Michael P. Subak

Partner

Philadelphia

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Mike is trusted by construction clients to win their toughest and most complex disputes, and for practical, strategic advice on project management and dispute avoidance.

OVERVIEW

Mike is a first-chair construction litigator who represents owners, EPC contractors, construction managers, general contractors, and subcontractors in disputes involving projects valued from $1 million to more than $10 billion. He has tried to verdict or award a diverse range of cases involving commercial development projects and capital projects in the energy and infrastructure markets. Mike's experience encompasses coal, nuclear, solar, gas-fired power plants, airports, pipelines, and transmission lines, and other types of major projects across the U.S. and around the world. Clients also turn to him for guidance throughout their projects on matters ranging from project assessment to risk mitigation.

Mike is active on the Forum Committee of the American Bar Association, and he previously chaired the Philadelphia Bar Association's Subcommittee on Construction Law.

Mike leads the firm's Construction Practice Group, which was named "Practice Group of the Year" by *Law360* in 2021, 2022, and 2024. The practice has received numerous recognitions, including its ranking in *Construction Executive's* "The Top 50 Construction Law Firms" in the U.S. for 2022-2026, and in *Chambers USA* since 2009.

Long active in firm management, Mike earned national recognition for developing an innovative and novel approach to hiring. During his tenure as chair of the Hiring Committee, the firm's summer associate program was ranked best in the U.S. in *American Lawyer* magazine's annual survey. Mike was also recognized for these accomplishments in the *ABA Journal*.

REPRESENTATIVE MATTERS

- Lead counsel on behalf of a general contractor in the prosecution of substantial claims arising out of the construction of a steel mill in the U.S. Leading the challenge of the propriety of a termination, defending against substantial claims from the owner, and pursuing significant claims on behalf of our client.
- Lead counsel on behalf of an EPC contractor in the prosecution of a nine-figure claim arising out of a multibillion-dollar build out of a high-speed fiber system, resulting in a nine-figure settlement without resorting to litigation.
- Lead counsel on behalf of an EPC contractor in federal court in the defense of a nine-figure claim arising out of

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the failed development of a multibillion-dollar power plant. The matter involved the owner's attempts to avoid the enforcement of a limitation of liability clause. All noncontract claims against our client were dismissed, and following discovery, the court granted summary judgment on the enforceability of the limitation of liability clause. When the plaintiffs were unable to reverse the granting of summary judgment through various procedural tactics, the case subsequently settled on terms highly favorable to our client.

- Lead counsel on behalf of a major electrical contractor in federal court in the prosecution of a substantial claim against the utility owner. After six days of trial in federal court, the client secured a substantial settlement.
- Lead counsel on behalf of an EPC contractor in a series of disputes arising out of the construction of a multibillion-dollar power plant. Achieved a substantial settlement with the project owner, as well as the successful navigation of a variety of disputes involving subcontractors and vendors.
- Represented the private developer for the rebuilding of the World Trade Center in an arbitration that resulted in a $100 million+ savings to our client. Subsequently represented this developer in another multibillion-dollar arbitration, resulting in the successful renegotiation of the development agreement.
- Lead counsel for a general contractor in connection with its wrongful termination on a portion of a $700 million+ elevated rail program with a public transit authority in a major city. Following discovery and dispositive motions, our client received an eight-figure settlement, and the public transit authority dropped all counterclaims.
- Lead counsel on behalf of a trade contractor in connection with its wrongful termination by the EPC contractor on a $500 million+ combined-cycle power plant in an operating refinery. Following discovery, motion practice, and sanctions being assessed against opposing counsel, our client received an eight-figure settlement. The EPC contractor also dropped all of its counterclaims.
- Project counsel in a seven-month secondment to one of the world's largest contractors on a $10 billion airport in the Middle East, providing advice on a diverse range of issues on the mega-project.
- Represented a general contractor in a dispute with an owner in connection with the construction of a major retirement community. Following depositions of the owner's team, a settlement was achieved in the amount of 100% of its claim, plus interest and attorney's fees.

AWARDS

- *Best Lawyers in America®:* Construction Law (2014-2027), Litigation – Construction (2023-2027)
- *Chambers USA:* Construction, Pennsylvania (2013-2026)
- *Legal 500 United States:* Construction (2016-2020) and Real Estate: Construction (including Construction Litigation) (2021-2026)
- *Lexology Index:* Recommended (Construction) (formerly *Who's Who Legal*) (2023-2024)
- *Super Lawyers*®: Pennsylvania (2018-2023)

TOP AREAS OF FOCUS

- Construction
- Construction Litigation
- Energy Construction
- International Construction Projects

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Lecturer, Lorman's Construction Law Course (Philadelphia and Harrisburg, PA, 1997-2007)
- Served as an instructor for the Construction Management Certificate Program, Temple University's School of Business and Management (Philadelphia, PA, 2000-2006)

PROFESSIONAL EXPERIENCE

- Legislative assistant: U.S. Rep. Gus Yatron (Washington, D.C.), 1990-91

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Pittsburgh School of Law, J.D., 1994
- Middlebury College, B.A., *cum laude*, 1989, political science

BAR ADMISSIONS

- Pennsylvania

COURT ADMISSIONS

- U.S. District Court, Eastern District of Pennsylvania

SPEAKING ENGAGEMENTS

- Speaker, "Preparing and Presenting Construction Damages," 2024 Annual ABA Forum on Construction Law, April 11, 2024.
- Speaker, Construction SuperConference (London and San Francisco, CA).

MEDIA COMMENTARY

- Quoted, "Construction Attorneys Brace for Impact of Tariff Uncertainty," *Law360*, June 17, 2025.
- Quoted, "Troutman Pepper's National Construction Practice Named Among Law360's Practice Groups of the Year for Second Consecutive Year – *Practice Recognized for Major Deals, Litigation Wins in 2022*," *Constructlaw*, January 23, 2023.
- Quoted, "The Dotted Line: Lessons From the Maryland Purple Line's Amended Contract," *Construction Dive*, March 29, 2022.