STEVEN J. SLAWINSKI

O'NEIL CANNON HOLLMAN DEJONG & LAING S.C.

Shareholder

Wisconsin's Premier Lawyers & Litigators

CONTACT

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PRACTICE GROUP

- Litigation
- Real Estate & Construction Law

For over 35 years Steve has represented his clients in complex construction, business, and real estate litigation. The emphasis of his practice is in the areas of construction litigation and construction law—representing general contractors, subcontractors, owners, and design professionals, in construction disputes, both in court and in arbitration. His practice also emphasizes real estate litigation, including representing title insurance companies and their insureds, in real estate title disputes.

His recent work has included defending complex multi-million dollar lawsuits arising from failed commercial construction projects located in Charlotte, North Carolina, and in Kansas City, Missouri. He has litigated cases arising from both public and private construction projects, including such high-profile projects as Miller Park and the WE Energies Elm Road Power Plant. Steve has defended contractors in construction accident personal injury cases, and has represented both owners and engineers in design professional malpractice cases. Steve has represented contractors regarding objections and protests to competitive bids for public construction projects. He drafts and reviews construction contracts and subcontracts; and represents contractors, owners, and title insurers regarding construction lien and payment bond claims. He also represents client in insurance coverage disputes.

Mr. Slawinski is a board member and past chair of the Wisconsin State Bar Construction and Public Contract Section Board. He was named one of "Wisconsin's Top Construction Attorneys" by the *Wisconsin Law Journal/Daily Reporter*. He is a frequent speaker at seminars for attorneys and construction industry professionals on construction law and on real estate law topics.

Steve Assists Clients With

- Construction Litigation and Arbitration
- Title Insurance Litigation
- Real Estate Litigation
- Liability Insurance Coverage Disputes
- Construction Law
- Construction Lien Law
- Construction Bond Claims
- Commercial and Business Litigation

Experience/Representative Client Work

- Successfully defended HVAC subcontractor against prime contractor's indemnity claim, resulting in dismissal of claim that was affirmed on appeal
- Successfully represented contractor in lawsuit against municipality arising from public construction project resulting in favorable settlement for client

- Won summary judgment dismissing general contractor's multi-million dollar construction lien claim against hotel property
- Represented corporate purchaser of defective industrial visual inspection machine in action against seller for breach of warranty and misrepresentation resulting in favorable settlement for purchaser
- Won summary judgment, which was affirmed on appeal, dismissing subcontractor's construction lien claim against commercial development
- Won judgment on the pleadings in favor of title insurance company dismissing insured's claim for coverage under title insurance policy
- Won summary judgment in favor of lender in mortgage priority dispute with competing lender
- Won summary judgment in favor of title insurance company resulting in dismissal of insured's claim for coverage under title insurance policy
- Represented general contractor in action against municipal owner to recover payment for work preformed on disputed public construction project resulting in favorable settlement for contractor
- Successfully represented design professional in professional liability insurance coverage dispute with insurer arising from multi-million dollar design defect claim by owner
- Represented municipal sewerage commission in claim against design professional and contractors for damage to its underground infrastructure resulting in favorable recovery
- Successfully defended condominium developer against condominium association's multi -million dollar claim alleging defective construction and mismanagement of association resulting in favorable settlement
- Represented apartment complex developer regarding termination of general contractor and claim for damages resulting in favorable recovery for developer
- Won summary judgment, and subsequent appeal before United States Court of Appeals for the 7th Circuit, dismissing general contractor's Federal Court lawsuit against subcontract bidder that declined to execute a subcontract in connection with the construction of a downtown Milwaukee high-rise office building, *C.G. Schmidt Inc. V. Permasteelisa N. Am*., 825 F.3d 801(7th Cir. 2016)
- Won summary judgment, and subsequent appeal before United States Court of Appeals for the 7th Circuit, in key case regarding title insurance coverage under loan policy for construction liens due to inadequate project funding, *BB Syndication Services, Inc. v. First American Title Insurance Co.,* 780 F.3d 825 (7th Cir. 2015)
- Won jury trial in franchise dispute, resulting in jury verdict awarding all damages claimed by client franchisor and rejecting defenses and counterclaim of franchisee, plus an award of all attorneys' fees and costs incurred by client
- Won trial and appeal in multi-million dollar will contest case, protecting client's inheritance under will and dismissing objections to will alleging undue influence
- Won summary judgment dismissing mortgage lender's multi-million dollar Federal Court lawsuit against client title insurer, arising from financial collapse of a $100 million commercial real estate development
- Won a jury trial and recovered a $1.2 million award, representing full recovery of all damages claimed plus interest, for an eight unit condominium association in an engineering malpractice case

- Successfully defended a lender's lawsuit against a title insurance company seeking over $20 million in damages arising from the failure of a high-rise condominium development
- Successfully represented Mitsubishi Heavy Industries America, Inc. in a multi-million dollar arbitration with one of its subcontractors in a contract dispute arising from the Miller Park Stadium construction project
- Defended Bechtel Power Corporation in two separate lawsuits filed by subcontractors arising from the WE Energies Power Plant project, the most expensive private construction project in Wisconsin history, resulting in favorable settlements in both cases
- Successfully represented close corporation and its majority shareholders in litigation against minority shareholders resulting favorable settlement.
- Successfully represented franchisor in arbitration against franchisee, resulting in favorable settlement
- Successfully represented a precast concrete supplier in a multi-party dispute during construction of an apartment building, resulting in a favorable outcome for the client
- Lobbied the Wisconsin Legislature on behalf of a construction equipment supplier resulting in the adoption of a favorable amendment to recent revisions to Wisconsin's Construction Lien Law
- Prevailed in a direct action by a title insurance company against a title agent's errors and omissions insurer, winning a favorable insurance coverage ruling resulting in a substantial recovery for the title company client
- Won summary judgment dismissing all claims against a contractor in an asbestos wrongful death case
- Successfully defended an equipment supplier in a construction accident personal injury case venued in Illinois, resulting in a favorable settlement at trial
- Won a jury verdict in favor of a lender as assignee of an owner, in a lawsuit seeking damages arising from a fire during construction
- Defended an engineering firm in a professional malpractice lawsuit arising from a grocery store roof collapse, resulting in a favorable settlement for the client
- Successfully defended an engineer in a lawsuit by the purchaser of a contaminated property alleging malpractice in connection with a Phase I environmental study
- Won a jury verdict in favor of the developer of a residential subdivision in a home purchaser's lawsuit alleging failure by the developer to enforce restrictive covenants
- Won a jury verdict in favor of a home builder in a lawsuit by an owner alleging construction defects
- Defended a contractor in a construction accident personal injury lawsuit arising from the collapse of the structure during construction, resulting in the pretrial dismissal of all claims against it
- Won partial summary judgment dismissing a city's delay counter-claim for substantial liquidated damages, and recovered payment for the contractor
- Defended an electronic component manufacturer against a product manufacturer's lawsuit alleging manufacturing defects and breach of warranty, resulting in a favorable settlement for the manufacturer

Professional Associations and Affiliations

- Member, State Bar of Wisconsin (Litigation and Construction/Public Contracts sections)

- Member, American Bar Association (Litigation section and Forum on the Construction Industry)
- Associate Member of:
  - –Associated Builders and Contractors (ABC)
  - –Associated General Contractors (AGC)
  - –American Council of Engineering Companies (ACEC) (former)
  - –Specialty Contractors of Wisconsin (SCW) (former)
  - –American Subcontractors Association (ASA) (former)
- Member, Federalist Society (Lawyers Division, Milwaukee Chapter)

Court Admissions

- Wisconsin Supreme Court
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for District of North Dakota

Awards/Distinctions

- Named 2022 Best Lawyers® "Lawyer of the Year" for Construction Law
- Selected for inclusion in 2009–2022 Wisconsin Super Lawyers*, Law & Politics* and *Milwaukee Magazine* (Construction Litigation)
- Selected for inclusion in *The Best Lawyers in America*®–Construction Law in 2014–2023
- Rated a 10.0 out of 10.0 by Avvo, a national attorney rating service which uses a mathematical model to rate attorneys based on experience, professional achievements, industry recognition, and professional conduct
- Named one of "Milwaukee's Leading Lawyers" in Construction/Development by *M Magazine*, 2012 and 2015 issues. Only 2-5% of the top ranked attorneys published by Avvo for each category, were recognized
- Named one of "Wisconsin's Top Construction Attorneys" by The Wisconsin Law Journal/Daily Reporter, December 2006 issue

Articles/Presentations

- Speaker, "Construction Contracts–Pitfalls and Landmines," ABC of Wisconsin Supercon 2022, February 10, 2022
- Speaker, "Proving Up Construction Contract Delay Damages," Wisconsin Bar Association, Annul Meeting and Conference, June 10, 2021
- Author, "Dispute Resolution–Mediation and Arbitration in Today's Construction World," *Merit Shop Contractor,* July/August 2020
- Author, "101: Wisconsin's Construction Lien Law," *State Bar of Wisconsin, Construction Blog,* July 8, 2020
- Speaker, "Construction Liens, What You Need to Know in the COVID-19 Economy," Associated Builders and Contractors of Wisconsin, May, 5, 2020
- Author, "Should a Contractor Stop Work Due to Nonpayment?," *ABC of Wisconsin, Contractor Blog*, April 20, 2020
- Speaker, "Wisconsin Law Update for Title Claims Counsel," First American Title Insurance Co., May 9, 2019

- Speaker, "Back to Basics: Wisconsin Property Law Rules for Title Claims Counsel," First American Title Insurance Co., November 16, 2017
- Speaker, "Wisconsin Insurance Law Update: Wisconsin Adopts Strict Four-Corners Rule," First American Title Insurance Co., November 30, 2016
- Author, "Seventh Circuit Holds That General Contractor's Bid Negotiations with Subcontractors Preclude Promissory Estoppel," *State Bar of Wisconsin, Construction Blog*, August 9, 2016
- Author, "Seventh Circuit: Lender's Title Policy Does Not Cover Liens Due to Insufficient Funding," *State Bar of Wisconsin, Construction Blog*, August 8, 2016
- Speaker, "Insurer's Duty to Defend and the Tort of Bad Faith, Under Wisconsin Law," First American Title Insurance Co., October 6, 2015
- Quoted in, "Seventh Circuit Sets Title Insurance Precedent," *Commercial Observer*, September, 11, 2015
- Speaker, "New Limits for Construction Lien Coverage Under the 7th Circuit's Decision in *BB-Syndication Services, Inc. v. First American Title Insurance Co.,"* Wisconsin Land Title Association, May 13, 2015
- Discussion panelist, "Legal Ethics Issues Relating to the Media and Dealing with the Media," *Hot Topics for In-House Counsel,* O'Neil, Cannon, Hollman, DeJong & Laing S.C., October 10, 2013
- Author, Wisconsin law chapter–*State-By-State Guide to Architect, Engineer, and Contractor Licensing*, 2d. Ed., 2013, plus annual updates
- Speaker, "The 'Litigation Hold'–Avoiding Spoliation of Electronic Evidence," O'Neil, Cannon, Hollman, DeJong & Laing S.C., March 28, 2012
- Speaker, "Risk Management from an Attorney's Perspective," American Council of Engineering Companies of Wisconsin, April 13, 2011
- Speaker, "Subcontract Terms: A Virtual Minefield–Indemnification and Insurance," American Subcontractors Association of Wisconsin, March 22, 2011
- Speaker, "Wisconsin's New Indoor Smoking Ban and the Construction Job Site," Associated Builders and Contractors of Wisconsin, June 2, 2010
- Speaker, "Risk Management from an Attorney's Perspective," American Council of Engineering Companies of Wisconsin, April 14, 2010
- Speaker, "Risk Management from an Attorney's Perspective," American Council of Engineering Companies of Wisconsin, December 4, 2008
- Speaker, "Construction Lien Law," Lorman Education Services, January 23, 2008
- Speaker, "Consensus DOCS 750 Agreement Between Contractor and Subcontractor," American Subcontractors Association of Wisconsin, November 27, 2007
- Author, "New Amendment Makes Important Changes to Lien Law," *Merit Shop Talk*, October 2006 issue
- Speaker, "Resolving Problems and Disputes on Construction Projects," National Business Institute, September 14-15, 2006
- Speaker, "Are You Prepared for Wisconsin's New 'Right to Repair' Law?," Metropolitan Builders Association, August 15, 2006
- Speaker, "Wisconsin's Newly Amended Construction Lien Law," American Council of Engineering Companies of Wisconsin, May 24, 2006
- Speaker, "Using a Mechanics' Lien to Get Your Money," National Business Institute, May 22, 2006
- Speaker, "Construction Contracting and Lien Enforcement in Wisconsin: Building a Foundation for Payment," National Business Institute, February 24, 2006

- Speaker, "Construction Lien Law in Wisconsin," Lorman Education Services, January 25, 2006
- Speaker, "Averting Chaos on the Jobsite," National Business Institute, January 20, 2006
- Speaker, "5th Annual Construction Payment Remedies in Wisconsin," National Business Institute, November 29, 2005
- Speaker, "Your Rights and Remedies Under Wisconsin's Construction Lien Law," Associated General Contractors of Greater Milwaukee, November 3, 2005
- Speaker, "Mechanics' Lien Law and Strategies in Wisconsin," National Business Institute, May 17, 2005
- Speaker, "The Nuts and Bolts of Wisconsin's Construction Lien Law," A.N. Ansay & Associates, Inc., March 1, 2005
- Speaker, "Contracting in an Environment of Rising Construction Costs," Associated General Contractors of Greater Milwaukee, February 17, 2005
- Speaker, "Construction Contract Strategies and Construction Lien Law," A.N. Ansay & Associates, Inc., November 17, 2004
- Speaker, "Construction Dispute Resolution: Mediation, Arbitration and Litigation," The Builders Edge, May 14, 2004
- Speaker, "The Nuts and Bolts of Wisconsin's Construction Lien Law," Associated Builders and Contractors of Wisconsin, January 27, 1996
- Speaker, "Public and Private Bonded Construction Projects," Lorman Education Services, November 12, 2003
- Speaker, "Construction Lien Law and Strategies in Wisconsin," National Business Institute, January 31, 2002
- Speaker, "Construction Lien Law & Strategies in Wisconsin," National Business Institute, June 30, 1999
- Speaker, "How to Solve Your Disputes–Pros and Cons," O'Neil, Cannon & Hollman, S.C., April 27, 1999
- Speaker, "Construction Payment Remedies in Wisconsin," National Business Institute, November 20, 1998
- Speaker, "Mechanics' Lien Law and Strategies in Wisconsin," National Business Institute, October 31, 1997
- Speaker, "Recent Developments in Wisconsin Construction Lien Law," Associated General Contractors of Wisconsin, March 15, 1995
- Speaker, "Wisconsin Construction Lien Law: A Refresher Course," O'Neil, Cannon & Hollman, S.C., December 1, 1994
- Author, "Contractors Can Be Liable For Excavating Or Grading Contaminated Soil," *The Western Builder*, February 18, 1993
- Speaker, "Construction Liens and Construction Bonds Under Wisconsin Law," The Cambridge Institute, November 15, 1991

Community Involvement

- Board of Directors, Associated Builders and Contractors of Wisconsin (former 2018–2020)
- Advisor to Board, Past Board Member (2015–2020), and Past Chair (2017), Wisconsin State Bar Construction and Public Contract Law Section Board of Directors
- Wisconsin State Bar Section Leaders Council (former)
- Wisconsin State Bar Construction Lien Law Committee (former)
- Associated Builders and Contractors of Wisconsin Legislative Committee

- American Counsel of Engineering Companies of Wisconsin Government Affairs Committee (former)
- Volunteer Attorney–Milwaukee Justice Center
- American Subcontractors Association of Wisconsin Government Relations Committee (former)
- Metropolitan Builders Association Construction Arbitration Board (former)

Education

- Marquette University Law School (J.D., *cum laude*)
- University of Wisconsin–Milwaukee (B.A., *with honors*)