

Elizabeth B. Ferguson

Shareholder

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Jacksonville – 904.358.4230



Elizabeth is a member of the firm's Professional Liability Department. Her practice focuses on the defense of owners, contractors, material suppliers, developers, and design professionals (architects, engineers and surveyors) against claims of liability, breach of contract, construction defect, design defect, delay, liens/bonds, insurance coverage issues, and licensure issues. She also provides transactional support for her construction clients, including contract drafting and review. Elizabeth has been Board Certified in Construction Law by The Florida Bar since 2009 and is AV rated by Martindale-Hubbell. She served on the Florida Board of Professional Engineers, appointed by Gov. Rick Scott, from 2015-2018.

Elizabeth is a Construction Panel Arbitrator for the American Arbitration Association, has served as a professor of construction law, and is a frequent speaker on legal and construction industry issues. In 2019, she was selected as an "Ultimate Attorney" in the area of construction law by the *Jacksonville Business Journal*. As a Florida Board Certified expert in construction law, her typical matters include residential, commercial and roadway construction matters, from pre-suit through trial and arbitration. She also defends clients before professional licensing boards related to disciplinary and licensure issues.

Education

- Indiana University Maurer School of Law (J.D., 2002)
- College of Wooster (B.A., 1999)

Admissions

- Florida, 2002
- U.S. District Court Middle District of Florida, 2005

Practices

- Architectural, Engineering & Construction Defect Litigation
- Miscellaneous Professional Liability

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Litigation - Construction (2022-2027)
- Florida Super Lawyers (2018-2026)
- Florida Trend, Legal Elite, 2023 Notable Women Leaders in Law
- Florida Super Lawyers Rising Star-Construction Litigation (2009-2017)
- Florida Trend Magazine, Legal Elite, Construction Law (2014, 2018, 2020, 2021)
- Florida Trend Magazine, Up and Comer (2008, 2010-2013)
- Ultimate Attorney, Jacksonville Business Journal, Construction Law (2019)

Associations & Memberships

- American Bar Association, Forum on the Construction Industry, 2009 – 2019
- Associated Builders and Contractors
- Chester Bedell Inn of Court
- Florida Association of Women Lawyers
- The Florida Bar, Board Certified in Construction Law, 2009- Present
- The Florida Bar, Construction Law Committee, Co-Vice Chair; 2021-2022
- The Florida Bar, Construction Law Committee, Pro Bono Chair, 2022 - 2023
- The Florida Bar, Construction Law Review Course Steering Committee, Co-Chair, 2020-2023
- The Florida Bar Construction Law Certification Committee, 2023-2024
- The Florida Bar, Grievance Committee 4A, Vice-Chair, 2017-2020
- The Florida Bar Judicial Nominating Procedures Committee, 2021-2024
- The Florida Bar, RPPTL Section, Executive Committee Member, 2018-Present
- Florida Board of Professional Engineers, Former Board Member
- Jacksonville Bar Association, President: 2019-2020; Board of Governors: 2012-2020; Construction Law Section: 2011-Present
- Phi Delta Phi, Wilkie Inn

Published Works

- "Big Impact on Duty to Defend Florida Construction Cases," *Defense Digest*, Vol. 24, No. 1, March 2018
- *Case Law Alerts*, contributor, April 2018-present
- *Legal Updates for Construction Litigation*, June 2017-present

Classes/Seminars Taught

- *Design Professional Liability*, The Florida Bar Real Property, Probate, and Trust Law Section's Advanced Construction Law & Certification Review Course, Orlando, Florida, March 5-7, 2026
- *Florida Construction Law*, Construction Licensing Officials Association of Florida Conference, May 29, 2025
- *Florida Construction Defect Litigation*, Jacksonville Bar Association's Florida Construction Defect Litigation CLE Lunch & Learn, April 30, 2024
- *Design Liability*, The Florida Bar Construction Law Institute, Orlando, Florida, March 23, 2024

- *Views from the Bench: Complex Construction Litigation – Trials and the Run-Up*, The Florida Bar Real Property, Probate and Trust Law Section's Construction Law Institute, Orlando, Florida, March 22, 2024
- *How Insurers Are Controlling Expert Costs in Construction Defect Claims*, AM Best Webinar, November 7, 2023
- *The Impact of Altman on Defense and Indemnity Obligations in Florida*, CLM Webinar, September 2018

Significant Representative Matters

- Defense of construction, engineering and inspection sub-consultant on an FDOT project with a value over \$111 million, involving claims brought by contractor for professional negligence and breach of duty.
- Defense of large southeast residential developer and home builder against claims by individual owners for construction defect, including improperly installed stucco, windows and roofing systems. Represented same builder in over 100 suits against the original subcontractors to recover costs incurred by the builder for remediation and repair of the homes.
- Defense of construction, engineering and inspection contractor from claims of insufficient maintenance of traffic in a roadway construction zone, case involved the death of two eighteen year olds.
- Defense of subcontractor against multi-million dollar construction defect and unfair trade practices claims by general contractor and owner. Case involved construction of multiple buildings, water intrusion and mold claims.
- Defense of nation-wide residential developer and home builder in a multi-million dollar construction defects and mold claim brought by individual owners seeking class certification of over 350 homes.

Representative Cases

- *Welcome v. Arvida*, 903 So. 2d 942 (Fla. 1st DCA 2005)

Certifications

- Board Certified Specialist, Construction Law, The Florida Bar

Thought Leadership

January 11, 2022

Proposed Changes to Florida's Statutes of Limitations and Repose Would Greatly Impact Construction Defect Litigation

January 11, 2021

Florida's Fourth Circuit continues trend requiring apportionment of damages in construction cases.