



# BIOGRAPHY



## MICHAEL C. ZISA

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## PARTNER

Mike focuses his practice on construction, surety and government contracts law. He is co-managing partner of the Washington, DC office, chair of the Surety and Construction Related Insurance Defense practice, and co-chair of the Crisis Management team. *Chambers USA* quoted industry leaders saying Mike “is an outstanding lawyer; detail-oriented and smart...is responsive, knowledgeable and able to identify and fulfill the business objectives of his clients.” He has successfully represented sureties, general contractors, subcontractors and owners in litigation before federal and state courts in Washington, D.C., Maryland and Virginia as well as various contract appeals boards and in alternative dispute resolution forums. Although well-versed in the litigation process, Mike regularly assists and counsels clients to avoid litigation when possible through planning and preemptive actions including contract review and negotiation, contract administration assistance and claim analysis and development.

Mike represents construction clients on public and private projects with regard to a variety of matters ranging from prosecution and defense of breach of contract and request for equitable adjustment claims to payment bond, performance bond and mechanic’s lien claims. His work for surety clients includes analysis and defense of payment bond and performance bond claims, negotiation and administration of takeover arrangements and prosecution of subrogation and indemnity actions. In addition to a construction, surety and government contracts practice, Mike represents business entities ranging from sole proprietorships to Fortune 500 companies with regard to commercial litigation and transactional matters.

Mike regularly speaks and writes on construction and surety issues and has been recognized by Washington, D.C. *Super Lawyers* in the areas of construction litigation, surety and government contracts since 2014, *Chambers USA* in the area of construction law and he is a Fellow of the Construction Lawyers Society of America.

Before joining Peckar & Abramson, Mike was the managing partner of a *Chambers USA* ranked boutique construction litigation and surety firm. He lives in Bethesda, Maryland with his wife and three children.

# HIGHLIGHTS

## **ADMISSIONS:**

- State of Maryland
- District of Columbia
- Commonwealth of Virginia
- State of New Jersey
- United States Court of Appeals for the District of Columbia
- United States District Court for the Eastern District of Virginia
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia
- United States Bankruptcy Court for Maryland
- United States Bankruptcy Court for the District of Columbia
- United States Bankruptcy Court for the Eastern District of Virginia
- United States Court of Federal Claims

## **EDUCATION AND COURSES:**

- Susquehanna University, B.A.
- Seton Hall University School of Law, J.D.

## **PRACTICE AREAS:**

- Construction and Infrastructure
- Surety
- Government Contracts
- Business Litigation
- Contracts, Project Documents and Risk Management
- Crisis Management
- COVID-19 Task Force

## **MEMBERSHIPS:**

- American Bar Association (Forum on the Construction Industry, Fidelity and Surety Law section, Litigation section)
- District of Columbia Bar Association (Government Contracts and Litigation section)
- Virginia State Bar (Construction Law and Public Contracts Section)
- Maryland Bar Association
- Construction Lawyers Society of America (Fellow)
- National Association of Surety Bond Producers (Attorney Advisory Board member)
- Montgomery County Maryland Bar Association
- Washington Building Congress
- Associated General Contractors of DC
- Little Flower Catholic School Fathers Club (President)
- BCC Youth Baseball Coach

## **AWARDS AND RECOGNITIONS:**

- *Chambers USA*, Construction, 2021 - 2022
- *Washington D.C. Super Lawyers*, 2014 - 2021

## **PUBLICATIONS:**

- Joint Ventures in Construction, Part 3: Joint Ventures Involving the Federal Government's Small Business Programs, *Surety Bond Quarterly*, (Spring 2021)
- Joint Ventures in Construction, Part 2: The JV Agreement, *Surety Bond Quarterly*, (Winter 2020)

# HIGHLIGHTS **CONTINUED**

- Joint Ventures in Construction, Part 1: Benefits, Risk & Considerations, *Surety Bond Quarterly*, (Fall 2020)
- “Subcontractor Failure to Pay Employee Wages Could Fall on General Contractors,” *Construction Executive* (November 2020)
- “A New Risk to Consider: A Surety’s Liability Under the False Claim Act”, *The Construction Lawyer*, ABA Forum on Construction Law, Volume 38, Number 3 (Summer 2018) (co-author)
- “Preparation of Claims Against the Federal Government – It’s Not the Same Claim You Would Submit on a Private Project,” *Surety Bond Quarterly* (Spring 2017)
- “Joint Ventures in Construction,” *Surety Bond Quarterly* (Spring 2016)
- “Alternative Project Delivery, Alternative Risks: Are Construction Managers More at Risk?,” *Surety Bond Quarterly* (Fall 2015)
- “Killer Contract Clauses,” *ConsensusDocs Construction Law Newsletter* (Summer 2015)
- “Researching Bankruptcy Law on the Internet,” *The Construction Lawyer*, Spring, 2002 (co-author)
- *The District of Columbia Practice Manual*, Government Contracts Section, 11th Ed. 2002 (co-author)

## **PRESENTATIONS:**

- More Money More Claims: Contractor Disputes With the Federal Government, National Association of Surety Bond Producers – 2022 East Meeting (Fall 2022)
- How to Prepare a Claim that Will Maximize Your Recovery and Maximize Your Costs and Recovery Time, Associated Builders and Contractors (ABC) of Metro Washington seminar (Spring 2022)
- Contract Killer Clauses and How to Negotiate Out of Them, ConsensusDocs Webinar (Winter 2022)
- Who’s the Designer? Recognizing and Mitigating Design Risk in Construction Contracts, NASBP Webinar (Fall 2021)
- Force Majeure & Beyond – How to Protect Your Right in the COVID-19 World, Construction Financial Management Association (CFMA)’s Hybrid Conference & Exhibition (Summer 2021)
- From Planning to Delivery – Building Surety Confidence, Risk Management in Underground Construction Conference (Spring 2021)
- Risk Management in Underground Construction: From Planning to Delivery – Building Surety Confidence (Spring 2021)
- Killer Contract Clauses and How to Neutralize Them, Delmarva Surety (Winter 2020)
- Planning Now to Prove your COVID-19 Damages and Delays Later, National Association of Surety Bond Producers (Spring 2020)
- Taking A Closer Look at Force Majeure Clauses in Today’s Environment, National Association of Surety Bond Producers – Let’s Get Surety Podcast (Spring 2020)
- Construction Contract Terms & Risk Mitigation, The Association of International Certified Professional Accountants (AICPA) Construction & Real Estate Conference (Winter 2020)
- Special Circumstances in Surety Bonding: Death, Disability, Divorce, Departure, and More, National Association of Surety Bond Producers, (Summer 2019)
- Killer Contract & Bond Clauses & How to Neutralize Them, Tokio Marine HCC – Surety Group, Best Bond on the Beach (Spring 2019)

# HIGHLIGHTS **CONTINUED**

- Navigating the Construction Risk Minefield: Surety, Legal and Otherwise, International Risk Management Institute's 37th Construction Risk Conference (Winter 2017)
- Performance Bonds in Virginia, Virginia Bar Association, 38th Annual Construction and Public Contracts Law Seminar (Winter 2017)
- Killer Contract Clauses & How to Neutralize Them, 98th Annual Associated General Contractors National Convention (Spring 2017)
- Pursuit of Claims on Public Projects, HMS Insurance (Spring 2017)
- Top Ten Contract Killer Clauses & How to Neutralize Them, Associated General Contractors of America (June 2016)
- Joint Ventures in Construction, National Association of Surety Bond Producers (May 2016 and Fall 2014)
- Fraud: The New Mantra of Federal Contracting & How it will Affect the Surety Industry, Tokio Marine HCC – Surety Group (Spring 2016)
- Fraud: The New Mantra of Federal Contracting & How it will Affect the Surety Industry, National Association of Surety Bond Producers (Winter 2016)
- Why Bond Forms Matter...A Practical Guide to Better Bonding, *ConsensusDocs* (Winter 2015)
- Mid-Project Changes in Construction Financing - Practical Consideration, National Association of Surety Bond Producers (Summer 2015)
- Federal Construction Contracting Seminar, National Association of Surety Bond Producers (Summer 2015)
- Top Ten Killer Contract Clauses, Construction Financial Management Association (Spring 2015)
- Surety's Entitlement to Contract Proceeds, Tokio Marine HCC – Surety Group (Fall 2014)
- Legal Implications for Building Code Violations, Lorman (Fall 2012, 2013)
- Accidental Waiver of Claims, Tokio Marine HCC – Surety Group (Fall 2012)
- Performance Bond Surety's Right to Complete, Tokio Marine HCC – Surety Group (Fall 2010)
- Subcontracting Issues, NECA and SMACNA Maryland Chapters (various dates, 2008-2009)
- Federal Mentor-Protégé Program (Winter 2004) (co-organizer)
- Opportunities for Small and Growing Businesses with the District of Columbia and Federal Government (Winter 2003) (co-organizer)