



George E. Spofford, IV
George Spofford Law, P.A.

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George Spofford Law, P.A.

After 35 years as a litigator, arbitrator, mediator, and construction company owner, serving solely the construction industry, I elected to “retire early”. For the past decade or so I have served as an arbitrator and mediator handling solely construction disputes in my spare time while still working as a full time construction litigator. Beginning in September 2020, I shifted my focus to serve as an arbitrator and mediator with less emphasis on litigation. I will continue to handle litigation matters that interest me, but intend to put my 35 years of experience to work helping resolve construction disputes via arbitration and mediation.

2012 to August 2020
Shareholder- GrayRobinson, P.A.

GrayRobinson is a full-service corporate law firm with over 300 attorneys throughout 13 offices across Florida. GrayRobinson provides legal services for Fortune 500 companies, emerging businesses, lending institutions, local and state governments, developers, entrepreneurs and individuals across Florida, the nation and the world.

I was a shareholder in the Tampa office and focused my practice solely in the construction industry. I routinely represented engineering firms, contractors, subcontractors, sureties, insurance companies, and owners (public and private) in disputes involving infrastructure improvements (roads, pipelines, bridges, marinas, landfills, excavations, mines, horizontal directional drills, microtunneling etc.), litigation of delay claims, extra work claims, breach of contract claims, mining disputes, bid protests, liens, fraudulent liens, and OSHA matters. I also handled claim preparation and analysis, contract negotiation and drafting, and claims avoidance. I routinely provided counseling to office staff on the preservation of lien claims, payment bond claims, and OSHA investigations. I previously was an owner, officer and counsel to one of the largest heavy civil construction companies in Florida. In that capacity, I was responsible for contract negotiations, bid protests, owner and subcontractor relations, management of project managers and field superintendents, claims documentation and negotiation, loss control, and human resources. I am very familiar with the construction of roads, bridges, water and drainage systems, limerock mines, and landfills and am personally acquainted with the management of many of the major parties involved in construction in the Southeastern United States, such as the

Florida Department of Transportation, municipalities, counties, sureties, contractors and suppliers.

I have extensive experience mediating and arbitrating construction disputes as a party (from my days as a contractor), as an advocate (due to my law practice), and as the neutral mediator. Because I have experience the mediation process from all perspectives, I have the ability to help the parties and counsel identify acceptable solutions to their construction disputes.

I was a member of the National Utility Contractors Association, Underground Utility Contractors of Florida, the Florida Transportation Builders Association, and the Florida Energy Pipeline Association. I have also argued cases before the Florida Supreme Court and the U.S. Court of Appeals for the 11th Circuit as well as before the Federal and State trial courts throughout Florida, and the Armed Services Board of Contract Appeals (ASBCA).

I have published more than 70 articles on construction law issues in various trade and Bar Association publications. Issues addressed include latent defects, overzealous inspections, OSHA inspections, documentation of claims, venue issues, construction liens, construction bond issues, surety bad faith, and bid protests.

1996 to 2012

Shareholder Glenn Rasmussen, P.A.

Head of Construction Law Practice Group.

Glenn Rasmussen was a medium sized boutique litigation and transactional firm with a state-wide Florida practice.

1992 - 1996

Shareholder and Executive Vice President S & E Contractors, Inc.

S & E Contractors, Inc. was a heavy civil/highway contractor based in Clearwater, Florida, with annual revenues of approximately \$40,000,000. S & E Contractors, Inc. was prequalified with the FDOT and many counties and municipalities in Florida.

As the Executive Vice President, I was primarily responsible for: Management of Project Managers; Owner and subcontractor relations; Claims documentation, presentation, and negotiation; Resolution of disputes with owners and subcontractors; Partnering; Contract negotiation; Bid protests; Safety/OSHA compliance and defense; Insurance; Human resources/personnel; and, Representation of company at arbitration hearings, mediations, and trials.

1987 – 1992

Litigation attorney Cummings, Lawrence & Vezina, P.A.

Cummings, Lawrence & Vezina, P.A. was a law firm that represented members of the construction industry. As a litigation attorney, I was responsible for lawsuits valued from \$300,000 to more than \$20,000,000. Clients included public and private owners and contractors and sureties throughout the Eastern United States, the Caribbean, and Central America on projects of up to \$90,000,000.

1985 – 1987

Corporate Counsel Misener Marine Construction, Inc.

Misener Marine Construction, Inc. was a Tampa based heavy marine contractor with revenues of approximately \$60,000,000 per year during 1985 1987. As Corporate Counsel, I was responsible for all legal issues involving the company.

EDUCATION

- Auburn University, B.S. (with honors, 1982)
- Emory University School of Law, J.D. (1985)

PROFESSIONAL AFFILIATIONS/ACTIVITIES

- Board Certified by the Florida Supreme Court in Construction Law
- Certified Arbitrator for the American Arbitration Association
- Certified Mediator by the Florida Supreme Court
- Certified Mediator for the American Arbitration Association
- FDOT Certified Dispute Review Board Member
- Florida Bar Association
- Georgia Bar Association
- The Alabama State Bar
- United States Supreme Court
- United States Court of Appeals for the Federal Circuit
- United States District Court, Middle District of Florida
- United States District Court, Northern District of Florida
- Florida Supreme Court Board Certified in Construction Law
- Florida Supreme Court Certified Circuit Court Mediator
- Hillsborough County Bar Association and Construction Lawyer Section, Member
- Rated "AV" by Martindale-Hubbell, highest peer rating available
- Who's Who Legal - Construction
- Best Lawyers In America, Construction Litigation
- Chambers USA Guide to America's Leading Lawyers for Business- Construction Litigation
- Florida Trend "Legal Elite" for Construction Law
- Law & Politics "Super Lawyer" for Construction Law, and Blue Ribbon Panelist
- Tampa Bay Magazine's Tampa Bay's Top Lawyers

- Underground Utility Contractors of Florida – General Counsel 1999 to 2020, Member 1992-2020
- Florida Road Materials & Construction Association, General Counsel 2018-2020
- Florida Transportation Builders Association, Member since 1986
- Suncoast Utility Contractors Association, Member
- National Utility Contractors Association (NUCA), Member by invitation in National Construction Attorneys Forum
- Construction Owners Association of America, Member
- Dispute Review Board Foundation, Member
- Florida Energy Pipeline Association, Member

CIVIC ASSOCIATIONS & MEMBERSHIPS

- Tampa Yacht & Country Club
- Hyde Park Preservation, Inc., Past President, Past Director

SELECTED REPRESENTATIONS

- Representation of Florida County in disputes arising from the construction of a \$38,000,000 open spandrel bridge.
- Representation of Florida municipality in disputes arising out of the defective construction of a mechanically stabilized earth wall (retained earth wall) on an Olympic training facility.
- Representation of international engineering firm in litigation of claims arising out of a marine dredging project.
- Representation of contractors and sureties in litigation arising out of horizontal directional drill and microtunneling projects.
- Preparation, litigation, and negotiation of multi-million dollar construction claims with the Florida Department of Transportation and various counties on projects such as SR 200; US 27; US 301; SR 20; US 319; US 331; SR 200; US 98; The Veterans' Expressway; S.R. 52; Hudson Avenue; three phases of I-75, Alligator Alley; SR A1A; Seven Mile Bridge; Apalachicola River Bridge; Commercial Boulevard Bascule Bridge Rehabilitation; Military Trail Road; S.R. 5 Drainage Improvements; S.R. 717; Florida Keys Aqueduct; I-664 Bridge; I-4.
- Representation of modular home manufacturer in licensing dispute with Florida County.
- Member of FDOT Dispute Review Boards on: FDOT SR 64 East Project (Chairman), FDOT SR 64 West Project (Chairman), FDOT US 301 Project (Chairman). FDOT S.R.90 (US 41) Project, FDOT US 1 (S.R. No. 5) Project, FDOT SR 776 Project, FDOT SR 222 Project.
- Representation of contractor in dispute with U.S. Air Force regarding construction of golf course on MacDill AFB.
- Representation of minority owned contractor in dispute with U.S. Corps of Engineers regarding the construction of recreation center on MacDill AFB.

- Representation of clients in litigation and negotiation with the Occupational Safety and Health Administration (OSHA) for the reduction and elimination of fines and citations due to safety violations.
- Representation of Florida municipality in dispute with Florida Department of Transportation regarding underground utility work delays and extra work claims.
- Representation of a Florida municipality before the Florida Supreme Court.
- Representation of lime rock mine owners and operators in disputes regarding mine operation.
- Representation of landfill contractor in litigation against the City of Jacksonville, Florida, involving issues such as wrongful termination, material breach, defective design, and over zealous contract administration.
- Representation of construction sureties in defense of payment and performance bond claims.
- Representation of a highway contractor in litigation against the City of Edgewater, Florida, for damages due to delays and extra work incurred during the construction of approximately ten miles of asphalt roadway.
- Representation of leading manufacturer of single ply roofing materials in breach of contract and civil theft litigation.
- Representation of a statewide contractors association in dispute with a public owner concerning a \$63,000,000 public works project.
- Representation of custom home building company in breach of contract litigation against one of Florida's largest land development companies.
- Representation of clients in bid protests arising out of competitive public bid lettings.
- Representation of clients before the Armed Services Board of Contract Appeals regarding construction contract disputes.
- Representation of local municipalities in the analysis and defense of construction claims.
- Representation of employers in the defense of OSHA citations before OSHA Administrative Law Judges, the OSHA Review Commission, the Federal Circuit Courts of Appeal, and the U.S. Supreme Court.
- Representation of a Florida expressway authority in the preparation of a \$250,000,000 design build request for proposal for an elevated multi-lane expressway project, and in the negotiation of claims for extra work and time arising out of the construction of the project.

SELECTED MEDIATIONS AND ARBITRATIONS

- Alleged commercial roofing defects.
- High-end residence with alleged building code violations, roofing defects, defective stucco.
- Alleged failure to perform under a Master Services Contract to maintain multiple retail sales locations.
- Alleged defective installation of residential shingle roof.
- Alleged defective installation of defective residential barrel tile roof, building code violations, and breach of warranty.
- Insurance coverage of defective construction and whether exclusions apply.

- Alleged defective installation of floor tile in chain restaurant.
- Alleged defective installation of Thermoplastic Polyolefin (TPO) roofing system on multiple beachfront condominiums.
- Alleged defective construction of residential swimming pool.
- Alleged defective construction of wood frame assisted living facility (ALF) with claims for improper HVAC design and installation, plumbing defects, building code violations, water intrusion and mold issues.
- Alleged breach of contract involving the demolition of housing project with asbestos and unforeseen underground utility issues.
- Alleged defective installation of hydroseeding, landscaping and irrigation on USACOE airfield project in Hawaii.
- Alleged defective and delayed construction of high-end residence.
- Alleged breach of agreement between prime contractor, private surety, and subcontractor regarding the distribution of claim proceeds on a USACOE dike reconstruction project.
- Alleged defective installation of solar panel array on a high-end residence.
- Resolution of attorney's fee claims arising out of multiple construction disputes.
- Alleged defective construction and failure to pay for work performed on a high end restoration of historic residence with claims for fraudulent lien and lien enforcement.
- Alleged defective repairs on beach front condominiums following the passage of a major hurricane involving claims for defective stucco work, defective window installation and mold remediation work.
- Alleged failure to properly staff crews on high-rise window installation project with accompanying claims for violation of prompt payment act and fraudulent lien.

SELECTED CONSTRUCTION SEMINARS PRESENTED

- "Mediation Prior to Trial," Hillsborough County Paralegal Association, November 2015.
- "Prompt Payment Law," Suncoast Utility Contractors Association, Roundtable, January 16, 2015.
- "A General Overview of OSHA Citations," The Florida Bar Real Property, Probate & Trust Law Section, Construction Law Committee Meeting, September 8, 2014.
- "Mediation of Construction Disputes," November 18, 2010 and April 21, 2011, Presented to Hillsborough County Bar Association.
- "Rules and Statutes Governing Florida Contractors," July 22, 2010, presented at UUCF Statewide Convention.
- "Handling OSHA Inspections on Construction Projects," January 28, 2009, presented to Construction Supervisors.
- "What The Construction Professional Should Know About Construction Law," August 12, 2008, presented at Florida COAA Annual Meeting.
- "Handling OSHA Inspections on Construction Projects," February 15, 2007, presented to Hillsborough County Bar Association.

- “Laws and Rules Regulating The Construction Industry,” February 18, 2008, presented to Central Florida Utility & Transportation Contractors Association.
- “Advanced Construction Law Issues,” November 2, 2002, presented in Dallas, Texas, Florida Bar Course No. 8153R, approved for 7.5 hours credit.
- “Roofing Law,” October 8, 2002, Presented to The West Coast Roofing and Sheet Metal Workers Association, Tampa, Florida, Florida Bar Course No. 8253R, approved for 3.0 hours credit.
- “Construction Contracting/Claims,” February 18, 2003, presented to The Concrete Reinforcing Steel Institute, Florida Bar Course No. 8353R, approved for 3.0 hours credit.
- “Construction Bonds,” September 22, 2004, presented to Construction Owners Association of America, DBPR Course No. 8221, approved for 3.5 hours for Contractors and 3.0 hours for Architects, approved Florida Bar CLE Course.
- “Handling OSHA Inspections on Construction Projects,” May 11, 2004, presented in Jacksonville, Florida, approved Florida Bar CLE Course.
- “Handling OSHA Inspections on Construction Projects,” May 12, 2004, presented in Orlando, Florida, approved Florida Bar CLE Course.
- “Handling OSHA Inspections on Construction Projects,” May 13, 2004, presented Naples, Florida, approved Florida Bar CLE Course.
- “Construction Law for Architects & Engineers,” May 30, 1999, DBPR Course No. AR.05.919
- “Scheduling,” January 1993, presented to Florida Department Of Transportation/Florida Transportation Builders Association Joint Conference, Orlando, Florida.
- “Construction Contracting For Public Entities In Florida,” June 1999, Lorman Education Services.
- “Construction Contracting for Public Entities In Florida,” November, 2000, Lorman Education Services.
- “Roofing Law,” presented to The West Coast Roofing and Sheet Metal Workers Association, October 2002.
- “Mold Issues For Roofers,” Florida Roofing and Sheet Metal and Air Conditioning Contractors Association Statewide Convention, 2003, approved Florida Bar CLE Course.
- “Construction Contracting/ Claims” February 2003, Presented to The Concrete Reinforcing Steel Institute.
- “Competitive Bidding,” January 4, 2000, Sponsored by Ringhaver Equipment Company.

SELECTED ARTICLES IN CONSTRUCTION INDUSTRY PUBLICATIONS

- “Show Me the Money: The Local Prompt Payment Statute,” Ditchmen, February 2015.
- “Pay-When-Paid Clauses,” Ditchmen, September 2014.
- “Personal Guaranties,” Ditchmen, June 2014.
- “Don't Fall for This Little Known Lien Trap,” Ditchmen, April 2014.

- “OSHA’s Hazard Communication Standard Requires Employers To Educate and Train Employees,” Ditchmen, February 2014.
- “Duty To Defend vs. Duty To Indemnify,” Ditchmen ,March 2013.
- “Florida Supreme Court – “An Unlicensed Contractor Has No Rights or Remedies for the Enforcement of a Contract,” Ditchmen, February 2013.
- “Even If You Are Performing Work on a Public Road, You Might Still Have Lien Rights,” Ditchmen, December 2012.
- “How to Pull a Rabbit Out of a Hat: Little Known Tricks that Might Save Your Lien Claim,”
- “When, If Ever, Is It Too Late to Bring a Demand for Arbitration?” part 1 and part 2, Ditchmen, July and August 2012.
- “Bid Protests: Grounds For and Defenses Against,” Ditchmen, March 2011.
- “Bid Protests Revisited,” Ditchmen, January 2011.
- “Recent OSHA Changes,” Ditchmen, September 2010.
- “Executive Order 13496 and What It Means for Federal Contractors and Subcontractors,” Ditchmen, August 2010.
- “Battle of the Forms (Part II of II),” Ditchmen, December 2009.
- “Battle of the Forms (Part I of II),” Ditchmen, November 2009.
- “Contracts – Your Construction Contract Liquidated Damages Clause Might Not Be Enforceable,” Owners Perspective, Winter 2009.
- “Liquidated Damages Are Not Always Enforceable” Ditchmen, July 2008.
- “Litigation, Arbitration and Mediation (Part II of II),” Ditchmen, April 2008.
- “Litigation, Arbitration and Mediation (Part I of II),” Ditchmen, March 2008.
- “Unavoidable Employee Misconduct Defense,” Ditchmen, December 2007.
- “Avoiding a Willful OSHA Violation,” Ditchmen, November 2007.
- “State Agencies Must Play by the Rules,” Ditchmen, January 2006.
- “Statute of Limitations for Performance Bond Claims,” Lawyer Magazine, February 2005.
- “Construction Surety Bonds,” Ditchmen, June 2005.
- “Termination for Convenience: Necessary Evil or Unfair Advantage Part IV of IV,” Ditchmen, March 2005.
- “Termination for Convenience: Necessary Evil or Unfair Advantage Part III of IV,” Ditchmen, February 2005.
- “Termination for Convenience: Necessary Evil or Unfair Advantage Part II of III,” Ditchmen, December 2004.
- “Termination for Convenience: Necessary Evil or Unfair Advantage Part I of III,” Ditchmen, November 2004.
- “Lost Anticipated Profits,” FRSA, June 2004.
- “Waiver of Contract Notice Provisions,” FRSA, March 2004.
- “Prompt Payment,” FRSA, February 2004.
- “Legislative Update,” Ditchmen, September 2003.
- “The Slavin Doctrine,” Ditchmen, June 2003.
- “Implied Warranty of Availability,” Ditchmen, May 2003.
- “Disclaimers For Differing Site Conditions In Utility Contracts,” Ditchmen, March 2002.

- “Problems with Using the Total Cost Method of Calculating Costs,” Ditchmen, February 2001.
- “Competitive Bidding Under Revised Florida Statute 255.20 (Part 2 of 2),” Ditchmen, November 1999.
- “Competitive Bidding Under Revised Florida Statute 255.20 (Part 1 of 2),” Ditchmen, October 1999.
- “Dispute Review Boards (Part 1 of 2),” Ditchmen, June 1999.
- “Dispute Review Boards (Part 1 of 2),” Ditchmen, June 1999.
- “Unintended Personal Liability,” Ditchmen, May, 1998.
- “Personal Guaranties,” Ditchmen, April, 1998.
- “Two Potential Defenses to OSHA Citations (Part 2 of 2),” Ditchmen, February, 1998.
- “Two Potential Defenses to OSHA Citations (Part 1 of 2),” Ditchmen, January, 1998.
- “Southern Roadbuilders Lives!” Ditchmen, November, 1997.
- “Surety Bad Faith,” Ditchmen, October, 1997.
- “A Method to Recover Claim Preparation Costs,” Ditchmen, September, 1997.
- “The Lien Law: What It Says -vs- What It Means,” Ditchmen, August, 1997.
- “Bid Protests: Timing Is Everything,” Ditchmen, July, 1997.
- “Three Certainties in Life: Death, Taxes, and Revisions to the Lien Law,” Ditchmen, June, 1997.
- “Don’t Take The Notice of Commencement for Granted,” Ditchmen, May, 1997.
- “Dishonored Subcontractor Bid Quotes,” Ditchmen, April, 1997.
- “Venue: Who Cares Where The Lawsuit Is Filed?” Ditchmen, February 1997.
- “Pay-When-Paid Clauses,” Ditchmen, January 1997.
- “Effective Photograph Documentation of Claims,” Ditchmen, December 1996.
- “Overzealous Inspection,” Ditchmen, November 1996.
- “More On Latent Defects,” Dixie Contractor, October 21, 1996.
- “Despite What The Contract Says, Prior Written Authorization Is Not Always Required For Extra Work To Be Compensable,” Ditchmen, October 1996.
- “The Question of Latent Defects,” Dixie Contractor, October 7, 1996.
- “Dispute Avoidance: Setoff of Contract Proceeds On Unrelated Contracts,” Ditchmen, September 1996.