

## ELIZABETH B. FERGUSON

SHAREHOLDER



### AREAS OF PRACTICE

Architectural, Engineering & Construction  
Defect Litigation  
Miscellaneous Professional Liability

### CONTACT INFO

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200 W. Forsyth Street  
Suite 1400  
Jacksonville, FL 32202

### ADMISSIONS

Florida  
2002

U.S. District Court Middle District  
of Florida  
2005

### EDUCATION

Indiana University School of Law  
(J.D., 2002)

The College of Wooster (B.A.,  
1999)

### OVERVIEW

Elizabeth is a member of the firm's Professional Liability Department. Her practice focuses on the defense of owners, contractors, material suppliers, developers, and design professionals (architects, engineers and surveyors) against claims of liability, breach of contract, construction defect, design defect, delay, liens/bonds, insurance coverage issues, and licensure issues. She also provides transactional support for her construction clients, including contract drafting and review. Elizabeth has been Board Certified in Construction Law by The Florida Bar since 2009 and is AV rated by Martindale-Hubbell. She served on the Florida Board of Professional Engineers, appointed by Gov. Rick Scott, from 2015-2018.

Elizabeth is a Construction Panel Arbitrator for the American Arbitration Association, has served as a professor of construction law, and is a frequent speaker on legal and construction industry issues. In 2019, she was selected as an "Ultimate Attorney" in the area of construction law by the *Jacksonville Business Journal*. As a Florida Board Certified expert in construction law, her typical matters include residential, commercial and roadway construction matters, from pre-suit through trial and arbitration. She also defends clients before professional licensing boards related to disciplinary and licensure issues.

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## HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

The Best Lawyers in America®,  
Litigation - Construction  
2022-2024

Florida Super Lawyers  
2018-2023

Florida Trend, Legal Elite, 2023  
Notable Women Leaders in Law

Florida Super Lawyers Rising Star-  
Construction Litigation  
2009-2017

Florida Trend Magazine, Legal  
Elite, Construction Law  
2014, 2018, 2020, 2021

Florida Trend Magazine, Up and  
Comer  
2008, 2010-2013

Ultimate Attorney, Jacksonville  
Business Journal, Construction  
Law  
2019

## THOUGHT LEADERSHIP

### Kimberly Kanoff Berman and Elizabeth Ferguson Named Women Leaders in Law by Florida Trend

Appellate Advocacy & Post-Trial Practice  
Architectural, Engineering & Construction Defect Litigation  
December 1, 2023

Marshall Dennehey is pleased to announce that two of its Florida shareholders, Kimberly Kanoff Berman and  
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### Five Marshall Dennehey Attorneys Selected to the 2023 Florida Super Lawyers List

June 26, 2023  
Five attorneys from the Florida offices of Marshall Dennehey have been selected to the 2023 edition of Florida Super Lawyers magazine.  
[Read More](#)

### Marshall Dennehey Announces 2022 Florida Super Lawyers & Rising Stars

June 24, 2022  
Five attorneys from the Florida offices of Marshall Dennehey have been selected to the 2022 edition of Florida Super Lawyers magazine.  
[Read More](#)

### Proposed Changes to Florida's Statutes of Limitations and Repose Would Greatly Impact Construction Defect Litigation

Jacksonville  
Architectural, Engineering & Construction Defect Litigation  
January 11, 2022

A new bill has been proposed in the Florida Legislature that would amend the statutes of limitations and repose greatly impacting construction defect litigation.

### Three Marshall Dennehey Attorneys Selected 2022 "Lawyers of the Year" and 67 Attorneys Recognized Overall in the 2022 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Watch®

August 19, 2021  
Marshall Dennehey is proud to announce that three of the firm's attorneys have been selected 2022 "Lawyers of the Year" and 67 attorneys have been recognized overall in the 2022 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Wa  
[Read More](#)

## PUBLISHED WORKS

"Big Impact on Duty to Defend Florida Construction Cases," *Defense Digest*, Vol. 24, No. 1, March 2018

*Case Law Alerts*, contributor, April 2018-present

*Legal Updates for Construction Litigation*, June 2017-present

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## ASSOCIATIONS & MEMBERSHIPS

American Bar Association, Forum on the Construction Industry, 2009 – 2019

Associated Builders and Contractors

Chester Bedell Inn of Court

Florida Association of Women Lawyers

The Florida Bar, Board Certified in Construction Law, 2009- Present

The Florida Bar, Construction Law Committee, Co-Vice Chair; 2021-2022

The Florida Bar, Construction Law Committee, Pro Bono Chair, 2022 - 2023

The Florida Bar, Construction Law Review Course Steering Committee, Co-Chair, 2020-2023

The Florida Bar Construction Law Certification Committee, 2023-2024

The Florida Bar, Grievance Committee 4A, Vice-Chair, 2017-2020

The Florida Bar Judicial Nominating Procedures Committee, 2021-2024

The Florida Bar, RPPTL Section, Executive Committee Member, 2018-Present

Florida Board of Professional Engineers, Former Board Member

Jacksonville Bar Association, President: 2019-2020; Board of Governors: 2012-2020; Construction Law Section: 2011-Present

Phi Delta Phi, Wilkie Inn

## CLASSES/SEMINARS TAUGHT

*Florida Construction Defect Litigation*, Jacksonville Bar Association's Florida Construction Defect Litigation CLE Lunch & Learn, April 30, 2024

*Design Liability*, The Florida Bar Construction Law Institute, Orlando, Florida, March 23, 2024

*Views from the Bench: Complex Construction Litigation – Trials and the Run-Up*, The Florida Bar Real Property, Probate and Trust Law Section's Construction Law Institute, Orlando, Florida, March 22, 2024

*How Insurers Are Controlling Expert Costs in Construction Defect Claims*, AM Best Webinar, November 7, 2023

*The Impact of Altman on Defense and Indemnity Obligations in Florida*, CLM Webinar, September 2018

## SIGNIFICANT REPRESENTATIVE MATTERS

Defense of construction, engineering and inspection sub-consultant on an FDOT project with a value over \$111 million, involving claims brought by contractor for professional negligence and breach of duty.

Defense of large southeast residential developer and home builder against claims by individual owners for construction defect, including improperly installed stucco, windows and roofing systems. Represented same builder in over 100 suits against the original subcontractors to recover costs incurred by the builder for remediation and repair of the homes.

Defense of construction, engineering and inspection contractor from claims of insufficient maintenance of traffic in a roadway construction zone, case involved the death of two eighteen year olds.

Defense of subcontractor against multi-million dollar construction defect and unfair trade practices claims by general contractor and owner. Case involved construction of multiple buildings, water intrusion and mold claims.

Defense of nation-wide residential developer and home builder in a multi-million dollar construction defects and mold claim brought by individual owners seeking class certification of over 350 homes.

## REPRESENTATIVE CASES

*Welcome v. Arvida*, 903 So. 2d 942 (Fla. 1st DCA 2005)

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## YEAR JOINED

2017