

MVP: Greenberg Traurig's Michael J. Thomas

By **Chuck Slothower**

Law360 (October 6, 2023, 1:08 PM EDT) -- Michael J. Thomas, co-chair of Greenberg Traurig LLP's national construction law practice, guided three defendants in the 2021 fatal condo collapse in Surfside, Florida, to a \$1.02 billion settlement, with no class members opting out of the deal. He also shepherded construction agreements on the \$4 billion Miami Worldcenter mixed-use development, earning him a nod as one of Law360's Construction MVPs for 2023.

His biggest accomplishment over the past year:

The biggest accomplishment Thomas pointed to in 2022 was resolving the Champlain Towers South litigation and bringing that to a successful resolution for his clients. And he and his team were able to do that in only a year.

"A case like that could have been going on for easily a decade," Thomas said. "To be able to end that case in a year was quite an accomplishment, given the amount of controversy and the issues of the case."

His biggest challenge from the past year: The firm's growth over the past eight years, taking on new projects, new matters and new clients, is both a strength and a challenge, Thomas said. But he said his team has also been growing.

Greenberg Traurig has built a strong construction practice, Thomas said. Making sure it has the right amount of people and the right people to serve clients and deliver the quality of service that its clients expect has been a challenge, he added, but he feels the firm is capable of handling that.

"It's a welcome challenge," Thomas said. "It's one of those good problems to have."

His proudest moment as an attorney this past year: With respect to Champlain, Thomas effectively acted as defense liaison counsel and took the lead on the negotiations of that settlement. The defense side had several different defendants, all with competing interests, he said.



But Thomas said there was so much professionalism and civility on the defense side, including "across, by the way, the 'V' as well."

"The lawyers acted in a way that I think we as lawyers would hope all lawyers would act: treating each other with respect and with dignity, acting professionally and sort of rising to the occasion," he said.

Greenberg Traurig helped to set a civil mood, Thomas said. "That's the part of the case that I'll always cherish," he said.

Other notable cases he's worked on: The Miami Worldcenter project: a mega, multiple-building, mixed-use development in downtown Miami as part of a revitalization of the area, where there are condominiums, office and retail space and parking garages. "The whole nine yards," Thomas said. "We've been a part of that basically from its beginning."

Thomas' team is also working on a three-tower development project for an affiliate of Related Group on Brickell on the River called 444. "That's going to be one of the tallest towers in Miami," he said.

"We're working on a project which I look at every day on Miami Beach, the 500 Alton Project, and that's going to involve the tallest tower on Miami Beach," Thomas said. "It's great to watch, and it's already taller than anything that's out there. We watch it every day go up."

Another project Thomas and his team are working on is the Bentley Residences project, which he likes because it involves "this particular elevator core specially designed for cars."

"The drivers pull in, ride in their car up to their unit, and their unit has basically a little garage where you can see your car from your unit, and that has all kinds of interesting engineering implications," he said.

The project is being developed on Sunny Isles Beach, which Thomas called a "remarkable piece of engineering and design."

"The real attraction of this building is the fact that you can come out of your front door, go right into your car, take the elevator down and hit the road," he said.

Why he's a construction attorney:

"Just lucky, I guess," Thomas started.

For him, it goes back to his undergrad days, he said. "I have a degree in building construction from the University of Florida, and I was doing internships with developers and general contractors."

One time Thomas was at an event for one of the projects he was working on, and they had to bring in their construction lawyer, Bruce Alexander, whom he is still in contact with today and who was known as "sort of the godfather of construction law in the state of Florida."

"I got to see how Bruce interacted with the client, who at the time I worked for. It was very intriguing to me how, as a lawyer, he's still intimately involved in the construction process, in the science and the engineering, [and] what goes on into a construction project," Thomas said.

"I really enjoy the fact that this particular area of law puts you deeply involved into these construction projects," he added. "You really have to understand the design of the project, everything there is to

know about some of the foundations and the use of the site and how that can affect the ancillary structures."

That encounter made him want to go to law school, and he did, focusing on this area of law.

"Being an owner-developer's construction lawyer has been the best, because it puts you in so many different areas of law as a construction practitioner," Thomas said. "We deal with tort law, we deal with contract law, with suretyship law. We deal with intellectual property, we deal with mass tort litigation."

Thomas considers construction law to be driven by experts. "I love talking to smart experts and getting into the engineering of projects, from dealing with a complex construction defects case, or cases like Champlain, which obviously had a lot of very interesting engineering and geotechnical-type issues," he said.

"I was always a science guy — it wasn't really a liberal arts background — and this area of law keeps me involved in that," Thomas added.

What motivates him: Thomas describes his relationship with clients as him being their counselor. "I'm intimately involved in their business. I live in this space, seeing the good times, the bad times, seeing how it can work and how it can fail," he said.

As a result of that, Thomas says he gets involved with his clients' problems. He enjoys helping them either solve problems or avoid problems, and he said it was "gratifying" to take on their problems.

He added that he enjoys "watching the skyline change and knowing I'm a part of it. We've touched so many buildings, and being able to tell my kids I worked on that. Seeing the product of your labor and knowing everything that went into it, knowing the good, maybe sometimes the bad, of every building, is also very fulfilling."

If junior attorneys are thinking about focusing on construction law, which he said is already something of a niche practice, Thomas suggested making sure they have a "wide field of vision."

His advice for junior attorneys:

To be successful at this, attorneys need to advise clients and handle their problems from the beginning of a project to the end.

Attorneys need to understand the contract, negotiate the contract, but not "overly negotiate a contract so you can't get a deal done," Thomas said. "To know what's important, what's unimportant, but also be able to give advice on how to administer those contracts and then handle the litigation disputes that will inevitably arise in this area of law."

"Frankly, I think if you don't do the litigation work, and you don't gain that perspective, I think it makes your field of vision narrower, and you're not going to be able to help as much on the transactional side, because you haven't seen enough go bad, right?" he added.

Thomas sees a lot of construction law practitioners who only handle either the litigation work or the transactional work, and they've created a form contract and never touched it.

"People's field of vision tends to narrow over time," he said. "It's better to start with that wider field and be able to be a full-service practitioner in that construction space. I think that is a recipe for success."

--As told to Chuck Slothower.

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2023 MVP winners after reviewing more than 900 submissions.

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