



SEIGER GFELLER LAURIE <sup>LLP</sup>  
ATTORNEYS AT LAW

## MARK D. SHIFTON

Partner

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Mark D. Shifton focuses his practice in the areas of complex civil and commercial litigation in the state and federal courts in New Jersey and New York. Mark routinely represents owners, design professionals, and contractors in cases involving construction disputes and catastrophic property losses, and has extensive experience representing manufacturers, distributors, and retailers of a wide variety of industrial, consumer, and recreational products, including green building products, in both individual and class actions. Mark is regularly called upon to speak to various legal, insurance, and industry organizations on various topics such as investigating and defending claims involving catastrophic property loss claims, construction defect litigation, and risk management. Mark also routinely defends professional liability actions brought against attorneys, architects, and engineers, as well as insurance industry and healthcare professionals.

In addition to his complex litigation practice, Mark also maintains a practice in the area of green building and sustainable development, and routinely advises developers, design professionals, and contractors about the rapidly-evolving standards and developments in green building. Mark has been accredited as a LEED Green Associate by the Green Building Certification Institute, and is the editor of Green Building/Construction Law ([www.greenbuildingconstructionlaw.com](http://www.greenbuildingconstructionlaw.com)), a blog dealing with the legal issues surrounding green building, sustainability, and the construction industry. He has spoken widely on green building issues, before a variety of organizations, including the American Institute of Architects, the Defense Research Organization, and the Property & Liability Resource Bureau.

Mark currently serves as the Marketing Chair of the Defense Research Institute's (DRI) Construction Law Committee, as well as the Chair of the DRI Product Liability Committee's Building Products Specialized Litigation Group. Mark is also the Immediate Past Chair of the New Jersey State Bar Association's Product Liability and Mass Tort Section, and serves as an invited member of the New Jersey State Bar Association's Special Committee on Renewable Energy, Cleantech and Climate Change.

Mark earned his Juris Doctorate from Fordham University School of Law in New York City, where he was the Notes and Articles Editor of the Fordham Urban Law Journal, and was active on the Moot Court Board. Mark's personal interests include wreck diving off the Jersey Shore, slowly chipping-away at his list of never-ending home improvement projects, and keeping the delicate chemistry of several tropical aquaria tuned to perfection (while repeatedly yelling at his wife and two children not to tap on the glass). Prior to becoming an attorney, Mark was an Emergency Medical Technician in New York.

Mark is a graduate of the David Rhoads American Inn of Court, and has been named as a Rising Star by the New Jersey edition of Super Lawyers every year since 2011.

### Practice Areas

- Construction Litigation
- Catastrophic Property Loss Investigation and Subrogation Defense
- Green Building/Sustainable Development
- Complex Civil Litigation
- Product Liability Litigation
- Professional Liability

## Education

- Fordham University School of Law, J.D.
  - *Recipient of Best Brief Award, 2001 I. Maurice Wormser Moot Court Competition*
  - *Recipient of Archibald R. Murray Public Service Award*
  - Notes and Articles Editor, Fordham Urban Law Journal
  - Associate Editor, Fordham Moot Court Board
  - Senior Member, Brendan C. Moore Trial Advocates
- State University of New York at Buffalo, B.A.

## Admitted to Practice

- New Jersey
- New York
- United States District Court, District of New Jersey
- United States District Court, Southern District of New York
- United States District Court, Eastern District of New York
- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Second Circuit

## Professional Affiliations

- Defense Research Institute
  - Construction Law Committee (Marketing Chair)
    - Construction Defect SLG (Member)
    - Design Professionals SLG (Member)
  - Product Liability Committee
    - Building Products SLG (Chair)
- Claims and Litigation Management Alliance
- New Jersey State Bar Association
  - Product Liability and Mass Tort Section (Former Chair)
  - Environmental Law Section
  - Construction Law Section
  - Civil Trial Bar Section
- New Jersey Defense Association
  - Products Liability Committee
  - Construction Law Committee
- Mercer County Bar Association
- New York State Bar Association
- U.S. Green Building Council, New Jersey Chapter
  - Accredited as a LEED Green Associate
- American Society for Testing and Materials International (ASTM)
  - Committee E60 on Sustainability
    - Subcommittee E60.01 (Buildings and Construction)
    - Subcommittee E60.13 (Sustainable Manufacturing)
    - Subcommittee E60.80 (General Sustainability)

## Honors

- Named as a “Rising Star” by the New Jersey edition of *Super Lawyers* (2011-2017)

## Publications/Speaking

- Co-Author, *Testing Judicial Control Over Attorney Conduct at Depositions*, Law360, October 24, 2017 (subscription required)
- Speaker, *Managing and Defending Catastrophic Claims in the Face of Adverse Media Exposure*, 2017 Claims and Litigation Management Alliance & Business Insurance Construction Conference, San Diego, California, October 10, 2017
- Author, *No Repose for Building Product Manufacturers*, New Jersey State Bar Association’s Product Liability and Mass Tort Section Newsletter, Volume 16, No. 1, September, 2017
- Co-Author, *New York’s Expert Discovery Rules Are Archaic*, Law360, July 20, 2017 (subscription required)
- Speaker, *Construction Contracts and Law*, Capital Region Builders & Remodelers Association/National Association of Home Builders, Latham, New York, March 29, 2017
- Moderator, *The CEO Said What? Crisis Management (Before, During, and After a Public Relations Disaster) and the Corporate Client*, 2017 Construction Law Conference, Defense Research Institute, Las Vegas, Nevada, March 2, 2017
- Co-Author, *Affidavits of Merit and the Design Professional: Extricating the Design Professional from Malpractice Litigation at the Earliest Opportunity*, For The Defense, Defense Research Institute, February 2017
- Speaker, *When Construction and Products Liability Collide*, New Jersey State Bar Association, Construction Law Section Meeting, New Brunswick, New Jersey, November 9, 2016
- Speaker, *Anatomy of a Building Collapse*, 2016 Large Loss Conference, Property & Liability Resource Bureau, Chicago, Illinois, October 4-6, 2016
- Co-Author, *Subcontractors’ Rights and Woes: Enforceability of Pay-if-Paid Clauses in New Jersey and New York Contracts*, *New Jersey State Bar Association’s Construction Law Section Newsletter*, Volume 18, Issue 1, September 2016
- Co-Author, *Cypress Point Redux – New Jersey Supreme Court Holds Developer’s CGL Policy Covers Condominium Association’s Consequential Damages Caused by Water Infiltration*, *The Critical Path*, Volume 20, Issue 3, September 2016
- Author, *The Integrated Product Doctrine: At the Nexus Between Products Liability and Construction*, *New Jersey State Bar Association’s Product Liability and Mass Tort Section Newsletter*, Volume 15, No. 1, July 2016
- Speaker, *Construction Law 2016: Hot Topics for Residential & Commercial Construction Practitioners*, New Jersey State Bar Association, Institute for Continuing Legal Education, New Brunswick, New Jersey, June 9, 2016
- Speaker, *LEED Perspectives: The Legal Risks of Green Building*, 2016 Construction Law Conference, Defense Research Institute, New Orleans, Louisiana, June 2, 2016
- Moderator, *The Constitutional Convention of 1947: From the Court of Errors and Appeals to Multicounty Litigation*, New Jersey State Bar Association’s Annual Meeting and Convention, Atlantic City, New Jersey, May 20, 2016
- Co-Author, *Unintended Consequences – New Jersey Supreme Court to Decide Issue of Whether Consequential Damages are Covered By CGL Policy*, *The Critical Path*, Volume 20, Issue 1, April 2016
- Moderator, *A Product Liability 2016: Back to Basics - Fundamentals of a Strong Product Liability Practice*, New Jersey State Bar Association, Institute for Continuing Legal Education, New Brunswick, New Jersey, March 30, 2016.
- Speaker, *Anatomy of a Forensic Engineering Project*, *Forensic Engineering 7th Congress*, American Society of Civil Engineers, Miami, Florida, November 16, 2015
- Co-Author: *Raindrops Keep Falling On My Head: Fourth Circuit Reverses Summary Judgment in Case Involving World’s First LEED Platinum Building*. *The Critical Path*, Volume 19, Issue 1, April 2015
- Speaker, *Chinese Drywall Claims: Are They Dead/Where Are We Now?*, 2015 Product Liability Conference, Defense Research Institute, Las Vegas, Nevada, February 4, 2015
- Co-Author, *Composite Decking Litigation: After the Trex Settlement, Who’s Next to the Party?*, *Building Blocks*, Volume 4, Issue 2, December 2013
- Speaker, *Legal Risks of Green Building*, Design on the Delaware, AIA Philadelphia, Pennsylvania, October 29, 2013
- *Ewing v. Amerisure Redux: Texas Supreme Court Saves the Construction Industry From the Fifth Circuit*, *The Critical Path*, Volume 18, Issue 2, May 2013