

Michael R. Gibbons

SHAREHOLDER

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A LEED-certified attorney, **Michael Gibbons** represents owners, developers, contractors, design professionals and subcontractors asserting a variety of construction claims (and defenses to such claims), including actions for breach of contract, delay, latent defects, water intrusion and mold, differing site conditions, extra work, indemnity and warranty.

Michael also counsels clients on issues related to construction claims of lien and surety bond claims and regularly represents clients in litigation and arbitration over construction claims of lien and payment and performance bond claims.

Formerly an Assistant State Attorney, Michael tried over 65 cases through verdict ranging from battery and DUI to Armed Robbery and Felony Murder. He has tried a variety of civil cases as well, and has substantial experience litigating ADA (Americans with Disabilities Act) cases in Federal Court under Title III of the ADA where accessibility to public accommodations is at issue.

In addition to litigating design and construction related claims, Michael often represents owners, developers, design professionals, general contractors, and sub-contractors in the preparation and negotiation of design and construction contracts. His experience litigating construction claims helps Michael identify problematic and unfavorable contract language.

Conversely, his experience drafting and negotiating complex construction contracts makes Michael a more informed and knowledgeable litigator when a client needs a forceful advocate on a construction contract issue. A clearly expressed allocation of commercial risks, rights and liabilities is essential to a good design or construction contract and critical for reducing the risk of later claims.

Accredited by the Green Building Certification Institute as a LEED (Leadership in Energy and Environmental Design) Green Associate, Michael is a frequent speaker and author on the subject of managing risks in sustainable design and construction contracts. He has significant

Practices & Industries

Construction
Construction Litigation
Green Building
Hospitality & Leisure
Litigation
Multifamily Housing
Surety & Fidelity

Admissions

Florida
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida

Education

- University of Miami School of Law, J.D., *magna cum laude*, 1990; Order of the Coif
- University of Notre Dame, B.A., *cum laude*, 1985

Languages

Portuguese

experience drafting and negotiating design and construction contracts incorporating sustainability principles including LEED standards.

Experience

- On behalf of the owner of a hotel that suffered extensive property damage and extended loss of use of over 100 guestrooms due to flooding events, obtained a \$2 million recovery from a negligent plumbing contractor and its insurance carrier.
- On behalf of the owner of an apartment community, obtained over \$1.6 million in recoveries from various contractors and their insurance carriers for latent construction defects.
- On behalf of a national homebuilder, obtained a \$1 million recovery in AAA arbitration from an engineering firm that breached the standard of care in providing environmental clean up services on the site of a former shooting range.
- As an Assistant State Attorney in Orlando, tried over 65 cases through verdict ranging from petit theft and DUI to armed robbery and felony murder.
- On behalf of the developer, drafted and negotiated the development agreement, construction contract and design agreement for the 1,500-room Waldorf Astoria and Hilton Hotel Project in Bonnett Creek near Disney.
- On behalf of the developer, drafted and negotiated the design and construction contracts for the \$150 million Dr. Phillips Performing Arts Center.
- On behalf of the owner, drafted and negotiated a Design-Build Agreement for a LEED Certified lithium-ion battery manufacturing plant.
- On behalf of the developer, drafted and negotiated the Design-Build Agreement for the Verizon Finance Center Building in Lake Mary, Florida.
- On behalf of the developer, prepared numerous construction bid packages and provided counsel on construction law issues throughout the multi-year development of the 1,000-acre Baldwin Park community near downtown Orlando.
- On behalf of various owners, developers, and contractors, drafted and negotiated over \$2 billion of construction contracts for various multifamily, hospitality, healthcare, warehouse, senior living facility, utilities and retail projects throughout Florida and the United States.

Recognitions

- Martindale-Hubbell AV Preeminent Peer Review Rated
- *The Best Lawyers in America* guide, Construction Law, 2008-2024; Litigation - Construction, 2011-2024
- Florida *Super Lawyers*, 2009-2024
- Florida's Top Lawyers, *Florida Monthly Magazine*, 2008
- NCAA Midwest Academic All-American

Community Activities

- Leadership Winter Park, Class XV
- Architectural Review Committee of Baldwin Park, past Chairman
- Baldwin Park Residents, Owners Association, Vice President

Professional Certifications & Memberships

- American Bar Association, Sections on: Torts and Insurance Practice Section, Fidelity and Surety Committee, Litigation Section and Construction Law Committee
- Orange County Bar Association
- The Florida Bar, Member of Green Building Subcommittee of the Construction Law Committee
- Special Certification: LEED Green Associate

News

11 Lowndes Attorneys Named 2024 Florida Super Lawyers and Rising Stars
06.25.2024 | AWARDS & RECOGNITION

Lowndes Advises Marriott Vacations Worldwide on 300K SF Lease of New Headquarters
02.15.2024 | PRESS RELEASE

Best Lawyers Recognizes 49 Lowndes Attorneys in 2024, Three Named Lawyer of the Year
08.17.2023 | AWARDS & RECOGNITION

13 Lowndes Attorneys Named 2023 Florida Super Lawyers and Rising Stars
06.26.2023 | AWARDS & RECOGNITION

46 Lowndes Attorneys Recognized by *Best Lawyers* in 2023
08.18.2022 | AWARDS & RECOGNITION

19 Lowndes Attorneys Named 2022 Florida Super Lawyers and Rising Stars
07.05.2022 | AWARDS & RECOGNITION

14 Lowndes Attorneys Named to *Orlando Family Magazine's* "Awesome Attorneys 2022"
02.15.2022 | AWARDS & RECOGNITION

Best Lawyers Recognizes 44 Lowndes Attorneys in 2022, Five Named Lawyer of the Year
08.19.2021 | AWARDS & RECOGNITION

Lowndes Advises Sonata Senior Living on \$52 Million Community in Lake Mary
03.04.2021 | PRESS RELEASE

12 Lowndes Attorneys Named to *Orlando Family Magazine's* "Awesome Attorneys 2021"
02.11.2021 | AWARDS & RECOGNITION

Lowndes Advises Mineral Development Holdings, LLC on \$90-million Municipal Bond Financing for Secondary Phosphate Tailings Recovery Project
11.03.2020 | PRESS RELEASE

Lowndes Advises Waterman Communities Inc. on \$126-million Bond Financing for Retirement Community Expansion in Mount Dora, Fla.
10.28.2020 | PRESS RELEASE

Best Lawyers Recognizes 44 Lowndes Attorneys in 2021, Two Named Lawyer of the Year
08.20.2020 | AWARDS & RECOGNITION

22 Lowndes Attorneys Named 2020 Florida Super Lawyers and Rising Stars
06.04.2020 | AWARDS & RECOGNITION

Forty-Three Lowndes Lawyers Earn Recognition in Best Lawyers in America 2020
08.15.2019 | AWARDS & RECOGNITION

29 Lowndes Attorneys Named 2019 Florida Super Lawyers and Rising Stars
05.29.2019 | AWARDS & RECOGNITION

4 questions with Lowndes law firm partner Michael Gibbons
03.07.2019 | MEDIA MENTION

Forty-Four Lowndes, Drosdick, Doster, Kantor & Reed Lawyers Earn Recognition in 2019 Best Lawyers in America
08.15.2018 | AWARDS & RECOGNITION

Lowndes, Drosdick, Doster, Kantor & Reed Attorneys Rated 2018 Super Lawyers and Rising Stars
06.18.2018 | AWARDS & RECOGNITION

Forty-Nine Lowndes, Drosdick, Doster, Kantor & Reed Lawyers Earn Recognition in 2018 Best Lawyers in America
08.15.2017 | AWARDS & RECOGNITION

Lowndes, Drosdick, Doster, Kantor & Reed Attorneys Rated 2017 Super Lawyers and Rising Stars
06.01.2017 | AWARDS & RECOGNITION

Speaking Engagements

Negotiating Critical Construction Contract Terms and a Contractor's Perspective on the Construction Lien Law
04.22.2020 | EVENTS

Publications

Construction Contracts in the Age of the Pandemic
03.20.2020 | ARTICLE

Coronavirus - Does Force Majeure Apply?
03.05.2020 | ARTICLE

Industry News Briefs: The Multi-family Sector Ends With a Bang In 2019
01.15.2020 | ARTICLE

Three Proactive Steps Hotel Operators Can Take to Mitigate ADA Financial Risks
03.06.2018 | ARTICLE

Top Five Strategies for Managing Construction Risks
06.01.2017 | ARTICLE