



## Donell Andre Hicks

**PARTNER**

Seattle

206.695.5121

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### RELATED SERVICES

- Construction
- Construction Professionals
- Construction Receivable Recovery

### OFFICES

- Seattle
- Tampa
- Baltimore
- Miami
- Washington

### OVERVIEW

Donell André Hicks provides support to a broad client base and his services are routinely sought out by construction clients for representation in complex disputes. He is a seasoned litigator who understands strategy and tactics and applies his wide breadth of knowledge using a practical, results-oriented approach. Donell obtained Board Certification in Construction Law by the Florida Bar in August 2013.

Donell is highly experienced in handling a range of disputes in all types of construction cases, including residential, commercial, condominium, and homeowner association (HOA) claims. He represents various construction industry professionals, including developers, property owners, contractors, subcontractors, architects, and engineers in transactional, litigation, mediation, and arbitration matters. His construction litigation experience includes disputes involving construction defects, breach of contract, construction delays, and more.

## REPRESENTATIVE EXPERIENCE

- Represented numerous contractors, architects, and engineers (civil, structural, mechanical, electrical, plumbing, geotechnical, aquaculture, etc.) on single family, condominium, and commercial projects.
- Drafting and negotiation of construction contracts, including AIA contract documents, for numerous clients.
- Representation of owners, contractors, and surety companies with liens, bond claims, and subsequent litigation.
- Represented law firms, attorneys, accountants, insurance agents, and other professionals against claims of Errors and Omissions in malpractice cases.
- Representation of national department store against landlord as it relates to the closure of a contaminated site involving environmental concerns reviewed by the Florida Department of Environmental Protection, Miami-Dade DERM, and the Environmental Quality Control Board.
- Representation of owners with regard to building code violations.
- Representation of commercial property building owner with regard to elevator failure due to lack of maintenance by national elevator company under annual maintenance agreement.
- Provided assistance to clients regarding useful life of commercial buildings and coordination of expert opinions regarding structural integrity of the property.
- Defense of Directors and Officers to protect the personal assets of corporate directors and officers, and their spouses, in cases alleging claims of breach of fiduciary duty and negligence.
- Defense of gas station owner against environmental contamination litigation and agency action resulting from fuel spill and discharge from underground storage tank.
- Represented aquaculture engineer against claims made by owners of a fish farm by analyzing the aquaculture engineering design and bio plan.
- Defense of engineer in the design of a 4-story energy plant for Nova Southeastern University's Community Development District (CDD) to provide chilled water to the campus facilities.
- Defense of engineer for the design of the City of North Miami Beach Norwood-Oeffler Water Treatment Plant where damages claimed were in excess of \$25 million.
- Defense of company in complex construction delay case regarding the design and supply of equipment to construct a cement plant with alleged damages in excess of \$60 million.
- Defense of engineer related to the standard of care in the design of a luxury South Beach condominium, with alleged damages in excess of \$45 million.
- Defense of architect who allegedly miscalculated the true square footage of a luxury South Beach condominium, thus causing the owner lost profits in excess of \$40 million.

- Defense of general contractor who built the Spring Valley residential subdivision to defend against a class action claim for failure to provide adequate stucco, with alleged damages in excess of \$11 million.

## CREDENTIALS

### Admissions

- Florida
- Maryland
- Washington
- District of Columbia
- U.S. District Court, Northern, Middle, and Southern Districts of Florida
- U.S. District Court, District of Columbia
- Supreme Court of the United States

### Memberships

- The Florida Bar, Real Property, Probate & Trust Law Section (RPPTL), Construction Law Committee, 2006-Present
  - Litigation Subcommittee
- All Ivy+, 2011-Present
  - President, 2017-Present
  - Board Member, 2011-2016
- Gay and Lesbian Lawyers Association of South Florida (GALLA), Co-Chair, 2023-Present
- Cornell University, Cornell Class of 1997, 2009-Present
  - President 2022-Present
  - Co-President 2017-2022
  - Class Council 2009-2016
- Cornell Club of Greater Miami and the Florida Keys, 2011-Present
  - President, 2011-2015
- Cornell University Council, Ambassador, 2016-2020; 2022-2026
- The Florida Bar Leadership Academy, Fellow and Inaugural Class Member, 2013-2014
- Greater Miami Chamber of Commerce, Leadership Miami

### Education

- J.D., The George Washington University School of Law, 2000

- B.A., Cornell University, 1997

**Honors**

- Florida Bar Board Certified Construction Attorney, 2013-Present
- AV Preeminent® Top Rated Lawyer, *Martindale-Hubbell*
- Gay and Lesbian Lawyers Association, Recognition Award, 2023