



Sarah B. Biser

Partner

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Ranked by *Chambers USA* as a leader in construction law for 11 consecutive years, Sarah represents owners, contractors, developers, architects and engineers, both in the United States and abroad, in all stages of the construction process. Co-chair of the firm's national construction law and international arbitration groups, she focuses her practice on large, capital-intensive construction projects, with a particular emphasis on drafting and negotiating contracts for complex and unique construction and infrastructure, as well as litigating disputes involving such projects both in the courtroom and in domestic and international arbitration.

"(A) true construction attorney with a tremendous command of construction law; she can take complex issues and distill them down to the facts."

~ Chambers USA confidential interview of construction industry client

Internationally, she represents one of the joint venture partners who constructed the expansion of the Panama Canal, and the EPC contractor who designed and constructed a 220-megawatt hydroelectric plant in Changuinola, Panama. Sarah, who also co-chairs the firm's Israel Practice Group, represented Technion-Israel Institute of Technology in connection with the Technion-Cornell joint venture, in the construction of a new applied science university and related facilities on Roosevelt Island that is expected to be the largest development of the decade in New York City. She was involved in the construction of InterActive Corporation's futuristic headquarters and AOL's headquarters, including the CNN newsroom, in the Time Warner building.

Sarah has also been involved in the construction of industrial smelters, waste ammonia recovery systems, solar power installations, museums, educational institutions, health care facilities, and other commercial and infrastructure projects. She is currently defending a European construction company in connection with Defense Base Act claims arising out of the 1968 crash of a B-52 bomber carrying four nuclear warheads at an airbase in Thule, Greenland.

Books

- Sarah is co-author of the leading treatise on New York construction law, the *New York Construction Law Manual*.
- She authors the chapter on New York law in *Fifty State Construction Lien and Bond Law* (3rd Edition) and the New York chapter in *State-by-State Guide to Architect, Engineer and Contractor Licensing*.
- Sarah co-authored the chapter on "Legal Relationships" in *Temporary Structures in Construction* (3rd Edition).

Before Fox Rothschild



Prior to joining Fox, Sarah was a partner at an East Coast-based law firm.

Beyond Fox Rothschild

Sarah is a frequent lecturer on construction issues. She serves as an adjunct professor, teaching a course on high-growth corporate transactions, in Cornell Law School's Technology Law LL.M. program. She is a member of the New Jersey Israel Commission, by appointment of New Jersey Gov. Chris Christie, and is fluent in conversational Hebrew.

Honors & Awards

- Named to the "Notable Women in Law" list by *Crain's New York Business* (2021)
- Recognized by *Chambers USA* for Construction - New York (2009-2020)
- Named a "Local Litigation Star" in New York by *Benchmark Litigation* (2020)
- Named to the "Super Lawyers" list for Construction Litigation in New York (2010-2020)
- Named in Practical Law Company, Construction and Projects (2010-2012)
- Named among "The Top Women Attorneys in the New York Metro Area" by *Super Lawyers* (2012, 2014-2020)



[*Awards Methodology](#)

Practice Areas

- Litigation
- Architecture, Engineering & Design Professional Firms
- Construction
- International
- International Arbitration
- Israel
- Real Estate
- Energy & Natural Resources
- Renewable Energy & Project Development
- Infrastructure & Development

Bar Admissions

- New York
- New Jersey

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit



- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, District of New Jersey

Education

- New York University School of Law (J.D., 1983)
- Columbia University School of International Affairs (M.I.A., 1979)
- Rutgers University (B.A., *Phi Beta Kappa*, 1977)

Memberships

- American College of Construction Lawyers, Fellow
- American College of Real Estate Lawyers, Fellow
- Construction Lawyers Society of America, Fellow
- Dispute Review Board Foundation for Israel
 - Co-Regional Head
- American Bar Foundation, Fellow
- American Council of Engineering Companies, Legal Counsel Forum
- American Bar Association
 - Co-Chair, Project Finance Committee
- New York County Lawyers' Association
 - Former Co-Chair, Construction Law Committee
- International Bar Association
 - Former Co-Chair, International Project Committee/Dispute Resolution Subcommittee
- International Institute for Conflict Prevention and Resolution (CPR)
 - Co-Chair, Construction Committee
- International Association of Jewish Lawyers and Jurists
 - Board Member
- New Jersey Israel Commission
- New Jersey State Bar Association
- New York State Bar Association
- American Friends of Technion Society

Languages

- Conversational Hebrew

Representative Matters

- **New York Power Authority** – Represents the nation's largest state public power organization, authorized under Public Authorities Law, with regard to litigation involving its construction and energy upgrade programs.



- Represents **major metropolitan museums** in New York and Washington, DC with regard to renovations, including drafting and transactional advice for architectural, construction and consultant contracts.
- **Constructora Urbana, S.A. (CUSA)** – Represented CUSA - one of the joint venture partners in the consortium that constructed the third lane of the Panama Canal, for ICC arbitration and English proceedings related to the construction of the third lane. Also represented CUSA as joint venture partner with French-based VINCI Construction for the construction of a four-lane concrete cable-stayed bridge north of the Panama Canal Gatun Locks, owned by the Panama Canal Authority, an autonomous entity of the Government of Panama. The construction of the three-kilometer bridge is part of the Panama Canal Expansion Program.
- **Princeton University** – Represents the university with regard to construction-related litigation.
- **Rutgers University** – Represents the university with regard to transactional matters and construction-related litigation.
- **Technion University** – Drafted and negotiated joint venture agreement with Cornell University to develop and construct a premier, state-of-the-art applied science graduate school and research facility and campus on land provided by the City of New York on Roosevelt Island for Mayor Bloomberg's signature economic development and infrastructure project.
- **E. Phil** – Represents a Danish construction company in the construction of a 220-megawatt hydroelectric plant in Changuinola, Panama and successfully defended and prosecuted claims in ICC arbitration against the owner developer of the plant. Represents company in bankruptcy for a Defense Base Act matter involving the 1968 crash in Thule, Greenland of a U.S. B-52 military plane carrying four plutonium bombs.
- **Public Service Electric & Gas Corporation** – Represented PSEG Services Corp. with regard to claims arising out of the construction and closeout of a fossil fuel power plant in Trenton, NJ. Litigation began when the EPC contractor walked off the job and terminated its services as contractor. Negotiated settlements regarding final acceptance of certain power plant operating systems and successfully avoided litigation regarding final completion and disputed and defective work claims.
- **Hudson River Park Trust** – Successfully defended the Trust in a vigorously contested bid protest brought by a disappointed low bidder. The Trust is a public benefit corporation in partnership between the state of New York and New York City charged with the design, construction and operation of the five-mile Hudson River Park.
- **Jet Blast Hydrodemolition** – Won breach of contract claim for plaintiff in jury trial; judgment was affirmed on appeal by New Jersey Superior Court, Appellate Division.
- **Petersen Geller & Spurge** – Structured and negotiated settlement on behalf of millwork designer in multimillion-dollar litigation involving construction of new federal courthouse in Brooklyn.
- **NYC Headquarters of IAC/InterActiveCorp** – Drafted, negotiated and counseled developer for and owner of, Frank Gehry-designed headquarters of internet conglomerate with regard to contracts for construction management, design professional, trade contractor and consultant.
- **Verizon Communications, Inc.** – Drafted and negotiated contracts for construction management, design professional, trade contractor and consultant for national leader in telecommunications industry.
- **Palace Electric v. Constructamax, Locust Valley Central School District et al** – Successfully negotiated and settled on behalf of school district multiparty litigation involving multimillion-dollar claims against the school district and one of prime contractors.
- **NYMEX v. Forest Electric Corporation** – Successfully negotiated and settled lien foreclosure case involving disaster recovery trading facility maintained outside New York by NYMEX in the event of a catastrophe.



- ***DASNY v. Urban Foundation/Engineering, LLC*** – Successfully negotiated and settled multiparty litigation involving multimillion-dollar claims of negligence, defective workmanship and defective design of waterproofing system for student affairs building on Baruch College campus.
- ***Heller v. Marvin Windows*** – Successfully negotiated and settled case involving mold and defective window design against major national window manufacturer.

Publications

June 5, 2020

New York City Issues New Construction Health and Safety Rules for Phase One of Reopening

June 2, 2020

U.S. Supreme Court Rules that Equitable Estoppel May Be Applied to International Contracts Governed by the New York Convention

May 15, 2020

New Jersey Opens Up for Business – Slowly

April 27, 2020

New York Outlines Two-Phase Business Reopening Plan

April 24, 2020

CISA's Critical Infrastructure Workforce Guidance: Focus on Construction

April 20, 2020

COVID-19: Construction Contracts and Potential Claims Under Business Interruption, Civil Authority and Other Insurance Policies and Endorsements

Practical Law

April 14, 2020

CARES Act Opportunities for Israeli Companies With U.S. Operations

April 9, 2020

New Jersey Restricts Nonessential Construction; Issues New Mandates for Retail, Manufacturing, Warehouses and Essential Construction

March 27, 2020

NY Narrows Definition of Permitted Construction Projects

March 26, 2020

COVID-19 and Force Majeure Provisions in EPC Contracts and Other Construction Contracts

Practical Law

March 18, 2020

Coronavirus – Key Updates and Proposed Legislation for NYC's Building Industry

February 12, 2019

Summary Disposition in ICSID and ICC Arbitration



International Bar Association Arbitration Committee Newsletter

October 16, 2017

How Do Courts Measure Damages Related to Project Disruption?

New Jersey Law Journal

June 15, 2017

The Gray Area of Design/Build

Construction Today

Multiple Years, Annual Edition

New York Construction Law Manual

Thomson West

Multiple Years

New York Chapter in Fifty State Construction Lien and Bond Law (3rd Edition)

Aspen Law & Business

Multiple Years, Annual Edition

New York Chapter in State-by-State Guide to Architect, Engineer and Contractor Licensing

Aspen Publishers

March 15, 2016

New York: The Construction Industry's Secret Weapon

March 2016

Duels, Litigation, Arbitration or Dispute Review Boards: The Better Choice in Complex Construction Projects

Business Law Today (ABA)

October 2014

EPC Contract Drafting Considerations: Increased Costs and Extensions of Time

Practical Law

August 1, 2012

Model Consent to Assignment for Project Finance Transactions (With Commentary)

The Business Lawyer, Vol. 67, Issue 4. ABA Section of Business Law, pp. 1193-1224

2009/10, 2010/2011 and 2011/2012

United States and New York Chapter, Construction Projects, the Law and Leading Lawyers Worldwide

Practical Law Company

Summer 2011

Recent Trends and Construction Financing 101

NYCLA Construction Law Journal

Multiple Years, Annual Edition

New York Chapter in Fifty State Construction Lien and Bond Law (2nd Edition)

Aspen Publishers

Fall 2009



Indemnity - By Whom, For Whom and To What Extent?

Construction Today

2009

Inside the Minds, Construction Dispute Resolution Chapter

Aspatore Books

October 21, 2009

Construction Law: On the Hook

Construction Today

Summer 2008

Crane Safety and Recent Connecticut Decisions Re: Crane Operations and Liability

Connecticut Law Tribune

November 13, 2007

Indemnity Provisions in Construction Contracts - When Will They Be Upheld, and To What Extent?

New York Law Journal

November 12, 2007

Indemnity Provisions in Construction Contracts - When Will They Be Upheld, and To What Extent?

National Law Journal

Summer 2007

Dealing With Damages in Construction Contracts, International Who's Who of Construction Lawyers, 2007

The Real Estate Finance Journal

February 2006

Dispute Resolutions Boards – Avoiding the Pitfalls – Part 2

Constructioneer

December 2005

Dispute Resolutions Boards – Avoiding the Pitfalls – Part 1

Constructioneer

Events

Insurance Trends in the Construction Industry

March 23, 2021

Virtual

Hosted by: Fox Rothschild LLP

From Trade to Tourism: Israel and the UAE Are Open for Business

February 16, 2021

Webinar

Hosted by: Fox Rothschild LLP and Amit Pollak Matalon & Co.

Insurance Trends in the Construction Industry



January 12, 2021

Webinar

Hosted by: Fox Rothschild and The Graham Company

ADR Insights Into the Construction Industry: What Has Worked and What Does the Future Hold?

November 12, 2020

Webinar

Hosted by: CPR Institute's Construction Advisory Committee

The Virtual Perspective 101: Lessons Learned Through Real Experiences

November 5, 2020

Webinar

Hosted by: Ankura Construction Forum and the American Bar Association Litigation Section

From Trade to Tourism: Israel and the UAE Are Open for Business

October 28, 2020

Webinar

Hosted by: Fox Rothschild LLP

Identifying Opportunities and Risks for Battery Storage Projects

September 23, 2020 at 10:00am

Webinar

Hosted by: American Bar Association, Project Finance Committee

Why It's Smart to Require Dispute Review Boards in Your Agreements

September 17, 2020

Webinar

Hosted by: Fox Rothschild LLP

Successful Delivery of Construction Projects

September 15, 2020 at 11:00am – 12:00pm

Webinar

Hosted by: American Arbitration Association

Recovery of the Hotel and Restaurant Industries in the United States and Israel After COVID-19

June 25, 2020

Webinar

Hosted by: Fox Rothschild LLP

International Dispute Resolution – The Enforcement of International Judgments, Arbitral Awards and Settlement Agreements

June 16, 2020

Webinar

Hosted by: Fox Rothschild LLP and Association of Corporate Counsel

Construction in Quarantine: Issues, Experiences and Perspectives Around COVID-19 and its Impact on Construction Contracts and Projects

June 16, 2020

IBA Webinar



Hosted by: International Bar Association

Planning for The Day After: Remobilizing the Construction Industry

May 7, 2020

Webinar

Hosted by: International Institute for Conflict Prevention & Resolution

Current Issues Facing Israeli Entrepreneurs

May 5, 2020

Webinar

Hosted by: Fox Rothschild LLP

Moving Forward: Weathering Insurance and Risk Management Challenges

April 30, 2020

Webinar

Hosted by: Fox Rothschild LLP

Enforcement of International Arbitral Award and Settlement Agreements: New York Convention, Singapore Convention and a Proposed Treaty

April 27, 2020

Webinar

Hosted by: Fox Rothschild LLP

Guide to COVID-19 Issues and Relief for Your Business

April 13, 2020

Webinar

Hosted by: Fox Rothschild LLP

Moving Forward: Weathering the Storm

April 8, 2020

Webinar

Hosted by: Fox Rothschild LLP

NY Convention on Trial

March 3, 2020 at 2:15pm – 3:15pm

Beit Hasmachot

Hosted by: Tel-Aviv Arbitration Day

NY Convention on Trial

March 3, 2020 at 2:15pm – 3:15pm

HaArba'a

Hosted by: Tel Aviv Arbitration Day

Women in Law Global Rainmakers Summit

January 15, 2020

Online Event

Hosted by: International Bar Association's International Construction Projects Committee

Practical Considerations Retrospective vs. Prospective Delay Analysis



November 2, 2019

7th Biennial Conference on Construction Projects from Conception to Completion

Hosted by: International Bar Association

Collaborative Contracts - What Do They Really Mean?

October 2, 2019

BDO

Hosted by: Society of Construction Law - North America

International Supply Issues for Project Development

September 14, 2019

Hosted by: American Bar Association | Project Finance and Development Committee

Common Problems & Pitfalls that Healthcare Entities Encounter with Construction

July 18, 2019

Fox Rothschild LLP

Hosted by: Fox Rothschild LLP

How to Ensure Your Construction Arbitration Proceeds with Alacrity and Within Budget

June 12, 2019

New York, NY

Hosted by: American Arbitration Association

Regional Aspects of International Arbitration

May 18, 2019

Athens, Greece

Hosted by: International Bar Association (International Projects Group)

Regional Aspects of International Arbitration: the United States

February 25, 2019

Tel Aviv, Israel

Hosted by: Tel Aviv Arbitration Day

New Regulations: U.S. Defense Aid for Israel

July 2, 2018

BDO House, Tel Aviv

Hosted by: BDO & Fox Rothschild LLP

Establishing Facilities for Engaging in Foreign Military Sales in the United States

July 2, 2018

Tel Aviv

Arbitration of Construction Disputes

May 17, 2018

The Netherlands

Hosted by: International Business Association

ORT America Speaker Series: Real Estate, Construction & Engineering Division New York Region

October 26, 2017



Fox Rothschild LLP
Hosted by: Fox Rothschild LLP and ORT America

Assessing Disruption: Different Methods and Do They Matter?

September 16, 2017
Hilton Brussels Grand Place
Hosted by: International Bar Association

Assessing Disruption: Different Methods and Do They Matter?

September 14, 2017
Brussels, Belgium

Political Risk: Will Your Deal Survive the Winds of Change?

April 8, 2017
Hyatt Regency New Orleans
Hosted by: American Bar Association

Preventative Lawyering: Lessons Learned from the Construction Industry

March 2, 2017
The Biltmore Hotel
Hosted by: The International Institute for Conflict Prevention and Resolution 2017 Annual Meeting

Dealing With God: Obtaining Capital Under Halachah and Sharia Law To Buy, Develop and Lease Property

October 8, 2016
Hosted by: ACREL

Fraud Corruption Bribery—Ethics and Professionalism on the Project Front Line

September 9, 2016
The Westin Copley Place
Hosted by: American Bar Association Business Law Section

Deals: Expansion of the Panama Canal

April 25, 2016
Columbia Law School

Litigation, Insolvency and Other Things When Projects Go Bad

April 8, 2016
Hosted by: American Bar Association (ABA) Business Law Section Spring Meeting-Project Finance Committee

Common Ground: Building and Caring for the Future of New York

April 3, 2016
Hosted by: WABC Radio Show

Effectively Hot Tubbing Experts

April 1, 2016
Miami, FL
Hosted by: American Arbitration Association

The NY Lien Law (Articles 2 and 3), Mechanic Liens, Building Loans and Applicable Case Law

February 8, 2016



Building the Future of the New York Region

January 28, 2016

Hosted by: WABC Radio Show

Construction of the Third Lane of Panama Canal

December 2, 2015

Hosted by: Columbia Law School

How High Is Up? Civil and Common Law Approaches to the Typical Exceptions to Limitations of Liability in the Age Of "Gross Negligence"

October 23, 2015

Hosted by: International Project Committee Panel, International Bar Association

How To Deal With the Insurer in the Arbitration and Mediation Process

October 22, 2015

Hosted by: CPR Construction Committee Webinar

Current Issues in New Jersey Construction Lien Law

September 21, 2015

Hosted by: Lorman

Best Practices/Worst Practices - Drafting in the Forefront

September 19, 2015

Hosted by: ABA Business Law Section - Annual Meeting

How the Technion Israel Institute of Technology Develops Tomorrow's Technologies and Brings Them to Market

April 15, 2015

Deep Surgery: Uncovering Complex Issues in Construction Contracts

March 27, 2015

Scottsdale, AZ

Hosted by: American College of Real Estate Lawyers

News

December 23, 2020

Crain's New York Business Names Sarah Biser and Laurie Stanziale to Notable Women in Law List

December 21, 2020

Notable Women in Law 2021

Crain's New York Business

September 30, 2020

Thought Leaders - Construction 2020: Sarah Biser

Who's Who Legal



July 6, 2020

Corona is Not Alone for the Unlucky U.S. Independence Day Celebrations

Calcalist

July 2, 2020

Fox's Israel Practice Ranked Among Top 10 in Legally Israel 100

Israel Desks

June 19, 2020

Top 50 Construction Law Firms

Construction Executive Magazine

May 4, 2020

Challenges and Business Opportunities in the U.S. in the Shadow of Corona

Calcalist

March 11, 2020

Chambers Recognizes 84 Fox Attorneys

September 30, 2019

Benchmark Features Fox Attorneys Among "Local Litigation Stars"

June 4, 2019

Top 50 Construction Law Firms

Construction Executive Magazine

June 3, 2019

US B-52 Nuclear Bomber Crash in Greenland 51 Years Ago Has III Danes Seeking Compensation

April 1, 2019

Fox Announces Leadership Transitions

February 14, 2019

Chambers and Partners Recognizes 80 Fox Attorneys in the 2019 Guides

February 21, 2018

Chambers USA Recognizes More Than 55 Fox Attorneys

September 19, 2017

The Dotted Line: Understanding IDIQ Contracting's Win-Win Potential

Construction Dive

February 22, 2017

Chambers USA Recognizes More Than 50 Fox Attorneys as Leaders in the Law

February 7, 2017

It's Up to You, New York: Inside Design-Build's Struggle To Gain Traction In NYC

Construction Dive

December 15, 2016



FAA Declines To Allow Canes at L.A. Rams' New Stadium Site, Potentially Delaying Construction

L.A. Biz

September 5, 2016

Movers

The National Law Journal

August 30, 2016

On the Move

New York Law Journal

August 29, 2016

Lateral Moves

The Am Law Daily

August 19, 2016

Fox Welcomes Experienced Construction Attorney Sarah Biser to Its New York Office