

ELIZABETH B. FERGUSON

SHAREHOLDER



AREAS OF PRACTICE

Architectural, Engineering & Construction
Defect Litigation
Miscellaneous Professional Liability

CONTACT INFO

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Bank of America Tower
50 N. Laura Street, Suite 1900
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.

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

The Best Lawyers in America®,
Litigation - Construction
2022-2025

Florida Super Lawyers
2018-2024

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

Five Marshall Dennehey Attorneys Selected to the 2024 Florida Super Lawyers & Florida Rising Stars Lists

June 27, 2024

Five attorneys from the Florida offices of Marshall Dennehey have been selected to the 2024 edition of Florida Super Lawyers magazine.

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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.

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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.

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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.

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

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

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

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)

YEAR JOINED

2017