



## Melinda S. Gentile

Of Counsel

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## BIO

Melinda S. (“Mindy”) Gentile is Of Counsel in P&A’s Miami office, and serves as co-chair of the firm’s Diversity, Equity & Inclusion Committee. Leveraging her more than 35 years’ experience as an esteemed construction lawyer and commercial litigator, she now dedicates her practice to focus solely on alternative dispute resolution (ADR). Mindy is an exceptionally qualified Arbitrator, Mediator, Neutral Evaluator, Dispute Board Member, Special Master, Fee Expert, and Private Resolution Judge.

Mindy’s full-time practice involves assisting parties in resolving disputes relating to the development, design, and construction of private or public projects and other general commercial disputes. Her insightful and practical approach, coupled with her deep understanding of the construction process and risk assessment, enables Mindy to bring thoughtful, creative, and effective dispute resolution services to each engagement. She has a unique tenacity and tireless commitment to the process of resolving disputes that enables her to provide an extraordinary level of service. An exceptional communicator with well-honed negotiation skills, Mindy effectively designs dispute resolution strategies to build consensus and assist parties in achieving success through voluntary resolution. Mindy is highly proficient in virtual platform-based dispute resolution processes.

While serving clients previously as a construction litigator and advisor, Mindy’s experience included preparing and negotiating bid and project documents, advising through the project administration phase, and handling matters ranging from government procurement and bid protests to contract disputes, and from construction liens to defect, impact, bond, and insurance claims. As she does now, Mindy has always recognized the importance of early identification and resolution of disputes – actively assisting her clients in avoiding litigation wherever possible. When dispute resolution could not be accomplished, Mindy vigorously represented her clients in varied complex litigation proceedings. She successfully handled a variety of matters before state and federal courts, and in arbitration, mediation, administrative proceedings, and private negotiations.

Coupled with her deep commitment to dispute resolution is Mindy’s dedication to diversity, equity, and inclusion in the construction industry and in construction law. As co-creator of the annual Groundbreaking Women in Construction (GWIC) conference along with P&A Founding Partner Robert Peckar, Mindy champions national efforts toward removing barriers and promoting women and other diverse individuals in the construction industry and the construction bar. Mindy serves as co-chair of P&A’s Diversity Equity

& Inclusion Committee, where she leads a firmwide committee of existing and emerging leaders as they build on the firm's solid culture to create an even stronger future, both at P&A and outside the firm. Mindy was shortlisted for Outstanding Contribution at the Chambers Diversity & Inclusion Awards: North America 2021 for her efforts in furthering the advancement of diversity and inclusion.

Mindy is certified by the Supreme Court of Florida as a Circuit Civil Mediator and is a Florida Supreme Court Qualified Arbitrator. She is certified as a Specialist in Construction Law by the Florida Bar, and served on the inaugural Construction Law Certification Committee, which prepared the first exam for lawyers seeking certification as an expert in construction law in the State of Florida. She has also served as a Broward County Magistrate. Mindy was honored with the Lifetime Achievement Award from the Florida Bar, Real Property, Probate & Trust Law Section, Construction Law Committee and was recently named to City & State Florida's Construction Power 100 list. She has written and spoken extensively on construction, ADR, diversity, and ethics-related topics.

### **Specific Areas of Expertise in Construction Law**

- Contract disputes and project close-out issues;
- Construction liens;
- Project counsel and administration
- Government procurement and bid protests;
- Construction defect, impact, surety, and insurance claims;
- Preparation and negotiation of construction contracts and procurement documents;
- Schedule, delay, acceleration, and loss of productivity claims;
- Risk management, assessment, and mitigation;
- Fee disputes;
- Development and construction process;
- Early identification and resolution of disputes;
- Planning and building permit issues;
- Licensing issues;
- Design error and omission and professional liability claims;
- Asbestos abatement; and
- Other insurance coverage issues.

### **Construction Project & Technology Expertise**

- Building/Vertical Construction: General Contractors, Construction Managers, Interiors Contractors, and Design Professionals including Hotels, Residential and Mixed-Use, Theatres, and Warehouses
- Public Projects: Highway/Bridge Construction, Water/Wastewater Treatment Plants, Museums, Airports, Schools, Jails/Prisons, Convention Centers, Medical Facilities, Recycling Plants, and Canals
- Delivery Methods and Construction Technologies: Design/Bid/Build, Design/Build, Lease Back, Integrated Project Delivery (IPD) and P3 Projects, BIM, Scheduling, Modular Construction

# HIGHLIGHTS

## ADMISSIONS

- State of Florida
- United States District Court for the Northern District of Florida
- United States District Court for the Middle District of Florida
- United States District Court for the Southern District of Florida
- Supreme Court of Florida, Circuit Civil Mediator
- Supreme Court of Florida Qualified Arbitrator
- Florida Bar Board Certified Construction Law Specialist

## EDUCATION AND COURSES

- Avila University, B.A.
- Florida International University, M.S.
- Nova Southeastern University Shepard Broad Law Center, J.D.

## PRACTICE AREAS

- Construction and Infrastructure
- Contracts, Project Documentation and Risk Management
- Construction Dispute Resolution
- COVID-19 Task Force
- Business Litigation
- Government Contracts

## MEMBERSHIPS

- Florida Bar (Construction Law Committee and ADR Committee)
- American Bar Association, Forum on Construction Law
- Florida Academy of Professional Mediators
- Broward County Bar Association (Construction Law Committee)
- Miami-Dade County Bar Association
- The National Association of Women in Construction
- The Construction Association of South Florida
- Associated Builders and Contractors, Inc.

## AWARDS AND RECOGNITIONS

- Lifetime Achievement Award, The Florida Bar - Real Property, Probate & Trust Law Section
- *City & State Florida*, Construction Power 100 List, 2023
- *Chambers USA*, Construction Law, Florida, 2015-2023
- *Chambers USA*, Outstanding Contribution at Diversity & Inclusion Awards: North America, 2021
- *Florida Super Lawyers*, 2006-2023
- *Who's Who Legal: Construction*
- *Best Lawyers*, 2009-2024
- *South Florida's Best Lawyers*
- *South Florida Legal Guide*, Top Lawyer
- *The Legal 500: United States*, "Recommended Lawyer," 2022
- *The Legal 500: United States*, "Leading Lawyer"
- *American Registry*, Top Attorneys in Florida
- Young At Art Museum, Women of Vision
- *South Florida Business Journal*, Up and Comer Award
- Martindale-Hubbell AV Preeminent Rated and Register of Preeminent Women Lawyers

## PUBLICATIONS

- “Building Bridges: The Realities and Implications of Diversity and Inclusion in Construction Law,” *Best Lawyers Magazine* June 2020.
- “Is the Construction Industry Ready? Hurricane Preparation in the Midst of the COVID-19 Pandemic”, *Daily Business Review*, July 2020.
- “The Occupational Freedom and Opportunity Act Becomes Law”, *Construction Ink!*, July 2020.
- “COVID – The Construction Industry and Hurricane Season”, *Daily Business Review*, July 2020.
- “Virus Snarls Hurricane Preparation”, *Engineering News Record*, June 2020.
- “COVID-19 And Florida Construction: Lessons From the Frontlines in New York, New Jersey, and Around the U.S.,” *Peckar & Abramson Client Alert*, April 2020.
- “Crane Operations: Legal Compliance and Risk Management”, *Daily Business Review*, November 2019.
- “2018 Legislative Changes Affecting the Construction Industry,” *Peckar & Abramson Client Alert*, May 2018.
- “2017 Legislative Changes Affecting the Construction Industry,” *Peckar & Abramson Client Alert*, July 2017.
- “The Diversity Dividend,” *Construction Ink!*, May 2017.
- “Diversity Does Pay in the Construction Industry,” *Daily Business Review*, April 2017.
- “The Diversity Dividend: Diversity Does Pay,” *ABA – Under Construction Forum*, February 2017.
- “The Ethical Risks of a Multijurisdictional Practice,” *Law360*, November 2016.
- “Building Public-Private Partnerships (P3),” *South Florida Legal Guide* 2016 Financial Edition, Government Relations section, October 2016.
- “Gentile made the switch from special ed to Construction Law,” *Daily Business Review*, Profiles in Law Section, August 2016.
- “Miami Beach’s Sustainability Ordinance May LEED to Green Litigation,” *Daily Business Review*, Practice Focus/Real Estate Section, July 2016 (Contributor).
- “The Effective Use of Dispute Review Boards in Construction Projects,” *Construction Ink!*, October 2013.

## PRESENTATIONS

- Annual Co-Moderator and Co-Chair of Groundbreaking Women in Construction (GWIC) Conference, beginning with GWIC inaugural conference in 2005 - present
- Presenter, Annual Construction Law Certification Review Course, Florida Bar, Construction Law Committee, Real Property, Trust & Probate Section, 2008 - present
- Annual Lecturer, “Advanced Dispute Resolution”, the Associated General Contractor Executive Leadership Conference, 2005 – 2019
- Presenter, “Ask a Construction Lawyer,” 2023 Groundbreaking Women in Construction Conference, May 2023.
- Presenter, “Adding Tools to Your Toolbox: Enlightened Construction Dispute Resolution Strategies,” 2023 Groundbreaking Women in Construction Conference, May 2023.
- Moderator, “Leadership Through Diversity,” Construction Association of South Florida (CASF)’s Women’s Council, March 2023.
- Presenter, “Ethics,” Florida Bar’s Advanced Construction Law Certification Review March 2023.

# HIGHLIGHTS CONTINUED

- Presenter, “The Realities and Implications of Diversity and Inclusion in Construction Law: The Impact of Implicit Bias,” Groundbreaking Women in Construction (GWIC), May 2022.
- Panelist, “Ethics,” Florida Bar Certification Review Course (CRC), March 2022.
- Panelist, “The Realities and Implications of Diversity and Inclusion in Construction Law: The Impact of Implicit Bias,” Florida Bar’s Construction Law Institute, March 2022.
- Panelist, “New World: How 2020 + 2021 Changed the Delivery of Legal Services and the Business of the Construction Industry,” Groundbreaking Women in Construction (GWIC), May 2021.
- Panelist, “The State of Women in Construction and Where to Go From Here,” Levelset Webinar, March 2021.
- Presenter, “Leadership Through Diversity,” Construction Association of South Florida (CASF) Webinar, February 2021.
- Moderator, “Enhancing Women’s Skills in Early Dispute Resolution”, Groundbreaking Women in Construction (GWIC), 2020
- Panelist, “Hot Tubbing Expert Witnesses (Concurrent Testimony)”, Inaugural Arbitration Advocacy Institute, ADR Dispute Resolution Section of the Florida Bar, 2020
- Panelist, “Ethical Issues in Multi-Jurisdictional Practice”, The Construction Law Institute, 2020
- Lecturer, “Construction Contracts – Staying Out of the Rough”, The University of Miami School of Architecture
- “Best Practices for Preparing Claims & Effective Dispute Resolution,” The Florida Bar Contractor’s University, Fort Lauderdale, FL, April 2018.
- “Psychology of Negotiation,” Construction SuperConference, Las Vegas, NV, December 2017.
- “Public Contracting Under the Trump Administration,” 6th Annual Construction Law in Florida, Miami, FL, October 2017.
- “Government Contracting and Compliance,” P&A Peer Conference, Miami, FL, April 2017.
- “What Every Advocate Can Learn from Walking in an Arbitrator’s Shoes,” ABA - Forum on Construction Law, Webinar, December 2016.
- “Talking About Sex - Are Opportunities and Challenges for Women as Construction Lawyers and Consultants Changing?,” Construction SuperConference, Las Vegas, NV, December 2016.
- “What Every Advocate Can Learn from Walking in an Arbitrator’s Shoes,” The 2016 AAA Construction Conference: Ahead of Schedule and Under Budget, Miami, FL, April 2016.
- “Best Practices for Preparing Claims, Effective Dispute Resolution & Maintaining Accounting Records to Track and Prove Monetary Damages,” “Contractors University” by Fla. Bar RPPTL Construction Law Committee, Fort Lauderdale, FL, September 2015.
- “Homemade! Things Not To Do When Practicing In Foreign Jurisdiction Or Action As Local Counsel,” ABA Forum on Construction Law - Midwinter meeting, Scottsdale, AZ, January 2015.
- “Condominium Construction Issues in Florida,” Lorman Educational Services, Miami, FL, March 2014.
- “Dispute Boards: How They Enhance Collaboration in Complex Construction Projects,” Dispute Resolution Conference, Orlando, FL, August 2013.
- “Litigating Contract Surety Bond Insurance Claims,” MC Consultants 7th Annual East Region Construction Defect & Insurance Coverage Conference, Orlando, FL, June 2013.