



## Sarah B. Biser

Partner

**New York, NY**

Tel: 646.601.7636

Fax: 212.692.0940

[sbiser@foxrothschild.com](mailto:sbiser@foxrothschild.com)

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Ranked by *Chambers USA* as a leader in construction law for eight consecutive years, Sarah represents owners, contractors, developers, architects and engineers, both in the United States and abroad, in all stages of the construction process. She focuses her practice on large, capital-intensive construction projects, with a particular emphasis on drafting and negotiating contracts for complex and unique construction and infrastructure, as well as litigating disputes involving such projects both in the courtroom and in domestic and international arbitration.

In a project expected to be the largest development of the decade in New York City, Sarah represented Technion-Israel Institute of Technology in connection with the Technion-Cornell joint venture, in the construction of a new applied science university and related facilities on Roosevelt Island. She was involved in the construction of InterActive Corporation's futuristic headquarters and AOL's headquarters, including the CNN newsroom, in the Time Warner building. Internationally, she represents one of the joint venture partners constructing the expansion of the Panama Canal, and represented the EPC contractor who designed and constructed the construction of a 220-megawatt hydroelectric plant in Changuinola, Panama.

Sarah has also been involved in the construction of industrial smelters, waste ammonia recovery systems, solar power installations and health care facilities. She is currently defending a European construction company in connection with Defense Base Act claims arising out of the 1968 crash of a B-52 bomber carrying nuclear warheads at an airbase in Greenland.

### Representative Matters

- **Constructora Urbana, S.A.** - Represented a joint venture partner with French-based VINCI Construction for the construction of a four-lane concrete cable-stayed bridge north of the Panama Canal Gatun Locks, owned by the Panama Canal Authority, an autonomous entity of the Government of Panama. The construction of the three-kilometer bridge is part of the Panama Canal Expansion Program.
- **E. Phil** - Represented a Danish construction company in the construction of a 220-megawatt hydroelectric plant in Changuinola, Panama and successfully defended and prosecuted claims in ICC arbitration against the owner developer of the plant.
- **Technion University** - Drafted and negotiated joint venture agreement with Cornell University to develop and construct a premier, state-of-the-art applied science graduate school and research facility and campus on land provided by the City of New York on Roosevelt Island for Mayor Bloomberg's signature economic development and infrastructure project.



- **Hudson River Park Trust** - Successfully defended the Trust in a vigorously contested bid protest brought by a disappointed low bidder. The Trust is a public benefit corporation in partnership between the state of New York and New York City charged with the design, construction and operation of the five-mile Hudson River Park.
- **Public Service Electric & Gas Corporation** - Represented PSEG Services Corp. with regard to claims arising out of the construction and close-out of a fossil fuel power plant in Trenton, NJ. Litigation began when the EPC contractor walked off the job and terminated its services as contractor. Negotiated settlements regarding final acceptance of certain power plant operating systems and successfully avoided litigation regarding final completion and disputed and defective work claims.
- **Palace Electric v. Constructamax, Locust Valley Central School District et al** - Successfully negotiated and settled on behalf of school district multiparty litigation involving multimillion-dollar claims against the school district and one of prime contracts.
- **NYMEX v. Forest Electric Corporation** - Successfully negotiated and settled lien foreclosure case involving disaster recovery trading facility maintained outside New York by NYMEX in event of catastrophe.
- **DASNY v. Urban Foundation/Engineering, LLC** - Successfully negotiated and settled multiparty litigation involving multimillion-dollar claims of negligence, defective workmanship and defective design of waterproofing system for student affairs building on Baruch College campus.
- **Heller v. Marvin Windows** - Successfully negotiated and settled case involving mold and defective window design against major national window manufacturer.
- **Jet Blast Hydrodemolition** - Won breach of contract claim for plaintiff in jury trial; judgment was affirmed on appeal by New Jersey Superior Court, Appellate Division.
- **Petersen Geller & Spurge** - Structured and negotiated settlement on behalf of millwork designer in multimillion-dollar litigation involving construction of new federal courthouse in Brooklyn.
- **NYC Headquarters of IAC/InterActiveCorp** - Drafted, negotiated and counseled developer for and owner of, Frank Gehry-designed headquarters of internet conglomerate with regard to contracts for construction management, design professional, trade contractor and consultant.
- **Verizon Communications, Inc.** - Drafted and negotiated contracts for construction management, design professional, trade contractor and consultant for national leader in telecommunications industry.

### Before Fox Rothschild

Prior to joining Fox, Sarah was a partner at an East Coast-based law firm.

### Beyond Fox Rothschild

Sarah is co-author of the leading treatise on New York construction law, the *New York Construction Law Manual*. She also authors the chapter on New York law in *Fifty State Construction Lien and Bond Law* (3<sup>rd</sup> Edition) and the New York chapter in *State-by-State Guide to Architect, Engineer and Contractor Licensing*. Sarah also co-authored the chapter on "Legal Relationships" in *Temporary Structures in Construction* (3<sup>rd</sup> Edition).

Sarah is a frequent lecturer on construction issues. She serves as an adjunct professor, teaching a course on high-growth corporate transactions in Cornell Law School's Technology Law L.L.M. program. She is a member of the New Jersey Israel Commission, by appointment of New Jersey Gov. Chris Christie, and is fluent in conversational Hebrew.



## Honors & Awards

- Named as one of the leading construction attorneys in New York by *Chambers USA* (2009-2017)
- Named among the New York "Super Lawyers" (2010-2017)
- Named in Practical Law Company, Construction and Projects (2010-2012)
- Named among "The Top Women Attorneys in the New York Metro Area" by *Super Lawyers* (2012, 2014-2016)



## Practice Areas

- Litigation
- Architecture, Engineering and Design Professional Firms
- Construction
- International
- Israel
- Real Estate

## Bar Admissions

- New York
- New Jersey

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, District of New Jersey

## Education

- New York University School of Law (J.D., 1983)
- Columbia University School of International Affairs (M.I.A., 1979)
- Rutgers University (B.A., *Phi Beta Kappa*, 1977)

## Memberships

- American College of Real Estate Lawyers
- American Council of Engineering Companies, Legal Counsel Forum
- American Bar Association
  - Co-Vice Chair, Project Finance Committee
- Bi-National Chamber of Commerce
  - Executive Board
- New York County Lawyers' Association
  - Co-Chair, Construction Law Committee
- International Bar Association
  - Co-Vice Chair, International Project Committee/Dispute Resolution Subcommittee
- International Association of Jewish Lawyers and Jurists, Board Member
- New Jersey Israel Commission
- New Jersey State Bar Association
- New York State Bar Association
- American Friends of Technion Society

## Languages

- Conversational Hebrew



## Publications

June 15, 2017

**The Gray Area of Design/Build**  
Construction Today

Multiple Years, Annual Edition

**New York Construction Law Manual**  
Thomson West

Multiple Years

**New York Chapter in Fifty State Construction Lien and Bond Law (3rd Edition)**  
Aspen Law & Business

Multiple Years, Annual Edition

**New York Chapter in State-by-State Guide to Architect, Engineer and Contractor Licensing**  
Aspen Publishers

March 15, 2016

**New York: The Construction Industry's Secret Weapon**

March 2016

**Duels, Litigation, Arbitration or Dispute Review Boards: The Better Choice in Complex Construction Projects**  
Business Law Today (ABA)

October 2014

**EPC Contract Drafting Considerations: Increased Costs and Extensions of Time**  
Practical Law

August 1, 2012

**Model Consent to Assignment for Project Finance Transactions (With Commentary)**  
The Business Lawyer, Vol. 67, Issue 4. ABA Section of Business Law, pp. 1193-1224

2009/10, 2010/2011 and 2011/2012

**United States and New York Chapter, Construction Projects, the Law and Leading Lawyers Worldwide**  
Practical Law Company

Summer 2011

**Recent Trends and Construction Financing 101**  
NYCLA Construction Law Journal

Multiple Years, Annual Edition

**New York Chapter in Fifty State Construction Lien and Bond Law (2nd Edition)**  
Aspen Publishers

Fall 2009

**Indemnity - By Whom, For Whom and To What Extent?**  
Construction Today

2009

**Inside the Minds, Construction Dispute Resolution Chapter**  
Aspatore Books

October 21, 2009

**Construction Law: On the Hook**  
Construction Today

Summer 2008

**Crane Safety and Recent Connecticut Decisions Re: Crane Operations and Liability**  
Connecticut Law Tribune

November 13, 2007

**Indemnity Provisions in Construction Contracts - When Will They Be Upheld, and To What Extent?**  
New York Law Journal

November 12, 2007

**Indemnity Provisions in Construction Contracts - When Will They Be Upheld, and To What Extent?**  
National Law Journal

Summer 2007

**Dealing With Damages in Construction Contracts, International Who's Who of Construction Lawyers, 2007**  
The Real Estate Finance Journal

February 2006

**Dispute Resolutions Boards – Avoiding the Pitfalls – Part 2**  
Constructioneer

December 2005

**Dispute Resolutions Boards – Avoiding the Pitfalls – Part 1**  
Constructioneer



## Events

### **Political Risk: Will Your Deal Survive the Winds of Change?**

April 8, 2017 at 8:30am  
Hyatt Regency New Orleans  
Hosted by: American Bar Association

### **Preventative Lawyering: Lessons Learned from the Construction Industry**

March 2, 2017 at 3:15pm – 4:30pm  
The Biltmore Hotel  
Hosted by: The International Institute for Conflict Prevention and Resolution 2017 Annual Meeting

### **Dealing With God: Obtaining Capital Under Halachah and Sharia Law To Buy, Develop and Lease Property**

October 8, 2016  
Hosted by: ACREL

### **Fraud Corruption Bribery—Ethics and Professionalism on the Project Front Line**

September 9, 2016 at 10:30am – 12:30pm  
The Westin Copley Place  
Hosted by: American Bar Association Business Law Section

### **Deals: Expansion of the Panama Canal**

April 25, 2016  
Columbia Law School

### **Litigation, Insolvency and Other Things When Projects Go Bad**

April 8, 2016  
Hosted by: American Bar Association (ABA) Business Law Section Spring Meeting-Project Finance Committee

### **Common Ground: Building and Caring for the Future of New York**

April 3, 2016  
Hosted by: WABC Radio Show

### **Effectively Hot Tubbing Experts**

April 1, 2016  
Miami, FL  
Hosted by: American Arbitration Association

### **The NY Lien Law (Articles 2 and 3), Mechanic Liens, Building Loans and Applicable Case Law**

February 8, 2016

### **Building the Future of the New York Region**

January 28, 2016  
Hosted by: WABC Radio Show

### **Construction of the Third Lane of Panama Canal**

December 2, 2015  
Hosted by: Columbia Law School

### **How High Is Up? Civil and Common Law Approaches to the Typical Exceptions to Limitations of Liability in the Age Of "Gross Negligence"**

October 23, 2015  
Hosted by: International Project Committee Panel, International Bar Association

### **How To Deal With the Insurer in the Arbitration and Mediation Process**

October 22, 2015  
Hosted by: CPR Construction Committee Webinar

### **Current Issues in New Jersey Construction Lien Law**

September 21, 2015  
Hosted by: Lorman

### **Best Practices/Worst Practices - Drafting in the Forefront**

September 19, 2015  
Hosted by: ABA Business Law Section - Annual Meeting

### **How the Technion Israel Institute of Technology Develops Tomorrow's Technologies and Brings Them to Market**

April 15, 2015

### **Deep Surgery: Uncovering Complex Issues in Construction Contracts**

March 27, 2015  
Scottsdale, AZ  
Hosted by: American College of Real Estate Lawyers

### **Financeability Issues and Financial Security in Construction Contracts**

October 23, 2014



Tokyo, Japan

Hosted by: International Business Association

**Creating Successful Design Professional Agreements – Dealing with the Hot-Button Issues**

September 17, 2014

Hosted by: Lorman Webinar

**Creating Successful Design Professional Agreements - Dealing With the Hot Button Issues**

September 16, 2014

Hosted by: American Bar Association, Business Law Section, Project Finance Committee

**Commercial Dispute Symposium - The Power of Dispute Review Boards: Drafting and Negotiating Provisions to Use Dispute Review Boards and Other Dispute Avoidance and Resolution Techniques**

September 12, 2014

Hosted by: ABA Business Law Section Annual Meeting

**Cybersecurity Threats-Liability, Damages & Insurance**

May 2, 2014

**A Morning with Shlomo Nimrodi, CEO of Ramot, Tel Aviv University's Technology Transfer Company**

March 13, 2013

**Public Private Partnerships for Infrastructure Projects: The Israeli Experience Seminar**

February 6, 2013

**Array of Israel's Foreign Trade: The State of Israel in the World Federations of Bi-National Chambers of Commerce**

December 9, 2012

Tel Aviv, Israel

Hosted by: Globes Israel Business Conference

**Technion Cornell Innovation Institution and NYC Tech Campus**

December 1, 2012

Boston, New York, New Jersey

**Managing Risk – Contract Issues Affecting Engineering/Environmental Contractors in the Oil and Gas Industry**

November 28, 2012

Atlanta, GA

Hosted by: CLE presentation for Confidential Client

**Public Private Partnerships in New York: Pros and Cons**

November 14, 2012

**Wind Power Update: Are Offshore Windmills the Wave of the Future**

May 1, 2012

Hosted by: Cleantech Corridor

**Investing In Israeli High-Tech: How The Technion's Institute T3 Leads The Way**

February 3, 2012

**Construction Lien Law in New Jersey**

January 1, 2012

Parsippany, NJ

Hosted by: New Jersey Lien Law Update, Lorman Educational Services

**Solar in New York**

December 5, 2011

Hosted by: Cleantech Corridor

**Wall Street Meets Green Street How Can New York's Financial Sector Promote Smart Building Projects in New York?**

April 4, 2011

**Construction Lien Law in New Jersey**

January 1, 2011

Parsippany, NJ

Hosted by: New Jersey Lien Law Update, Lorman Educational Services

**Construction Contracting Basics for the Savvy Project Owner**

November 1, 2010

New York, NY

Hosted by: Annual Commercial Real Estate Institute

**Aging Infrastructure – Where Need Meets Debt: Options for Project Funding and Delivery**

March 1, 2010

Hosted by: ABA Continuing Legal Education

**Construction Lien Law in New Jersey**

January 1, 2010



Parsippany, NJ  
Hosted by: New Jersey Lien Law Update, Lorman  
Educational Services

**Piecing Together the Puzzle: State of the Art  
Technology in Forensic Engineering**

June 4, 2009

**Construction Lien Law in New Jersey**

January 1, 2009

Parsippany, NJ  
Hosted by: New Jersey Lien Law Update, Lorman  
Educational Services

**Use of AGC ConsensusDocs: Benefits and Pitfalls**

September 1, 2008

Hosted by: SANJ Surety

**A Guide for the Perplexed (Owner)**

April 23, 2008

New York, NY

**The New AIA A-201: How It Has Changed, and What  
You Can Do About It**

March 5, 2008

Boston, MA

**Use of Revised AIA Documents and AGC  
ConsensusDocs**

March 1, 2008

**What To Do When Your Contractor Goes “Belly Up”**

February 28, 2008

## News

February 22, 2017

**Chambers USA Recognizes More Than 50 Fox  
Attorneys as Leaders in the Law**

February 7, 2017

**It's Up to You, New York: Inside Design-Build's  
Struggle To Gain Traction In NYC**

*Construction Dive*

December 15, 2016

**FAA Declines To Allow Canes at L.A. Rams' New  
Stadium Site, Potentially Delaying Construction**

*L.A. Biz*

**The New AIA A-201: How It Has Changed, and What  
You Can Do About It**

February 13, 2008

Hartford, CT

**The New AIA and ConsensusDOCS: Analysis and  
Comparison Seminar**

February 6, 2008

New York, NY

**Construction Lien Law in New Jersey**

January 1, 2008

Parsippany, NJ

Hosted by: New Jersey Lien Law Update, Lorman  
Educational Services

**Creating Successful Design Professional  
Agreements**

March 1, 2007

Hosted by: Lorman Educational Services

**Construction Lien Law in New Jersey**

January 1, 2007

Parsippany, NJ

Hosted by: New Jersey Lien Law Update, Lorman  
Educational Services

**Engineering Ethics**

December 1, 2006

Hosted by: ACEC

September 5, 2016

**Movers**

*The National Law Journal*

August 30, 2016

**On the Move**

*New York Law Journal*

August 29, 2016

**Lateral Moves**

*The Am Law Daily*

August 19, 2016

**Fox Welcomes Experienced Construction Attorney  
Sarah Biser to Its New York Office**