



Mark A. Bloom

PARTNER

Mark is co-leader of the firm's Construction Group.



Industries

Construction

Practices

Coronavirus (COVID-19) Task Force
Complex Litigation

Education

Fordham University School of Law JD, Member,
Urban Law Journal 1992-93, 1994

State University of New York at Binghamton BA,
Phi Beta Kappa, International Honors Society for
Economics, Award for Outstanding Achievement,
1991

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Mark focuses his practice on construction law and franchise law. Mark is also a member of Arent Fox's COVID-19 Task Force, through which he advises clients on COVID-19 issues in the context of construction projects.

Client Work

In the area of construction law, Mark represents clients in litigation, ADR, and transactional matters involving commercial, institutional and governmental projects, including transportation and infrastructure projects, office buildings, shopping malls, sports stadium projects, big box stores, power plants, convention centers, schools and museums.

He regularly counsels clients with respect to issues concerning green building and sustainability, project delivery systems, contract administration, delay claims, structural failures, construction defects, mechanic's liens, surety bonds, and design errors and omissions.

In the area of franchise and distribution law, Mark has represented clients in litigation, ADR, and transactional matters involving franchise agreements, state and federal disclosures and registrations, business operations, and franchisor/franchisee relations.

Additionally, Mark is experienced in complex commercial litigation and alternative dispute resolution, and has represented corporations, partnerships and national lending institutions in connection with creditors' rights, bankruptcy law, mortgage and lien foreclosures, and secured transactions.

Representative Work

Mark's recent construction-related representations include:

Defending the City of New York against claims exceeding \$1 billion arising from the collapse of 7 World Trade Center on September 11, 2001;

- Representing a cultural institution in connection with litigation and mediation against the construction manager of a project involving the modernization of a state-of-the-art building;
- Advising a Major League Soccer team in connection with the new construction of a sports and entertainment arena, using modified design-build contract forms from the Design Build Institute of America;
- Counseling the owners and developers of private transportation facilities in connection with the construction of new facilities for operations;
- Advising an owner/operator of senior living facilities in connection with disputes and transactions involving various construction projects;
- Representing building owners in litigation and mediation against their construction and design teams due to significant defective conditions they left in a historic building;
- Advising clients in the development of new contracts for the design and installation of sustainable energy systems;
- Counseling a Major League Baseball team in connection with the design and construction of a new stadium, including various construction agreements;
- Representing a major contractor in connection with claims arising out substantial upgrades to subway lines in the City of New York;
- Advising a hospital system in connection with the design and construction agreements for the expansion and modernization of its health care facilities;
- Representing the owner and operator of a new ethanol plant in its dispute with the design-build contractor over design defects, defective workmanship, and cost overruns;
- Advising a food manufacturer in connection with the design and construction agreements for a new manufacturing plant in the Midwest, and expansion of an office and warehouse facility in the Northeast;
- Representing a major owner/developer, who was building a \$60 million multi-tenant mall in the New York metropolitan area, against the general contractor and its surety;
- Representing the developers in connection with the design and construction agreements for the modernization and expansion of a major transportation hub in the New York Metropolitan area; and
- Advising one of the largest mall developers in the Northeast in construction and design defects litigation against the design-build contractor and its surety.

In his franchise and distribution practice, Mark has advised clients on franchising issues, including:

- The franchisor of corporate training programs throughout the United States and internationally in various transactional and litigations matters involving termination issues, unfair competition, breaches of contract, and intellectual property;
- The franchisee of an automotive product in New York, California, and Nevada in connection in its negotiations and litigation with the franchisor;
- The franchisee of educational services programs;
- Beverage distributors in New York with respect to their franchise and distribution rights under New York Alcoholic Beverage Control Law.

Additionally, prior to joining Arent Fox, Mark was a partner in the construction practice group, as well as the franchise and distribution practice group, in the New York office of a leading regional law firm.

Professional Activities

Mark was an adjunct professor at the Polytechnic Institute of New York University, where he teaches “Construction and the Law” to graduate students who are pursuing their Masters in Engineering and Construction Management.

He has been a member of LEAN NYC, the ABA Construction Forum, the ABA Franchising Forum, the Construction Law Committee of the New York City Bar Association, the International Franchise Association, and the New York State Bar Association Business Law Committee.

Mark was co-chair of the Floating Hospital’s Young Professionals Group, vice chair for programming for the Legal Society of the Jewish National Fund, and on the Board of Advisors to the Floating Hospital.

Publications, Presentations & Recognitions

- *The Best Lawyers in America* – Construction Law (2013-2020)
- *Super Lawyers* – Construction Litigation (2010; 2013-2020) (New York Metro Area)
- *The Legal 500 US* – Construction (2016, 2017)
- Panel Member, Construction Management Association of America, “Moving Past Reacting to COVID-19, Planning for the New Norm” (Webinar, May 28, 2020)
- Panel Member, Construction Management Association of America, “Managing Construction During and After COVID-19” (Webinar, April 30, 2020)
- Interview, Open Sourced Workplace, “Questions Relating to Construction Projects During the COVID-19 Pandemic” (April 21, 2020)
- “The Dangers of Designing in Foreign Lands,” *DesignIntelligence*; May/June 2011, co-written with Eugene Scheiman, James Frankel, and Nick Pavlidis from Arent Fox, and James Cramer from The Greenway Group
- Panel Moderator and Speaker at, and contributing author to book for, PLI’s *Drafting and Negotiating Construction and Design Contracts, Meeting the Challenges of Sustainable Development 2010* (July). Topics included “Understanding the Role of Building Codes and Industry Standards in Green Design and Construction”
- Roundtable Moderator, International Franchise Association’s 41st Annual Legal Symposium 2008
- “Analyzing Construction Claims,” Lorman Educational Services; June 2003
- “Building Industry Response To Mold Claims,” Lorman Educational Services; November 2002

Downloads

Protecting Protectors

Bar Admissions

New Jersey

Court Admissions

US District Court, Eastern District of New York

US District Court, Southern District of New York