



Steven B. Lesser ,Esq.  
Ft. Lauderdale,Florida



## Primary Areas of Expertise

Construction  
Construction Law

[View Video](#)

### Current Employer-Title

Becker & Poliakoff P.A. - Shareholder, Litigation, Chair of Construction Law Group

### Profession

Attorney

### Work History

Shareholder/Chair of the Construction Law Group, Becker & Poliakoff P.A., 1983 - Present; Partner, Lesser Klein & Lesser, 1980 - 1983; Assistant Ohio Attorney General, Attorney General's Office of Ohio, 1979 - 1980.

### Experience

One-hundred percent (100%) of practice is in construction law, primarily representing owners, developers, public agencies, architects, engineers, designers, general contractors, and sub and specialty contractors involved in public and private commercial and residential projects. Handles disputes involving defects, delays, and owner and contractor rights. Civil Circuit Court Mediator. Certified by the Florida Supreme Court (2009). Board Certified Construction Lawyer by the Florida Bar (2005). For more than thirty years, has represented a variety of construction industry participants in various large scale high profile commercial, multi-family, specialty projects such as museums, country club communities, health care facilities and sports complexes. Represented Swire Properties in relation to its design and construction contracts for Brickell City Centre, a \$1.05 billion mixed used development in the heart of Miami's financial district. This project is significant because it was the first large construction project to begin after the recession and spurred widespread new development in the Brickell corridor. Other examples include the Dali Museum, the Museum of Arts and Crafts in St. Petersburg, Florida and Baptist Hospital in Jacksonville. Involvement in country club representation includes Frenchman's Creek, Mirasol Country Club, and BallenIsles Country Club. Represented a sports

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*Neutral ID: 122513*

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complex owner Incredible Ice, in a deal to rebuild the Florida Panther's Ice Hockey training facility in Coral Springs, Florida. Represented a homeowner in the landmark case *Moransais v. Heathman*, before the Florida Supreme Court which, in effect, reshaped construction law in Florida by retreating from the economic loss doctrine and forcing architects, engineers and other professionals to be accountable for their own negligence.

**Alternative Dispute Resolution Experience**

Civil Circuit Court Mediator, Certified by the Florida Supreme Court (2009).

**Education**

Cleveland Marshall School of Law (JD-1979); Ohio University (BS-1975).

**Professional Licenses**

Admitted to the Bar: Ohio (1979), Florida (1979); U.S. Supreme Court.

**Professional Associations**

Florida Bar Association; Ohio Bar Association; American Bar Association (Tort Trial and Insurance Practice Section, Past Council Member); American Bar Association Forum on Construction Law (Governing Committee, Past Chair); Florida Construction Law Certification Committee (Past Chair); International Concrete Repair Institute (Southeast Chapter, Vice President); Broward County Bar Association (Construction Law Committee, Past Chair); Fellow, American College of Construction Lawyers; Chair, The Florida Bar Board of Legal Education and Specialization;; Chair, American Bar Association Standing Committee on Specialization.

**Recent Publications & Speaking Engagements**

Dispute Resolution Journal, American Arbitration Association  
"Avoiding Attack: The Arbitrator's Guide to Drafting a Bulletproof Reasoned Award", November 2020,  
"For Better or Worse: The AIA Introduces the Initial Decision Maker in its Dispute Resolution Process," February /April, 2008

The Florida Bar

"Who Knew? The Misplaced Use of 'Time is of the Essence' Clauses in Construction Contracts", ActionLine, April 2018

"The Construction Lawyer's Guide To Chapter 558, Florida Statutes: A Practical Checklist", ActionLine, April 2016

Florida Bar Manual, "Florida Condominium and Community Association Law – Construction Defect Litigation", 2016

"How to Comply with Chapter 558 Florida Statutes: Current Challenges and Future Changes", The Florida Bar Journal, February 2009

"Florida Civil Practice Damages," The Florida Bar Continuing Legal Education, "Damages in Commercial Cases", September 2006

"The 2004 Amendments to Florida's Construction Defect Statute: Some Solutions, More Confusion", The Florida Bar Journal, October 2004

"Florida's New Construction Defect Statute: The Aggrieved Homeowner's Obstacle Course", The Florida Bar Journal, October 2003

"The Great Escape, How to Draft Exculpatory Clauses That Limit or Extinguish Liability", The Florida Bar Journal, November 2001

"Chipping Away of the Economic Loss Doctrine", The Florida Bar

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Journal, October 1999

“The Inadvertent Waiver of Mandatory Construction Arbitration Clauses”,  
The Florida Bar Journal, October 1997

“The Validity, Force And Effect Of No Damage For Delay Clauses”, The  
Florida Bar Journal, January 1988

The American Bar Association Forum on Construction Law- "The  
Construction Lawyer"

“My Favorite Mistakes: An Owner’s Guide to Avoiding Disaster on  
Construction Projects”, Spring 2017

“The Twelve Deadly Sins: An Owner’s Guide to Avoiding Liability for  
Implied Obligations During the Construction of a Project”, Winter 2008

“Risky Business: The Active Interference Exception to No Damage for  
Delay Clauses”, Winter 2003

“Economic Loss Doctrine and Its Impact Upon Construction Claims”,  
August, 1994

“I Have Fallen and I Can’t Get Up: The Inadvertent Waiver of Mandatory  
Construction Arbitration Clauses”, October 1997

The American Bar Association Forum on Construction Law: Other  
Publications

A201 Deskbook 2017: Chapter 2: Article 2 “Owner”

ABA Forum Construction Defects Book. Chapter 9 “Preparing the Case”  
(2020 Publication)

ABA Forum on Construction Law, Construction Checklists: A Guide to  
Frequently Encountered Construction Issues, Chapter 26 “How Owners  
Can Avoid Litigation on Construction Projects”, 2008

American Bar Association Tort, Trial & Insurance Practice Law Journal

“Construction Lawyer’s Guide to the 2007 AIA A201 ‘General Conditions  
of the Contract for Construction,” 2007

“Report on Contingent Fees in Class Action Litigation,” 2006.

Construction Litigation Reporter

“Staying Single: Preserving The Single-Purpose Entity For Construction  
Projects”, January 2015

“Design Professional Liability: Strategic Moves to Minimize Risk in  
Condominium Conversions”, September 2011

“Meet the 2007 A201 : General Conditions of the Contract for  
Construction: Letting Go of Paper and Making Way for the “IDM”, April/  
May 2008

Law360

“New Tactics For Navigating Florida Construction Defects Law”,  
December 2015

Construction Today

“Avoiding Faulty Building Claims”, November/December 2015

Trial Diplomacy Journal

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“Beyond the Rules of Civil Procedure: The Use of Case Management Techniques in Complex Multi-Party Litigation,” 1992

Daily Business Review

“Run Out Every Ground Ball – A Good Lesson for Lawyers”, June 2019

"5 Tips to Use on the Lawyer’s Road to Success”, October 2017.

**Locations Where Parties Will  
Not be Charged for Travel  
Expenses**

Fort Lauderdale, Florida

**Citizenship**

United States of America

**Languages**

English

**Compensation:**

Hearing: \$650.00 per hour

Study: \$650.00 per hour

Cancellation: \$650.00 per hour

Cancellation Period: 3 days

Comment: Charges for review of testimony, legal memoranda, and study time for hearings. The Arbitrator reserves the right to use the services of a construction paralegal at the rate of \$160.00 per hour. Cancellation fee equivalent to three (3) full hearing days assessed without three business days advance by written notice to Arbitrator and AAA. Travel time and expenses to be reimbursed as noted at the hourly rate for travel as specified. Mediation Rates are \$595.00 per hour for all Mediation Services that include preparation, study time and travel.

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