

## Patrick J. Poff

Senior Member

### Tampa

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## Overview

Patrick Poff is a Florida Board Certified Construction Lawyer and a Florida Supreme Court Certified Circuit Civil Mediator, who practices complex commercial litigation with an emphasis on construction claims, construction defects, product defects, lien and bond claims and insurance coverage matters. An active member of the American Bar Association's Forum on Construction Law, Pat has served as a member of the Governing Committee and is a past chair of the Forum's Division on Insurance, Surety & Liens.

Pat has been with Trenam since 2000 and became a shareholder in 2005. Pat represents owners, homeowners' associations, developers, contractors, subcontractors, design professionals, manufacturers and suppliers in all phases of dispute resolution and litigation. Prior to joining Trenam in 2000, Pat served as both a federal prosecutor (Special Assistant United States Attorney) and a Trial Defense Counsel for the United States Army Judge Advocate General's ("JAG") Corps. Pat was honorably discharged from military service at the rank of Major.

## Representative Matters

- Successfully represented high-end residential homebuilder client seeking damages for the breach of an interior design agreement by sophisticated homeowners. After a multi-day trial involving complex evidentiary and contract interpretation issues, the trial court awarded the client the full amount of damages sought and declared the client to be the prevailing party for the purposes of awarding attorneys' fees.
- Trial counsel for major Fortune 500 multinational conglomerate corporation in various industrial, commercial and/or retail product liability defense matters involving complex economic, personal injury, wrongful death and/or property damage claims. Matters have included, but are not limited to, coal-fired furnace and boiler explosion litigation; power plant generator related litigation; commercial and retail product and/or appliance litigation; and similar matters.
- Trial counsel to publically-traded national real estate investment trust that owns, acquires, renovates, develops and manages multifamily apartment communities nationwide. Represented client in various suits involving design defects, plumbing defects, roofing defects, stucco defects, EIFS defects, water intrusion damage, insurance coverage disputes and related matters.
- Counsel to structural steel fabricators and/or erectors in various construction related matters including, but not limited to, contract drafting, risk management, construction litigation, lien foreclosure and collection related matters.
- Trial counsel for leading public and private contractors, subcontractors and material suppliers (including big-box store suppliers) in various matters including, but not limited to, contract drafting, risk management, licensing, bid disputes, construction liens, insurance coverage matters, payment and performance bond claims, product liability and construction defects and related disputes.
- Trial counsel for commercial and residential real property owners and homeowner's associations in various complex litigation matters including, but not limited to, contract and/or lease disputes, construction and design defect litigation, sinkhole litigation, Chinese Drywall litigation, toxic mold litigation, and



## Alternate Contact

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## Practice Areas

- Construction
- Litigation and Dispute Resolution
- Mediation and Arbitration
- Government Contracting
- Professional Liability
- Insurance

## Education

- J.D., Mercer Law School, 1995
  - *Mercer Law Review*, Articles Editor, 1994-95
- The Judge Advocate General's School, United States Army, Charlottesville, Virginia, 1995
- B.A., with honors, University of South Florida, 1992

## Admissions

- Florida
- U.S. District Court, Middle and Southern Districts of Florida
- Georgia

various other contract and/or construction related matters.

- Trial defense counsel for mortgage company in complex multi-million dollar suit involving an alleged conspiracy to violate the Interstate Land Sales Full Disclosure Act and Florida Uniform Land Sales Practices Act issues. Obtained a full dismissal on behalf of client.

## Honors and Distinctions

- Certified Florida Supreme Court Circuit Civil Mediator
- *Tampa Magazine's Top Lawyers List*, 2021, 2023-2024
- Board Certified in Construction Law by The Florida Bar
- AV Rated Preeminent by Martindale-Hubbell
- *The Best Lawyers in America*, Construction Law; Construction Litigation; Commercial Litigation, 2019-2024
- Chambers USA Recognized Practitioner, Construction, 2017-2019
- *Florida Super Lawyers*, 2014-2024
- *Florida Trend's Legal Elite*, 2012, 2014, 2018
  - *Florida Legal Elite*, Up & Comer, 2007, 2008
- U.S. Army JAG School, Citation for Outstanding Achievement in Contract Law, 1995
- U.S. Army JAG School, Excellence in Advocacy Award, 1998
- William T. Ryder Award, Airborne Honor Graduate Award, Airborne Qual. Course (Fort Benning, GA - Delta Co., 1/507th Parachute Infantry Regiment), 1996

## Professional Involvement

- American Bar Association, Forum on Construction Law
  - Governing Committee, 2015-2018
  - Leadership Circle, 2018-Present
- American Bar Association, Forum on Construction Law, Division on Insurance, Surety & Liens (Div. 7)
  - Chair, 2012-2014
- The Florida Bar Association, Real Property, Probate and Trust Section, Construction Law Committee, 2007-present
- Hillsborough County Bar Association
  - Construction Law Committee, 2003-present
  - Military Liaison Committee, Chair, 2007-2008
- Ave Maria Law School, Board of Visitors, 2005-present
- Associated Builders and Contractors, Associate Member, 2006-present

## Community Involvement

- The American Legion, Hugh Gilbert Strickland Post 138, Member
- University of South Florida National Alumni Association, Past Secretary, Board of Directors
- Leadership Tampa, Class of 2008
- Leadership Tampa Alumni Association

## Thought Leadership

- Speaker, "The Law of War and War Crimes," University of South Florida, September 2023
- Speaker, "Mechanical Contractors Get Paid: The Florida Lien Law," Plumbing Heating and Air Conditioning Contractors Association of Sarasota County, February 2020.
- Guest Lecturer, The Law of Land Warfare, University of South Florida School of Interdisciplinary Global Studies Course, February 2020.
- Lecturer, Lien Law and Florida Laws and Rules Course, Charlotte Desoto Builders Association, Port Charlotte, Florida, July 2018.
- Lecturer, Lien Law and Florida Laws and Rules Course, Building Contractors Licensure Continuing Education, Bonita Springs, Florida, May 2018.
- Lecturer, Lien Law and Florida Laws and Rules Course, HVAC Contractors Licensure Continuing Education, Fort Myers, Florida, May 2018.
- Lecturer, Lien Law and Florida Laws and Rules Course, Plumbing Contractors Licensure Continuing Education, Sarasota, Florida, April 2018.

- Author, "Owners and Contractors Alert: AIA Construction Documents Revised for 2017," October 2017.
- Governing Committee Liaison, "A Capital View: Best Practices in Inside and Outside Construction Counseling," ABA Forum on Construction Law 2017 Annual Meeting, Washington, D.C., April 20-22, 2017.
- Presenter, Florida Lien Law and Lender Liability, Wells Fargo Lunch and Learn, September 29, 2015.
- Programming Committee, Co-Chair, American Bar Association, Forum on Construction Law, "2015 Sticks and Bricks Regional Program," Baltimore, Dallas, Denver, Ft.Lauderdale, Nashville, San Francisco, February 27, 2015.
- Co-Author, Ethics: Throwing in the Kitchen Sink-How Far Can You Go in Presenting Damages in Litigation, Mediation & Negotiation, American Bar Association Forum on the Construction Industry, Mid-Winter Meeting Making Dollars and Sense out of Construction Damages, Waldorf Astoria, Naples, Florida, January 31-February 1, 2013.
- Co-Author, Florida Section of the Cumulative Supplement, *Fifty State Construction Lien and Bond Law Manual*-Second Edition, Aspen Publishers, 2004-Present.
- Author, The Impact of Agency, Trust and Fiduciary Relationships in Construction Contracting and Lien Law Enforcement, 2011 National Trust Real Estate Forum, Clearwater Beach, Florida, May 4, 2011.
- Lecturer, The Uniform Code of Military Justice & The Joyride from Hell' Court-Martial, Distinguished Lecturer Series, Ave Maria University School of Law, Naples, Florida, November 15, 2010.
- Lecturer, The Uniform Code of Military Justice & The Joyride from Hell' Court-Martial, University of South Florida, Tampa, Florida, October 11, 2010.
- Author, Post-Judgment Collection and Remedies: Show Me The Money, American Bar Association Forum on the Construction Industry, Annual Meeting The Age of Turbulence: Managing Money Issues in Construction, Austin, Texas, April 22-24, 2010.
- Co-Author, Drafting and Negotiating Contractual Indemnity Agreements, a section of the *Construction Checklists: A Guide to Frequently Encountered Construction Issues*, published by the American Bar Association's Forum on the Construction Industry, 2008.
- Author, Florida's Construction Lien and Insurance Law Update, presented at a joint seminar with Walker Brands, Beck Group, and Tampa BayTrane, Business Roundtable Seminar for Owners and Developers, Tampa Club, Tampa, Florida, October 29, 2008.
- Author, Review of the Florida Construction Lien Law, Bankers Seminar, Tampa Club, Tampa, Florida, February 7, 2008.
- Regional Program Coordinator, The Construction Contracts Book, American Bar Association Forum on the Construction Industry, 2008 Regional Construction Conference, Orlando, Florida.
- Lecturer, Construction Defects-Florida Supreme Court's J.S.U.B. & Pozzi Decisions and the Post 1984 Standard ISO Commercial General Liability Policy, ABA Forum on the Construction Industry - Division 7 Webinar, 2008.
- Author & Lecturer, Black Hawk Court Martial-Joyride from Hell, presented to the Order of the Daedalians, MacDill AFB, Tampa, Florida, March 20, 2007.
- Speaker Coordinator, Swimming with the Sharks: Litigating the Construction Case and More, ABA Forum on the Construction Industry, Annual Meeting, San Diego, California, 2006.
- Lecturer, Legislative Developments in Construction Contracting, Liens and Bonds, Lorman Educational Seminar Recent Developments in Florida's Construction Claims Statute and Related Issues, Marriott Waterside, Tampa, Florida, December 7, 2005.
- Lecturer, Construction Lien Law Update presented at the Hillsborough County Bar Association's Fall 2004 Construction Law Seminar, Tampa, Florida, 2004.
- Author, Legislature Creates Pre-Suit Hurdles for Homeowner Construction Defect Claims, *Lawyer Magazine*, Hillsborough County Bar Association, Volume 14, No. 3.
- Co-Author, Chapter 558, Florida Statutes, Pre-suit Hurdles for Homeowner Construction Defect Claims and Alternative Dispute Resolution: Arbitration and Mediation in the Construction Industry, presented at the Associated General Contractors of Greater Florida, Inc.'s Construction Law & Lien Law Symposium, Tampa, Florida, December 2003.
- Author, Employer Obligations to Service Members Under the Uniformed Services Employment and Reemployment Rights Act, presented at the Florida Bar Military Affairs Committee's Military Law and Legal Assistance Symposium, St. Pete Beach, Florida, 2002.
- Author, Lien Law Tactics and Pitfalls: An Eye Toward Litigation presented at Lorman Education Services' Florida Construction Issues Seminar, Tampa,

Florida, 2002.

- Co-Author & Lecturer, Rules of Engagement and the Laws of War, St. Leo University, Tampa, Florida, 2001.
- Co-Author, Slotting Allowances and the Emerging Antitrust Enforcement Debate, *The Florida Bar Journal*, VolumeLXXIV, No. 10, November, 2000.
- Editor, Federal Judicial Independence Symposium, 46*Mer. L. Rev.* 637, Winter 1995, (Distributed to all members of Congress and the federal judiciary at the direction of the Administrative Office of the United States Courts, Washington, D.C.).
- Lecturer, "The Constitutionality of Georgia's Moment of Silence Law," Georgia Teachers Association Conference, Macon, Georgia, 1994.
- Author, Case Note, *Welsh v. Boy Scouts of America: Defining the Scope of a Place of Public Accommodation* Under Title II of the Civil Rights Act of 1964, 45*Mercer L. Rev.* 1137, 1994.