



## James Lotito

Partner

Head of Construction Practice | New York

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### Areas of Practice

Construction | Corporate Law | Real Estate Law | Litigation/Trial Practice

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James Lotito is a Partner and the Head of the New York Construction Practice of Smith, Gambrell & Russell, LLP.

James Lotito has more than 20 years of experience practicing in the areas of construction, real estate development and commercial litigation. James represents real estate owners, developers, construction managers, general contractors and trade contractors in disputes involving mechanic's liens, delay claims, surety bond claims, change orders, property damage claims arising from excavation and underpinning, differing site conditions, utility interference, default, termination and design defects. He also has extensive experience in construction transactional matters which include the structuring, drafting and negotiation of general construction and construction management agreements, architectural and engineering agreements, construction access and license agreements, consulting agreements and subcontracts, as well as counseling clients through contract administration.

In addition to his construction practice, James also serves an outside general counsel to real estate owners, lenders, apparel companies and not-for-profits and he regularly advises them on their day-to-day business issues and corporate matters. In that regard, he has assisted his clients with joint venture agreements, trademark licensing and purchase agreements, asset purchase agreements, financings, real estate and leasing transactions as well as commercial disputes involving deceptive trade practices, commercial lease defaults, restrictive covenants, negotiable instruments and various other contract issues.

James is ranked by Chambers and Partners in the area of Construction Law in New York. James received his B.S. from St. John's University, *cum laude*, and his J.D. from Brooklyn Law School.

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## Experience

- Ongoing representation of a Milan based Developer in connection with the \$100M construction and conversion of a warehouse to luxury residential condominiums in Brooklyn, NY. In connection with the representation, he structured and negotiated the Construction Management Agreement and continues to act as litigation counsel with regard to various claims.
- On behalf of a General Contractor, obtained multi-million dollar settlement during mediation where the issues involved defective work and delays on an affordable housing project in NYC.
- Representation of a Developer of a new ground-up \$75M affordable housing project in Bronx, NY, which included the negotiation of the general construction contract and providing ongoing advice with regard to contract administration.
- Represented large financial institution with the \$80M build-out of its new headquarters in Midtown Manhattan.
- Represented Developer of a \$20M residential construction project in the Gowanus neighborhood in Brooklyn, NY. Handled the structuring, negotiation and drafting of the construction management agreement and design agreements.
- Ongoing representation of General Contractor in connection with a \$40M construction contract for a multi-building affordable housing project in Bronx, NY. Successfully resolved numerous subcontractor claims and mechanic's liens.
- Served as general counsel to the Developer of an office building in the Gowanus neighborhood in Brooklyn, NY York. Drafted and negotiated the general construction contract, design agreements and consulting agreements and also acted as litigation counsel to achieve the successful resolution of contractor and subcontractor claims.
- Represent media and technology company in connection with the drafting and negotiation of construction contract for interior fit-out of multiple floors at the World Trade Center.
- Acted as outside construction counsel to not-for-profit social services organization in connection with all aspects of its construction of a new charter school in Bronx, NY.
- Represented a not-for-profit entity in the Hudson Valley in connection with the construction of an agricultural machine shop and offices for its working farm.

## Admissions

New York

New Jersey

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## Recognitions

Best Lawyers in America: Litigation – Construction (2024)

Chambers USA, Construction - New York (2021-2024)

New York Super Lawyers, Rising Star (2013)

## Memberships

American Bar Association, Forum on the Construction Industry

New York City Bar Association