

## Kevin P. Wallace

Partner

New York

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Kevin advises real estate developers on all aspects of major construction projects, including contract negotiation, issues that arise during construction, resolution of claims, and prosecuting or defending litigation.

### OVERVIEW

Kevin represents clients throughout the life of a construction project. Before construction begins, he negotiates the relevant contracts, including development agreements (representing either the owner or the developer), agreements with design professionals and consultants, construction management agreements, design build agreements, trade contracts, project labor agreements, access agreements with neighboring property owners, and agreements with public entities like the Port Authority and the Metropolitan Transportation Authority (MTA).

During construction, Kevin advises clients on issues that may arise, including design errors or omissions, defective work by the construction manager or trade contractors, failure to properly coordinate the work, potential delays to the project, demands by counterparties for additional compensation or time extensions, and threats by the construction manager or trade contractors to stop work.

Kevin also helps clients resolve claims and litigation arising from their projects. His experience includes representing clients in state, federal, and bankruptcy courts, as well as through alternative dispute resolution like mediation and arbitration.

### REPRESENTATIVE MATTERS

- Represented the developer of a New York City megaproject that is the largest private real estate development in the United States. The representation included negotiating various contracts; resolving numerous claims and disputes with government entities, design professionals, construction managers, and trade contractors concerning different projects and towers within the overall development; and litigating four state court actions and several arbitrations.
- Represented the developer of a new airport terminal, including negotiating the lease with the Port Authority of New York and New Jersey, the construction agreement with the design builder, and various related agreements.
- Represented a *Fortune* 25 company in the development and construction of its new global headquarters in Midtown Manhattan, including negotiating various contracts with the MTA, the development agent, the construction manager, the design team, and various consultants. Also counseled on numerous issues that arose during construction.

- Represented a developer in litigation with a construction manager arising from the construction manager's improper termination of the construction agreement. Successfully dismissed the construction manager's claims arising from Lien Law Section 5, which was later affirmed by the New York Court of Appeals.
- Represented condominium sponsors in litigation with boards of managers, contractors, and design professionals concerning alleged design and construction defects.
- Advised a developer on the risks posed by the bankruptcy of a major trade contractor on an ongoing project and negotiated a takeover agreement with the contractor's surety that ensured no disruption to the work on the project.
- Represented a hospital in litigation arising from a contractor's defective work and delays related to a new outpatient facility for cancer treatment and successfully negotiated a settlement to compensate the hospital for damages arising from the breaches.

## AWARDS

- *Chambers USA: Construction, New York (2022-2025)*
- *Best Lawyers in America®: Construction Law (2023), Litigation – Construction (2026)*
- *Benchmark Litigation: "40 & Under List" in New York (2021, 2023-2025)*
- *Business Today: Top 10 Influential Construction Lawyers in New York (2023)*
- *Law360: Rising Star – Construction (2020)*
- *Legal 500 United States for Real Estate: Construction (including construction litigation) (2021-2022)*
- *Rising Star, Law & Politics' New York Metro Super Lawyers (2014-2022)*
- Recipient, 2010 Pro Bono Publico Award, Legal Aid Society
- Fellow, Construction Lawyers Society of America

## TOP AREAS OF FOCUS

- Business Litigation
- Construction
- Construction Litigation
- Litigation + Trial

## ALL AREAS OF FOCUS

- Business Litigation
- Construction
- Construction Litigation
- Enforcement Actions + Investigations
- Government + Regulatory
- Litigation + Trial
- Public-Private Partnerships

## PROFESSIONAL EXPERIENCE

- Legal extern, The Legal Aid Society, 2009

## EDUCATION AND CERTIFICATIONS

## EDUCATION

- New York University School of Law, J.D., *magna cum laude*, *Order of the Coif*, *Robert McKay Scholar*, 2009
- Cornell University, B.A., *with distinction*, 2006, mathematics, psychology

## BAR ADMISSIONS

- New York

## COURT ADMISSIONS

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, Second Circuit

## SPEAKING ENGAGEMENTS

- Speaker, “Pitfalls of GMP – Observations From the Developer’s Perspective,” Lorman Live Webinar, December 21, 2022.
- Presenter, “Domestic and International Arbitration Clause Drafting,” Troutman Pepper, June 21, 2021.
- Presenter, “COVID-19 Construction Delay Claims,” Construction Lenders Risk Management Roundtable, December 10, 2020.
- Panelist, “Construction Contracts: An Overview,” Professional Women in Construction NY Chapter, August 12, 2020.
- Presenter, “The Ins and Outs of Surety Bonds and Undertakings for Judicial Proceedings,” June 2020.

## PUBLICATIONS

- Co-author, “New York Further Tightens 2023 Retainage Law: 5% Cap on Retainage Cannot Be Increased in Private Construction Contracts,” *Troutman Pepper Locke*, January 21, 2026.
- Co-author, “US DOL Updates Prevailing Wage Rules for Construction Industry,” *Troutman Pepper*, August 16, 2023.
- Co-author, “Federal Infrastructure Bill Paves the Way Toward More Transportation Infrastructure Public-Private Partnerships,” *Troutman Pepper*, March 29, 2023.
- Author, “Immediate Steps for Owners and Developers in Response to COVID-19 Construction Delays and Cost Impacts,” *Troutman Sanders*, June 9, 2020.
- Contributor, “Accountants’ Liability Under the Federal Securities Laws,” Chapter 5A in *Federal Securities Exchange Act of 1934*, Vol. 1 (published by Matthew Bender & Co. Inc., a member of the LexisNexis Group 2012).
- Co-author, “Negotiating and Exercising Rights of First Refusal,” *New York Law Journal*, August 13, 2012.
- Co-author, “On the Path of Lease Resistance,” *New York Law Journal*, November 21, 2011.