



## Michael A. Schollaert

Shareholder

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Michael Schollaert is an experienced construction lawyer providing strategic and practical advice to his clients at every stage of the construction process, from contract drafting, review, and negotiation through the preparation and defense of claims and dispute resolution. He works closely with his clients to achieve the best outcome in a cost-effective and timely manner.

Mr. Schollaert is an experienced construction lawyer who offers strategic and practical counsel to his clients about all facets of a project, from contract drafting, review, and negotiation through the preparation and defense of claims.

As a trusted advisor to his clients, Mr. Schollaert seeks to prevent disputes by protecting his client's interests through effective contract language and risk mitigation strategies. When claims arise, Mr. Schollaert effectively and efficiently analyzes complex claims and works with the client to best position the claim for resolution. When claims cannot be resolved informally, Mr. Schollaert advocates aggressively in the courtroom or through mediation and arbitration proceedings.

Mr. Schollaert has extensive experience in the prosecution and defense of mechanic's liens in state courts throughout the State of Maryland. He represents general contractors, owners, state and local agencies, subcontractors, and suppliers on private and public construction projects. His practice focuses on the preparation and defense of claims involving bid protests, payment disputes, project delays and disruptions, wrongful termination, construction, engineering and design defects, and related matters. Mr. Schollaert has also represented owners, public agencies, contractors, and subcontractors in bond default matters providing advice and assistance to ensure the completion of the projects and the resolution of claims. He has represented both developers and contractors on numerous power and energy projects, including utility-scale solar, wind, and coal power projects.

Mr. Schollaert is listed as a leading construction lawyer in Maryland by *Chambers USA*. Mr. Schollaert has also been named in *Maryland Super Lawyers* since 2009 and listed in *The Best Lawyers in America*®, Construction Law category from 2014 – 2026. He also lectures on various topics of interest to professionals in the construction industry. Mr. Schollaert is the editor of the *Maryland Construction Law Deskbook*, published by the Maryland State Bar Association, and he also co-authored the chapter on Mechanic's Liens and Statutory Remedies.

Active in the community, Mr. Schollaert serves on the board of Business Volunteers Maryland (BVM). He is also a current Section Council member and former chair of the Construction Law Section of the Maryland State Bar Association.



### Representative Matters

- Represented a modular contractor in the defense of delays and construction defects claims for a public school project. After five days of virtual arbitration hearings, the Panel rejected the claims asserted against the contractor and awarded almost the entirety of the contractor's affirmative claims.

- Drafted master design and construction management agreements for the construction and fit-out of pharmaceutical manufacturing facilities and subsequently negotiated those agreements with designers and construction managers on specific construction projects throughout the United States.
- Acted as lead counsel in a multi-week jury trial defending an international engineering firm from design-defect and delay claims brought by a municipality alleging more than \$65 million in compensatory and punitive damages.
- Filed a bid protest with the U.S. Government Accountability Office (GAO) on behalf of contractor that was excluded from the competitive range for a \$48 million construction procurement. In response to various arguments related to evaluation errors, the agency took corrective action and agreed to reevaluate the client's proposal in full and to create a new competitive range.
- Represented the construction manager in resolving various claims and disputes arising out of the construction of one of the largest hotel and convention center complexes on the eastern seaboard with a total project cost in excess of \$800 million.
- Obtained a defense verdict for a pre-cast subcontractor sued under the theory of promissory estoppel after withdrawing its bid on a parking garage project.
- Filed bid protest and appeal with the Maryland State Board of Contract Appeals (MSBCA) over an agency's decision to reject all bids and cancel a procurement concerning the rehabilitation of multiple bridges. After fully briefing the matter before the MSBCA, the agency agreed to settle and award the construction contract to our client, the low bidder for the original procurement.
- Represented the general contractor in delay and inefficiency claims arising out of the construction of a 1.6 MW wind farm. After more than four weeks of arbitration and post-arbitration proceedings, the general contractor was awarded nearly the entirety of its claim along with interest and attorneys' fees.
- Negotiated a favorable settlement agreement with a state agency on behalf of a landowner to ensure continuous monitoring and improvement of a lake and its tributaries that were contaminated by adjacent construction activities.
- Represented a subcontractor in an arbitration against a general contractor arising from the construction and renovation of an elementary school. The arbitrator awarded the subcontractor the vast majority of its claims and denied all back charges to the general contractor.
- Represented an electrical subcontractor in claims arising out of the largest solar project in the state of Maryland.
- Advised the developer regarding EPC contracting issues and negotiated the resolution of delay and claims arising out of four separate solar projects exceeding 51MW.
- Represented a subcontractor in a lawsuit against the prime contractor for failure to pay for sprinkler work performed on a building project. Following trial, secured a judgment for all of the claimed damages, as well as interest and attorneys' fees upon a showing that the prime contractor knowingly and in bad faith refused to pay.
- Drafted and negotiated a contract on behalf of a health care system for the construction of a new medical building with a guaranteed maximum price (GMP) of \$95 million. Drafted and negotiated a contract for the construction of a central utility plant associated with the medical building with a GMP of \$24 million.



## Professional Honors & Activities

### Professional Memberships

- Member – American College of Construction Lawyers (ACCL)
- Member – American Bar Association, Forum on the Construction Industry
  - Steering Committee, Division 4
  - Liaison, Marketing Committee
- Member – Bar Association of Baltimore City
- Section Council – Maryland State Bar Association, Construction Law Section

## Community Service

- Business Volunteers Maryland
  - Board of Directors
  - Governance Committee

## Honoraries

- Listed in *Chambers USA* as a leading Construction lawyer in Maryland (2022 – 2025)
- Listed in *The Best Lawyers in America*® for Construction Law Category (2014 – 2026)
- Listed as a "Top Rated" Construction Litigation attorney by *Maryland Super Lawyers* (2018 – 2025)
- Listed as a Maryland Rising Star in Construction Litigation (2009 – 2013, 2015 – 2017); Construction and Real Estate (2014)



## Professional Background

- Summer Associate, Ober, Kaler, Grimes & Shriver
- Law Clerk, United States Attorney's Office
- Regulatory Compliance Specialist, LCC International, Inc.



## Publications

- Editor – "Maryland Construction Law Deskbook," Construction Law Section, Maryland State Bar Association, Third Edition (2023)
- Co-author – "Reminder: Beginning January 1, 2023, Virginia "Pay-if-Paid" Clauses No Longer Valid" (December 2022)
- Co-author – "Regaining Predictability by Planning for Price Fluctuations in Construction Materials," *Construction Executive* (December 2021)
- Author – "New Amendments to the Prompt Payment Act: What You Should Know," *Building Baltimore Magazine* (Winter 2020)
- Co-author – "COVID-19 Compliance in the Construction Industry," *Building Baltimore Magazine* (Fall 2020)
- Co-author – "Bonds Required on Federal Construction Projects Even if Contract is Silent," *Building Baltimore Magazine* (Winter 2019)
- Co-author – "New Maryland Law Gives Employees the Immediate Right to Sue GCs and Subs for Prevailing Wage Violations," *ABC Baltimore* (May 2019)
- Author – "Scope of the Construction Trust Fund Statute Under Scrutiny," *Building Baltimore Magazine* (2018)
- Co-author – Chapter 12: Mechanic's Liens and Statutory Remedies, *Maryland Construction Law Deskbook* (Second Edition), Maryland State Bar Association (2017)
- Editor – *Maryland Construction Law Deskbook* (Second Edition), Maryland State Bar Association (2017)
- Contributor – "Chapter 15: Overview of ConsensusDocs Form Contracts," *Construction Law Handbook* (Second Edition), *Wolters Kluwer* (2014, 2015, and 2016 Cumulative Supplement)



## Speaking Engagements

- Speaker – "Leap into Construction Law Fundamentals," Maryland State Bar Association (January 2024)
- Program Chair – "Maryland Construction Law Institute," Maryland State Bar Association (July 2023)
- Co-speaker – "COVID-19 Impacts and Legal Challenges," Ironworker Management Progressive Action Cooperative Trust (December 2020)
- Speaker – "AIA Contract Clauses and Claims," Maryland State Bar Association (November 2019)
- Speaker – "One Year After Release: What You Need to Know About the Revised AIA Documents," *ABC Baltimore* (2018)

- Speaker – "Construction Contracting Considerations," BLocal BUILD College, a Johns Hopkins Initiative (2018)
- Speaker – "Construction Professional Services Agreements: Key Provisions, Common Areas of Dispute, and Streamlined Contract Negotiations," webinar, Strafford Publications, Inc. (2018)
- Speaker – "Construction Law: Learn How It Really Gets Built!," Judicial College of Maryland (2017)
- Speaker – "Addressing the Legal Challenges of Design-Build Contracts," Higher Education Real Estate Lawyers (HEREL) Annual Conference (2017)
- Program Chair – "Maryland Construction Law Institute 2017: Building the Foundation," Maryland State Bar Association (2017)
- Speaker – "Change Orders in Maryland," Lorman Education Services (2014)
- Program Chair – "Maryland Construction Law Institute 2013: Building the Foundation," Maryland State Bar Association (2013)
- Speaker – "Fundamentals of Construction Contracts: Understanding the Issues," Lorman Education Services (2012, 2013)
- Speaker – "AIA Contracts," Lorman Education Services (2011, 2013)



## Webinars

- Managing Engineering Liability and Risk in Maryland (January 2023)
- Leveling the Peaks and Valleys: Best Practices to Proactively Address Price Fluctuations in Construction Materials (December 2021)



## Education

- University of Maryland School of Law, J.D., 2004
  - Order of the Coif
  - Executive Board – *The Business Lawyer*
- Connecticut College, B.A., 2000



## Admissions

- Maryland
- District of Columbia
- U.S. Court of Appeals for the District of Columbia
- U.S. District Court for the District of Maryland
- U.S. District Court for the District of Columbia