

Edward M. Whelan



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Professional Biography

Ed Whelan is the founding partner of Whelan Construction Law and practices in the areas of construction law, business litigation, and real property litigation. Ed is Board Certified by The Florida Bar in Construction Law and is AV Rated by Martindale-Hubbell ®. Prior to law school, Ed worked as an estimator and project manager for several mechanical contractors in the Washington, D.C. area.

Over the past 24 years, Ed has represented large and small business, as well as individuals, in active litigation/arbitration of construction and business disputes through trial, as well as advising companies/individuals in ways to avoid and/or mitigate construction/business disputes. This litigation/arbitration experience includes construction defect claims, delay claims, lien and bond claims, contract claims, insurance coverage disputes, licensing complaints, OSHA claims, bid protests, and inverse condemnation claims. Ed's pre-litigation/arbitration experience includes drafting and reviewing construction contracts and advising clients on how to proactively manage and mitigate claims on active projects.

Education

- University of South Carolina, J.D., cum laude, 1995
- University of Maryland, B.S., 1988

Honors

- Board Certified in Construction Law by the Florida Bar, 2005 to present
- Florida "Super Lawyer," 2009 to present
- AV Rated by Martindale-Hubbell ®.
- *The Best Lawyers in America*, Construction Law and Construction Litigation, 2008-2023
- *The Best Lawyers in America's* Jacksonville Litigation – Construction Lawyer of the Year, 2014
- The Florida Bar – Construction Law Certification Committee, member, 2005-2009

Publications

- Florida chapter, *State-by-State Guide to Construction Contracts and Claims* (Aspen Publishers 2006), Co-author
- *Owner's Implied Warranty of Adequacy of the Plans and Specifications (Spearin Warranty): A Primer on its Application and Limitations, Construction Law Update 2005* (Aspen Publishers), Co-author
- South Carolina chapter, *State-by-State Guide to Architect, Engineer, and Contractor Licensing* (Aspen 1999), Co-author
- South Carolina chapter, *The Design/Build Process: A Guide to Licensing and Procurement Requirements in the 50 States and Canada* (ABA Forum on the Construction Industry, 1997), Co-author

Notable Cases

- Lead trial counsel for plaintiff in a jury trial of a multi-party construction defect case involving over 10 parties
- Lead trial counsel for plaintiff in a jury trial of an exterior envelope defect claim, obtained final judgments in excess of \$1,000,000 and then prevailed in a subsequent bench trial against the responsible insurance carrier
- Representation of several general contractors in OSHA job-site fatality claims arising out of a subcontractor's failure to comply with OSHA requirements
- Lead trial counsel in an arbitration of a plumbing defect claim, represented the general contractor/respondent, defeated claim in its entirety and prevailed in counter-claim against the subcontractor/claimant
- Prevailed at trial and on appeal in defending against a Spearin design claim in excess of \$10,000,000 related to a highway project
- Construction counsel to a national design/build contractor on various issues including contract preparation/negotiation, defect, delay, lien and bond claims
- International arbitration related to the design and construction of a theme park ride
- Preparation and negotiation of design, purchase and construction agreements for a cement plant expansion project in excess of \$100,000,000
- Construction counsel to a national design/build contractor on various issues including contract preparation/negotiation, defect, delay, lien and bond claims
- Negotiation of construction and design/build agreements for port expansion project in excess of \$100,000,000
- Negotiation of design/build agreement in excess of \$50,000,000.00 for an aircraft production plant
- Prosecution and defense of various condominium defect claims
- Obtained summary judgment for owner on claims brought by supplier of defective thermocouples to be used in a nuclear melter

Adjunct Professor, University of North Florida

- Construction Contracts and Documents BCN 4708, College of Computing, Engineering and Construction, Fall 2018 & 2019; 2023, Spring 2024
- Construction Law BCN 6748, College of Computing, Engineering and Construction, Fall 2018