



OVERVIEW

Gary Brown is a Partner and Chair of Kelley Kronenberg's Construction Law Division. His practice focuses on complex commercial and general business litigation, as well as OSHA compliance. He is Board Certified by The Florida Bar in Construction Law.

In his practice, Gary assists businesses with complex and routine construction-related matters, working closely with business owners, developers, general contractors, construction managers, and major subcontractors to identify and resolve project issues early on. He also represents municipalities and other local governments, as well as contractors, on public works projects, including the development of procurement documents, construction agreements, and design agreements. Gary's public works experience also includes prosecuting and defending bid protests.

Gary is an excellent source of guidance for his clients on transactional matters, furnishing them with both legal and business strategies that are tailor-made to strategically advance their objectives. His expertise extends to the preparation, negotiation, and enforcement of contracts, covering a broad spectrum of legal disputes, including:

- Change Order Disputes
- Construction Defect Claims
- Construction Lien Claims
- Delay, Inefficiency, and Acceleration Claims
- Design Defect Claims
- Insurance Claims
- Payment and Performance Bonds

Gary's practice also includes counseling clients in regulatory compliance with the standards and regulations enforced by the Department of Labor and OSHA. As part of his OSHA practice, Gary assists clients in establishing compliant safety programs; guides

CONTACT INFORMATION

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PRACTICE AREAS

- Construction Law
- Construction Defect Litigation
- Contract Drafting & Negotiations
- Construction Litigation
- Complex Commercial Litigation
- OSHA

ADMISSIONS

- Florida
- United States District Court, Southern District of Florida
- United States District Court, Middle District of Florida
- United States Court of Appeals, Eleventh Circuit

EDUCATION

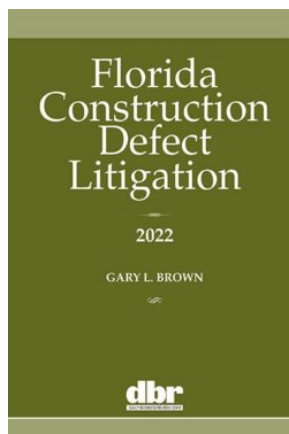
- Nova Southeastern University, Shepard Broad College of Law, J.D., 1995
- Nova Southeastern University, B.A., *with distinction*, 1991

employers during OSHA inspections; and defends employers in OSHA enforcement actions.

Placing emphasis on client satisfaction, Gary establishes highly engaged relationships with his clients. He provides both on- and off-site counsel and daily guidance to clients on both small and large-scale projects, aiming to resolve disputes before crises occur. Through proactive problem-avoidance measures, Gary helps his clients to maintain workflows, facilitating timely compliance with contractual and other requirements while minimizing risks.

Gary is a skilled negotiator, and his tenacious representation often leads to beneficial client outcomes without the need for trial. When litigation is unavoidable, Gary is well prepared for the courtroom. He melds his decades of experience, expertise, and endless drive for winning with creative litigation strategies to forge the best possible results for his clients. Gary has successfully handled a wide range of business and construction matters before state and federal courts, arbitration tribunals, mediation panels, and administrative boards throughout the state of Florida.

In 2015, Gary published a book with the Daily Business Review (an ALM Media company) titled *Florida Construction Defect Litigation*, now in its fifth edition. The book addresses the legal framework surrounding construction defect claims including typical claims and defenses, contractual considerations, standards of care for contractors and design professionals, the applicability of insurance and surety bonds, the role of experts, arbitration of claims, the keys to successful mediation of construction disputes, and finally, the proper measure of damages in defect cases. In addition, Gary regularly lectures on construction legal topics, and is an adjunct professor at Nova Southeastern University's Shepard Broad College of Law, where he teaches a course on construction law.



AWARDS

- *Super Lawyers Magazine*, Florida "Super Lawyers," Construction Litigation, 2010 – 2019, 2023
- *Chambers & Partners USA*, "Construction," 2021 – 2023

- *Best Lawyers®*, “The Best Lawyers in America®,”
 - Construction Law, 2021 – 2023
 - Litigation – Construction, 2021 – 2023
 - Commercial Litigation, 2021 – 2023
 - *The Boca Raton Observer*, “Top Lawyers,” 2022-2023
 - *Fort Lauderdale Illustrated*, “Top Lawyer,” Construction Law, 2020 – 2022
 - *South Florida Legal Guide*, “Top Lawyers,” 2012 – 2021
 - *South Florida Legal Guide*, “Top Up & Comer,” 2011
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ASSOCIATIONS

Professional Associations

- Construction Association of South Florida (CASF), Member
 - Governmental Affairs Committee, Past Member
- Broward County Bar Association (BCBA), Member
 - Construction Law Committee, Past Member
- Florida Design and Construction Professionals (FLDCP), Member
- The American Institute of Architects (AIA), Past Member
- Engineering Contractors Association (ECA), Past Member
- The Florida Bar
 - Real Property Probate and Trust Law Section
 - Construction Law Committee, Past Member
 - Publications Subcommittee, Past Member
 - Legislative Affairs Subcommittee, Past Member
 - Jury Instructions Subcommittee, Past Chair

Community

- Volunteer Judge, Moot Court Society, Nova Southeastern University Shepard Broad College of Law
 - Adjunct Professor, Construction Law, Nova Southeastern University Shepard Broad College of Law
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SPEAKING ENGAGEMENTS

- Co-Speaker, “When OSHA Comes Knocking Part 2: Accident Investigations & Protecting Your Bottom Line”, *Construction Association of South Florida*, May 2022
- Speaker, “Documentation and Preservation of Delay Claims”, *The Seminar Group*, May 2022
- Speaker, “COVID Impacts on Construction Claims”, *The Seminar Group*, May 2022

- Speaker, "Construction Project Scheduling and Delay Claims," *The Seminar Group*, May 2022
- Speaker, "Daubert Motions in Construction Litigation: Standards for Expert Witnesses in Design and Defect Claims," *Strafford*, February 2022
- Speaker, "Adjusting Construction Defect Claims," July 2021
- Speaker, "CD Coverage Issues & Defense of Claims," September 2020
- Speaker, "Proving Construction Contract Damages: Maximizing Claims, Seeking Equitable Relief, and Recouping Attorney's Fees," *Strafford*, August 2020
- Speaker, "Price Structuring in Construction Contracts: Advantages and Pitfalls of GMP, Cost-Plus, & Fixed Cost Contracts," *Strafford*, April 2020
- Speaker, "Advanced Construction Law," *LawPracticeCLE*, January 2020
- Speaker, "Construction Law: Advanced Issues and Answers," *National Business Institute*, March 2019
- Speaker, "Construction Contract Law From Start to Finish," *MyLawCLE*, February 2019
- Speaker, "If You Build It, They Will Sue! Are You Properly Protected?," *Construction Association of South Florida*, January 2019
- Panelist, "Construction Defect Litigation – 101 Webinar," *Financial Poise*, June 2018
- Speaker, "Surviving Construction Project Disasters – Navigating The Legal Waters," *Clear Law Institute*, May 2018
- Speaker, "Construction Project Disasters: Deals Gone Bad CLE," *National Business Institute*, April 2018
- Speaker, "The Impact of the Right Use of Experts in Construction & Design Defect Cases," 11th Annual Construction Law Institute, *Florida Bar Real Property, Probate and Trust Law*, March 2018
- Speaker, "Construction Law: Ultimate Bootcamp Webinar," *Palm Beach County Bar Association*, June 2017
- Speaker, "Construction Liens in Florida," *National Business Institute*, May 2015
- Speaker, "Construction Contracts: Negotiating Key Provisions," *National Business Institute*, December 2014
- Speaker, "Construction Defect Litigation From A to Z," *National Business Institute*, January 2014
- Speaker, "Anatomy of a Defect," *National Business Institute*, March 2013
- Speaker, "Managing Contract Changes/Handling Changes to Jobsite Conditions," *National Business Institute*, 2008

MEDIA

- Featured, "Kelley Kronenberg named one of South Florida's "Top Law Firms"; Seven Partners also named in the 2019 South Florida Legal Guide", *Sun-Sentinel*, June 14, 2019
- Featured, "Eight Kelley Kronenberg Lawyers Listed in the 2019 Florida Super Lawyers Magazine", *Tampa Bay Newswire*, June 14, 2019
- Featured, "Eight Kelley Kronenberg Lawyers Listed in the 2019 Florida Super Lawyers Magazine", *Attorney at Law Magazine*, June 13, 2019
- Featured, "Eight Kelley Kronenberg Lawyers Listed in the 2019 Florida Super Lawyers Magazine", *Sun-Sentinel*, June 13, 2019

- Featured, "Kelley Kronenberg Honored in the 2019 South Florida Legal Guide", *Attorney at Law Magazine*, June 5, 2019
- Featured, "Kelley Kronenberg named one of South Florida's "Top Law Firms"; Seven Partners also named in the 2019 South Florida Legal Guide", *Legal Learning Series*, June 5, 2019
- Featured, "Guide", *CityBizList*, June 5, 2019
- Featured, "On the Move", *Daily Business Review*, November 16, 2018
- Featured, "On the Move", *Florida Bar News*, November 15, 2018
- Featured, "People on the Move", *Sun-Sentinel*, November 4, 2018
- Featured, "Class Actions November 2018?", *Nova Southeastern University College of Law*, November 1, 2018
- Featured, "Business Monday", *Miami Herald*, October 29, 2018
- Featured, "Gary L. Brown Rejoins Kelley Kronenberg as Featured, "Construction Defect Litigator Gary L. Brown Rejoins Kelley Kronenberg", *Attorney at Law Magazine*, October 24, 2018
- Featured, "Seasoned Construction Defect Litigator Gary L. Brown Rejoins Kelley Kronenberg after 10 Years", *Sun-Sentinel*, October 24, 2018
- Featured, "Seasoned Construction Defect Litigator Gary L. Brown Rejoins Kelley Kronenberg after 10 Years", *Legal Learning Series*, October 24, 2018

Publications

- Author, Florida Construction Defect Litigation 2022, *Daily Business Review*, (originally published 2015)
- Co-Author, "Expert Witnesses in Construction Cases: Will They Be Admissible?", *Construction Executive*, January 2021
- Author, Uniformity in Florida's Construction Bond Laws Brings About Fairness for the Industry, *Construction Executive*, July 2020
- Author, Florida Construction Defect Litigation 2019, *Daily Business Review*, (originally published 2015)
- Author, "Managing The Risks of Emerging Technologies", *Law360*, July 9, 2018
- Author, "United States: Florida's Construction Defect Statute Undergoes Significant Changes in 2015", *Mondaq*, March 16, 2016

BLOGS

- Contractor's Final Affidavit Timely Says Appellate Court, June 2022
- With The Passage of The Building Safety Reform Bill, Florida Lawmakers Require Stricter Inspections and Financial Commitments, June 2022
- Miami-Dade County's \$1 Billion Roadway Expansion Project Gets Nixed, May 2020
- The COVID-19 Pandemic and its Effects on the Construction Industry, April 2020
- With The Passage Of Senate Bill 178, Florida Lawmakers Took The First Step In Addressing Sea Level Rise. Here's What You Need To Know Before You Build!, April 2020
- Initial Summary AND Analysis of the 2019 Construction Bond Bill – HB 1247, November 2019
- Who's on First? Frye, then Daubert, then Frye, and now back to Daubert? The

Florida Supreme Court's Internal Battle Over the Standard for Admissibility for Expert Testimony, May 2019

- "Clap on, Clap Off" – Managing Risk with Emerging Technologies in Construction, May 2019
 - Florida Construction Law Update for 2018, February 2019
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REPRESENTATIVE CASES

- Successfully represented large institutional owners, municipalities, general contractors and major subcontractors in the prosecution and defense of multimillion-dollar wrongful termination, construction defect, design defect, and insurance coverage claims, as well as bid protests on multimillion-dollar public works projects.
 - Successfully represented privately held companies in shareholder derivative suits over corporate restructuring and sale of company shares.
 - Successfully represented a local title company in defense of multi-million dollar claims by a national institutional lender for an alleged loan-kiting scheme.
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CERTIFICATIONS

- Board Certified, The Florida Bar – Construction Law