



## Mark W. Mercante

Shareholder

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Mark Mercante is co-chair of Baker Donelson's Construction Group.

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Mr. Mercante represents owners, developers, contractors, subcontractors, and design professionals in all aspects of construction, including construction contract negotiation and drafting, pre-claim counseling during the construction process, and disputes before courts and arbitration panels. His dispute resolution experience includes representation on claims of breach of contract, change orders, defective work, delay, disruption, inefficiency, differing site conditions, unfair trade practices, and other construction-related claims.

Mr. Mercante handles matters involving state law lien claims and federal law Miller Act claims. His transactional matters include negotiation and drafting of construction, design, CMAR, design-build, and EPC contracts for manufacturing and industrial facilities; office and commercial complexes; universities; hospital systems; institutional facilities; shopping centers and other retail developments; high-rise residential developments; educational facilities; and a variety of other commercial projects.

Mr. Mercante is a Fellow in the American College of Construction Lawyers, and is also listed for Construction in *The Best Lawyers in America*®, Super Lawyers, and *Chambers USA*. Best Lawyers® recently recognized Mr. Mercante as 2026 Construction Law "Lawyer of the Year" in New Orleans.

## Representative Matters

### Arbitration and Litigation

- Represented an owner in connection with a lawsuit arising from a major expansion of production facilities at a chemical manufacturing plant.
- Represented a design-builder on claims arising out of Louisiana's first public-private partnership (P3) infrastructure project.
- Represented an industrial contractor in prosecuting a multimillion-dollar delay and cumulative impact claim arising from an industrial construction project and defending against the owner's delay and lost profit claims.
- Represented an owner/university in claims arising out of the construction of new student housing buildings.
- Represented a major oil and gas company regarding claims arising from delayed installation of production infrastructure on a Gulf of Mexico platform.
- Represented a disaster recovery contractor in claims arising from work in the U.S. Virgin Islands.
- Represented an owner/hospital system in disputes regarding shared savings/concession agreements.
- Represented an owner/hospital system on claims arising from damages sustained to underground infrastructure during the construction of a new building.
- Represented a Public Works Act bidder in successfully challenging the responsiveness of a multimillion-dollar bid.
- Represented an EPC contractor against multiple multimillion-dollar subcontractor claims associated with the \$1 billion-plus Inner Harbor Navigation Canal Hurricane Protection Project.
- Represented numerous contractors and engineers regarding licensing requirements and alleged violations.

## **Transactional**

- Represented a contractor in drafting agreements for the construction of a \$6 billion manufacturing facility.
- Represented an owner in drafting an EPC agreement for a nuclear industry project exceeding \$1.7 billion.
- Represented a contractor on contracts associated with a \$10 billion data center project.
- Represented a concessionaire/developer in construction contracts for the takeover and expansion of primary energy functions for a major university, anticipated to exceed \$800 million.
- Represented an owner in the negotiation of design and construction contracts for the development of a new \$400 million soybean processing facility.
- Represented universities and hospital systems on construction contracts associated with energy modernization projects.
- Represented an owner on construction contracts for the development and renovation of a former hospital into mixed-use facilities, anticipated to exceed \$300 million.
- Represented a university on construction contracts for multiple projects, including student housing, classroom buildings, stadiums, practice facilities, and medical/research facilities.
- Represented an athletic foundation on construction contracts for various projects, including stadium expansion and improvements and athletic support facilities.
- Represented a contractor on construction contracts for a wastewater project in excess of \$220 million.
- Negotiated and prepared numerous construction and architectural agreements associated with medical, commercial, retail, and mixed use projects.
- Negotiated and prepared numerous construction and architectural agreements associated with institutional and non-profit projects.
- Negotiated and prepared contracts for the execution of various disaster recovery projects throughout the southeastern United States.
- Negotiated and prepared design and construction agreements between a university and architect and general contractor for the construction of a new Division 1 football stadium.
- Negotiated and prepared multiple design-build agreements for the construction of energy-related projects and improvements.
- Negotiated and prepared EPC agreements associated with industrial projects.



## **Professional Honors & Activities**

- Fellow – American College of Construction Lawyers (ACCL)
- Listed in *The Best Lawyers in America*® for Construction Law since 2007; Litigation - Construction since 2011
- Named the Best Lawyers® 2026 Construction Law "Lawyer of the Year" in New Orleans
- Selected to Louisiana Super Lawyers, Construction Litigation (2012 – 2025)
- Listed in *Chambers USA* as a leading Construction lawyer in Louisiana since 2012
- Selected to 2023 *CityBusiness* Leadership in Law
- Recognized as a "Top Lawyer" in Construction Law by *New Orleans Magazine* (2010 – 2025)
- Member – American Bar Association, Litigation Section and Forum on the Construction Industry
- Chairman – ABA Forum on Construction Law Division 3 - Design (2016 – 2018)
- Member – Steering Committee of Forum on the Construction Industry Division 3 – Design (2007 – 2016)
- Program Chair – American Bar Association Forum on the Construction Industry Annual Meeting "Don't Tell Me What I Should Have Done – What Do I Do Now," Palm Springs, California (April 2008)
- Liaison – American Bar Association Young Lawyers Division liaison to the ABA Forum on the Construction Industry (2005 – 2007)
- Chairman – ABA Forum on The Construction Industry's Young Lawyers Committee (2006 – 2007)

- Program Coordinator – American Bar Association CLE "Fundamentals of Construction Law," New Orleans (2006)
- Vice President – Dispute Resolution Committee of the American Bar Association Young Lawyer's Division (2004 – 2005)
- Member – Louisiana State Bar Association, Corporate and Business Law Section and Fidelity, Surety & Construction Law Section
- Member – New Orleans Bar Association
- Member – Federal Bar Association
- Member – Covington Bar Association
- Fellow – American Bar Foundation
- Associate Member – Associated Builders and Contractors
- Recipient – Baker Donelson's Mandeville Office Pro Bono Award (2010 and 2020)



## Publications

- Speaker – "Top Issues Impacting Developers and How They Deal with Them," The Blueprint 2025 Construction Industry Conference New Orleans, Louisiana (October 2025)
- "Construction Laws and Customs: Louisiana," *Practical Law* (August 2025)
- Co-editor/Author – "50-State Survey of Licensed Design Professional's Stamping and Sealing Obligations" (April 2025)
- Co-editor/Author – "50-State Survey of Firm Licensure Requirements for Architectural and Engineering Firms," ABA Forum on Construction Law – Division 3 – Design (April 2025)
- Co-author – "Representing the Project Owner – A Construction Lawyer's Guide, Contract Structures," ABA Forum on Construction Law (April 2025)
- "Protecting Against the Impact of 2025 Tariffs on Construction Costs" (March 2025)
- Co-chair – "Unveiling Digital Evidence," Louisiana State Bar Association CLE (August 2024)
- "Louisiana Legislature Grants Sureties the Right to Raise Contractor Defenses, Including 'Pay-If-Paid'" (July 2024)
- Speaker – "There Is No Perfect Set of Plans: Who Pays?," The Blueprint 2023 Construction Industry Conference New Orleans, Louisiana (October 2023)
- Co-author – "Construction Laws and Customs: Louisiana," *Practical Law* (February 2023)
- Speaker – "Active CMAR A133 and A201 Contract Negotiation," The Blueprint 2022 Construction Industry Conference New Orleans, Louisiana (October 2022)
- "Design Professionals Guide to Construction Law," *Construction Law Today* (July 2021)
- Editor/Author – "Design Professional's Guide to Construction Law," ABA Forum on Construction Law (March 2021)
- Co-author – "Construction Laws and Customs: Louisiana State Q&A," *Practical Law* (2020)
- Co-author – "Coronavirus: How Louisiana's Stay-at-Home Order May Affect the Construction Industry" (March 2020)
- Co-author – "Coronavirus: Construction Industry Impacts," (March 18, 2020); republished in *New Orleans City Business* (March 19, 2020)
- Co-author – "Defending Against Owner Claims," *Construction Disputes: Representing the Contractor*, Fourth Edition (Aspen Law and Business, 2019)
- Co-author – "Construction Laws and Customs: Louisiana State Q&A," *Practical Law* (2019)
- Co-author – "New Louisiana Law Requires Public Entities to Pay Interest on Late Payments to Contractors" (June 2018)
- Chair/Author – "50-State Survey of Licensed Design Professional's Stamping and Sealing Obligations" (April 2018)
- Co-author/Co-editor – "Potentially Good News for Contractors Seeking Final Payment on Public Construction Projects" (April 2018)

- "Join Division 3 and Make the Most of Your Forum Membership," *The Construction Lawyer*, Volume 38 Number 2 (Spring 2018)
- Co-author – "Louisiana First Circuit Holds that Private Works Act Surety Cannot Raise Pay-if-Paid Defense" (January 2018)
- Co-author – "Construction Law Update: Case Law & Legislation Affecting the Construction Industry," ABA Forum on Construction Law – Division 10 – Energy and Environment (Louisiana section) (2012 – 2017)
- Co-author – "Louisiana Construction Laws and Customs Q&A," *Practical Law* (2017)
- Co-editor/Author – "50-State Survey of Firm Licensure Requirements for Architectural and Engineering Firms," ABA Forum on Construction Law – Division 3 – Design, 2015 Edition (2015)



## Education

- Loyola University School of Law, J.D., 1995, cum laude
  - *Loyola Law Review*, 1993 – 1995
- Southern Methodist University, Dallas, Texas, B.B.A., 1992



## Admissions

- Louisiana, 1995
- U.S. Fifth Circuit Court of Appeals, 1995
- U.S. District Courts for the Eastern, Middle and Western Districts of Louisiana, 1995