS

- Represented large general contractor entity through trial of a \$5 million-plus construction defect claim for a high-rise luxury condominium, which included defense against a condominium association's claim and prosecution of pass-through claims against multiple subcontractors.
- Prevailed in multi-week AAA arbitration claim involving \$1 million-plus claim against civil engineer client for design defects and construction administration errors.
- Obtained summary judgment on behalf of a general contractor against a subsequent purchaser of a high-rise apartment building that was alleging \$2 million-plus in diminution of value damages based on multiple construction defects.
- Resolved construction and design defect claim involving over 200 alleged defects against developer of luxury high-rise building in Miami Beach without any litigation.
- Represented design-builder of parking garage structure that collapsed during construction, including negotiation and resolution of numerous lawsuits with combined value exceeding \$150 million.
- Consulted on claims exceeding \$1 billion arising from the collapse of Champlain Towers South in 2021.
- Drafted and negotiated contracts for construction of multi-story commercial building and adjacent retail space in downtown Miami.
- Facilitated acquisition of condominium units, termination of condominium and development of oceanfront condominium tower in Palm Beach County.