



# CHARLES (CHIP) R. PIERCE, JR.

## MEMBER - Construction

733 Third Avenue, New York, NY 10017 [cpierce@rosenbergestis.com](mailto:cpierce@rosenbergestis.com) 212-551-1217

### Practice Areas

Construction

### Bar Admissions

New York, 1986

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

### Education

Washington & Lee University School of Law

• J.D. (*cum laude*) - 1985

#### Honors & Activities:

• Graduated Order of the Coif

St. Lawrence University

• B.A. Economics (*cum laude*)- 1982

#### Honors & Activities:

• Economics Honorary Member of Omicron Delta Epsilon

Charles (“Chip”) R. Pierce, Jr. joined Rosenberg & Estis, P.C. in 2022 and is a Member and Head of the firm’s Construction Department.

At the outset of his legal career, Pierce was first exposed to construction litigation and has been practicing construction law ever since. Drawing on his experience working summers as a commercial water proofer and roofer, Pierce had a great appreciation for the industry and the legal complexities involved – from negotiating the contracts for construction to project completion and avoiding or resolving disputes along the way.

Pierce takes pride in righting wrongs for his clients, such as when he obtained a seven figure judgment against the Port Authority on behalf of a steel subcontractor who had not been paid for steel supplied and installed for the light rail link at Newark Airport or when he recovered over \$1 million for an engineering firm who had not been provided with their fair share of work under a JV agreement with another engineering firm.

For over 30 years, Pierce has counseled a wide range of construction industry clients – commercial and private owners, developers, construction managers, contractors, manufacturers, suppliers, architects, engineers, and designers – in their business dealings and contractual relationships. Clients appreciate how Pierce’s straightforward, cool-headed approach continually delivers outstanding results, whether he is negotiating construction contracts or resolving complex disputes.

As Head of the Construction practice, Pierce helps to manage the practice, from engaging with clients to assigning matters and developing and refining strategies best suited to achieving the clients’ goals. Our clients vary widely, from corporate owners to high-net-worth individuals, contractors, and design professionals. Counseling such a wide variety of clients gives a unique perspective on the industry and provides us with valuable insight in representing our clients.

Pierce is a Fellow of the Construction Lawyers Society of America (“CLSA”) and recognized as a NY Metro Super Lawyer in the field of construction litigation. He is also a member of the Diversity Law Institute and the Trial Law Institute. He is a trained mediator and frequent lecturer for CLSA, the Practising Law Institute and Lorman Education Services on construction law topics.

Prior to joining Rosenberg & Estis, Pierce was a Partner with Tarter Krinsky & Drogin LLP.



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## **Notable Work**

In addition to his construction law practice, Chip represents real estate investors and property owners as they acquire, develop, and sell properties in New York City and Long Island.

### **Transactional Matters**

- Drafted and negotiated construction and license agreements for a developer of a new \$200 million condominium building in New York City.
- On behalf of a developer, drafted and negotiated complex design and construction agreements for the renovation of a 250,000 square foot mixed-use project in Manhattan.
- Represented a health care center in connection with its expansion and renovation of their facilities in Queens, NY, including drafting and negotiating construction agreements and related agreements with various public agencies.
- Represented the owner of a 20,000 square foot private residence in NYC in connection with the complete renovation of the home, including drafting and negotiating all the numerous design, construction, and vendor agreements.
- On behalf of a national real estate development firm, drafted and negotiated design and construction agreements for a new office building in Michigan and conversion of an existing building in Kansas, as well as multiple buildings in New York State.
- Represented the purchaser of a large movie theatre in Brooklyn, including the acquisition of the property, building and construction loans, and the design and construction agreements for the renovation of the theatre.
- Represented the seller of a five-story, mixed-use building in midtown Manhattan.

### **Dispute Resolution**

- Prevailed in arbitration on a payment claim of a custom metal and glass façade company against a general contractor in connection with the construction of high-end luxury residence.
- Successfully resolved through litigation a dispute concerning the duration of a \$6 million performance bond and the security posted to secure the bond.
- Resolved through litigation a dispute involving more than 50 alleged building code violations and a separate action brought by a municipality seeking injunctive relief against our client.
- After extensive investigation and negotiation, successfully reduced numerous violations assessed by OSHA against our contractor client.
- On appeal, preserved a mechanic's lien of over \$1 million for our general contractor client and later settled the case including payment to our client and the various subcontractors.



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## **Classes & Seminars**

- Drafting Design and Construction Agreements – What You Should Know, CLSA 2023 East Coast Construction Law Symposium, May 2023.
- Building & Developing New York City's Top Projects, Bisnow's NY Construction & Development Conference, New York, NY, February 2023.
- The Price Still Isn't Right: Strategies for Price Escalation in Construction, CLSA North American Construction Law Symposium IV, December 2022.
- Come on Down! The Price Isn't Right – Price Escalation in Construction, Construction Lawyers Society of America, West Coast Symposium, Los Angeles, CA, May 20, 2022.
- Construction Issues, Practising Law Institute, 23rd Annual Conference Real Estate Institute, San Francisco, CA, November 12, 2021.
- Infrastructure and Construction, Practising Law Institute, 23rd Annual Conference Real Estate Institute, New York, NY, November 9, 2021.
- Disputes Happen: Drafting for Efficient Resolution, Practising Law Institute, Building Better Construction Contracts 2020, December 11, 2020.
- Climate Change, Force Majeure, and the Increase in Abnormal Weather Events, Construction Lawyers Society of America, East Coast Symposium, New York, NY, December 6, 2019.

## **Honors & Awards**

- Selected to New York Super Lawyers, 2019-2022

## **Professional Associations**

- Construction Lawyers Society of America, Fellow

## **Pro Bono Activities**

- Lorman Educational Services, Faculty Member & Speaker
  - Lectures extensively on construction agreements, mechanic's liens, liability of design professionals and construction law
- Huntington Chapter of Lions Clubs International, Secretary & Past President