



PETER J. SMITH

Partner, Roseland Office

Telephone: (973) 535-0500

Facsimile: (973) 535-9217

E-mail: psmith@connellfoley.com

Peter J. Smith's practice is primarily devoted to litigation and arbitration of construction disputes. He became a partner of the firm in 1989.

Mr. Smith has repeatedly been named one of the New York area's top lawyers in the field of Construction Law, most recently in 2009 by the *Best Lawyers in America* and *Super Lawyer* ratings.

In 1999, Mr. Smith was selected by the American Arbitration Association to serve on its New Jersey Public Sector Panel of Mediators and Arbitrators. He has served on a variety of construction industry arbitration panels, deciding claims involving major public and quasi-public construction projects and surety matters. Mr. Smith was appointed to the New Jersey Construction Advisory Council of the American Arbitration Association in 2006.

The Supreme Court of New Jersey, Board on Trial Attorney Certification, has designated Mr. Smith a Certified Civil Trial Attorney. He was recertified by the Board in 2007.

Publications

- Author, New Jersey Construction Law chapter of the USLAW Network "State by State 2009 Construction Compendium of Law."
- Contributing Author, "Winning Legal Strategies for Arbitration and Mediation," Aspstore Publishing, 2007
- Co-Author, "Representing the Contractor in Defense of Owner Claims," in Construction Litigation: Representing the Contractor, Wiley Law, Second Edition (1992)

Professional Activities

- Member, Construction and Public Contract Law Section, New Jersey State Bar Association
- Chairman, Construction and Public Law Section, New Jersey State Bar Association (1993-1995)
- Member, Public Contract Law and Litigation Sections, American Bar Association
- Member, Construction Industry Panel of Arbitrators, American Arbitration Association (1995 to present)
- Member, Forum on the Construction Industry, American Bar Association

Representative Experience

- Represented a large state university in defense of contractor claims for additional compensation for unanticipated subsurface conditions in the installation of a campus wide system of underground utilities;

continued on reverse

Practice Areas:

Construction Law
Alternative Dispute Resolution

Admitted to Practice:

State of New Jersey
State of New York
United States District Court for
the District of New Jersey
United States Claims Court
United States Federal Court

Education:

University of Notre Dame (B.A.,
1978)
Rutgers University (J.D., 1981)

Affiliations:

American Bar Association
New Jersey State Bar
Association

ROSELAND

85 Livingston Avenue
Roseland, NJ 07068
Tel (973) 535-0500 Fax (973) 535-9217

JERSEY CITY

Harborside Financial Center
2510 Plaza Five, Jersey City, NJ 07311
Tel (201) 521-1000 Fax (201) 521-0100

NEW YORK CITY

888 Seventh Avenue, Suite 3401
New York, NY 10106
Tel (212) 262-2390 Fax (212) 262-0050

PHILADELPHIA

1500 Market Street, 12th floor, East Tower
Philadelphia, PA 19102
Tel (215) 246-3403 Fax (215) 665-5727

- Represented a general contractor which recovered claims for delay damages in excess of \$1 million arising from the major expansion of a publicly owned hospital;
- Represented several publicly traded real estate investment trusts in recovery of claims in multiple lawsuits for defective construction from contractors, design professionals, and others on large high-rise residential and shopping center projects;
- Represented a state authority in action to recover damages from contractors and designers in connection with the premature failure of irregular concrete surfaces and PVC piping in a water feature park;
- Represented an architectural firm in the defense of claims of professional negligence resulting from the specification of masonry flashing and water penetration through exterior masonry walls of a large public facility;
- Represented a general contractor in defense of claims resulting from the weekend collapse of a YMCA natatorium ceiling;
- Represented an architect reviewing construction progress for a lender in a high-rise residential condominium on the Hudson River in defense of claims of defective construction by a condominium association;
- Represented a local school board asserting claims of professional negligence against its architect in a multiple school expansion and new construction project;
- Represented subcontractors including an electrical contractor, roofer, and mechanical contractor in managing claims and account receivables;
- Represented a construction manager in claims arising from the \$100 million expansion of a casino hotel in Atlantic City.

Published Decisions

- Schoonover Electric Co., Inc. v. Enron Corp. (In re Enron Corp.), 294 BR 232 (Bankr. SDNY 2003)
- PT&L Construction v. State of New Jersey, Department of Transportation, 108 N.J. 539 (1987)
- Rush, et als v. Kuhn Smith & Harris, 193 N.J. Super. 389 (App. Div. 1984)

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