



Sean A. Mickley

Partner

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As a board certified specialist in construction law, Sean focuses his practice on contract preparation and negotiation and complex construction litigation across various markets, including commercial and residential construction, mixed-use office, tenant build-out, condominium and multi-family, transportation and infrastructure, railways, bridges, and large site development projects.

Throughout his career, Sean has represented virtually every player in a construction dispute. He has litigated or arbitrated contract claims, business tort claims, delay claims, defect claims, joint venture disputes, non-compete claims, design professional liability claims, construction lien and bond claims, and bid protests.

In addition to his dispute resolution practice, Sean is also highly experienced in the negotiation and preparation of construction contracts, including design-build, program management, construction management, design professional agreements, and master subcontracts on both public and private construction projects.

As a further service to his clients, Sean has provided contract administration during the progress of a project for purposes of claims avoidance and early resolution of claims without the cost of a dispute resolution proceeding.

Representative Experience

- Represented large heavy civil contractor in multi-million dollar delay and impact claim arbitration brought by a subcontractor on a public construction project.
- Represented large general contractor in a multi-million dollar business tort claim against a fellow joint-venture partner.
- Represented a lending institution against a defunct general contractor to recoup potential losses on a multi-million dollar construction loan and land acquisition loans.
- Represented a private developer against the prime contractor in a delay and contract breach claim in excess of \$10 million of total claims.
- Defended a general contractor against several claims by the same subcontractor in various courts throughout Florida, and prosecuted counter-claims for fraud.
- Represented a private project owner in a lawsuit against design professionals for defective design, delay damages, and professional negligence.
- Litigated numerous construction defect claims on behalf of developers and in defense of contractors, including disputes revolving around insurance coverage issues on commercial general liability and professional liability insurance policies for purposes of securing insurance coverage.
- Represented local municipality in negotiating design-build agreement for addition of new terminal.
- Represented local municipality in re-writing all design/build bid documents and associated contract, and design, bid, build front-end bid documents and associated contract.
- Drafted and negotiated a cost plus with GMP contract for developer on a \$33 million apartment complex project in Sarasota, Florida.
- Revised and negotiated heavily modified AIA A 101-2017 prime contract and associated subcontracts for several large certified general contractors.
- Drafted and negotiated prime contract between hotel developer and certified general contractor for \$12 million hotel project in Tampa, Florida.
- Drafted and negotiated modified AIA A102-2017 and A201-2017 on behalf of certified general contractor for a \$6 million self-storage facility

Professional Experience

Professional Memberships

- American Bar Association
- Florida Bar
- Indian River County Bar Association
- Treasure Coast Builders Association
- Florida Bar's Real Property, Probate and Trust Law Section, Construction Law Committee

Honors & Accolades

- Board Certified Specialist in Construction Law, Florida Bar
- Florida's Super Lawyers, Rising Star in Construction Litigation – 2015, 2017 – 2020
- Martindale-Hubbell, *AV-Rated Preeminent*

Publications

- Atkins, April and Mickley, Sean, ***Bids, Bid Disputes, and Competitive Negotiations Involving Public Entities***, Florida Bar's Florida Construction Law and Practice Manual, 7th - 9th
- Mickley, Sean, ***The Five Most Troublesome Contract Provisions on Private Construction Projects***, Florida Bar RPPTL's ActionLine Publication, Fall 2014.
- Mickley, Sean, ***Jax Utilities v. Hancock Bank: Equitable Remedies No More?***, Florida Bar RPPTL's ActionLine Publication, Winter 2015.

- Mickley, Sean, ***Sebo v American Home Assurance Company: The Florida Supreme Court Confirms Application of the Concurrent Cause Doctrine When a Loss is Caused by Multiple Independent Perils***, Florida Bar RPPTL's ActionLine Publication, Spring 2017.

Speaking Engagements

- Florida's Construction Lien Law, Presented to Treasure Coast Builder's Association, June 2015.
- Construction Law Institute, Florida Bar's RPPTL Section Construction Law Committee, Speaker, Case Law and Legislation Update, March 2018, 2019, and 2020.

Practice Areas

- Alternative Dispute Resolution
- Construction Contract Drafting, Procurement & Project Delivery
- Construction Defect Claims
- Construction Delay, Disruption & Acceleration Claims
- Construction Insurance Coverage Disputes
- Construction Lien Preparation & Litigation
- Construction Litigation
- Construction Regulation & Licensing Compliance
- Payment & Performance Bond Claims