ArentFox Schiff LLP
Attorneys

Mark A. Bloom

PARTNER AND CONSTRUCTION GROUP CO-LEADER

Mark is co-leader of the firm’s Construction Group.

Industries

AI & Emerging Technologies
Construction
Nonprofits & Associations
— Higher Education
Sports

Practices

Complex Litigation
— Franchise & Distribution
Real Estate
— Real Estate Development
— Real Estate Litigation

International

Japan

Education

Fordham University School of Law, JD, Member, Urban Law Journal 1992-93, 1994

State University of New York at Binghamton, BA, Phi Beta Kappa, International Honors Society for Economics, Award for Outstanding Achievement, 1991

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Mark focuses his practice on construction law and franchise law.

Client Work

In the area of construction law, Mark represents clients in litigation, ADR, and transactional matters involving commercial, institutional and governmental projects, including transportation and infrastructure projects, office buildings, warehouse and distribution centers, shopping malls, sports stadium projects, big box stores, power plants, convention centers, schools and museums.

He regularly counsels clients with respect to issues concerning green building and sustainability, project delivery systems, contract administration, delay claims, structural failures, construction defects, mechanic’s liens, surety bonds, and design errors and omissions.

In the area of franchise and distribution law, Mark has represented clients in litigation, ADR, and transactional matters involving franchise agreements, state and federal disclosures and registrations, business operations, and franchisor/franchisee relations.

Additionally, Mark is experienced in complex commercial litigation and alternative dispute resolution, and has represented corporations, partnerships and national lending institutions in connection with creditors’ rights, bankruptcy law, mortgage and lien foreclosures, and secured transactions.

Representative Work

Mark’s recent construction-related representations include:

— Defending the City of New York against claims exceeding $1 billion arising from the collapse of 7 World Trade Center on September 11, 2001.

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Representing a major ecommerce supplier in connection with its nationwide design and construction of new warehouses and distribution centers, and substantial renovations/modernizations of existing warehouses and distribution centers.

- Counseling a major consumer food manufacturer in connection with a $500 million project involving the design and construction agreements for a new manufacturing plant.
- Serving as construction counsel to hospital systems in connection with the design and construction agreements for the expansion and modernization of their health care facilities.
- Representing a cultural institution in connection with litigation and mediation against the construction manager of a project involving the modernization of a state-of-the-art building, and in project close-out issues.
- Advising developers on the formation and negotiation of construction access license agreement with adjacent property owners.
- Representing a professional sports team in mediation with the design-builder of the team's new stadium.
- Advising Major League Soccer teams, the developers, and design professionals in connection with the construction and design of sports and entertainment arenas.
- Representing a hospital in disputes with the design-builder of a project involving substantial renovations and upgrades to the hospital's facilities.
- Representing building owners in litigation and mediation against their construction and design teams due to significant defective conditions they left in a historic building.
- Advising the owner and developer in connection with the design and construction of new facilities for its transportation operations in a metropolitan area.
- Representing a museum in connection with mediation against the construction manager of a project involving the construction of a new multi-building complex.
- Representing an automobile dealer group on the development and construction of its real estate holdings.
- Representing the owners/developers of senior living facilities in disputes with the construction manager of a new housing complex.
- Counseling the provider of sustainable geothermal heating and cooling systems on its construction contracts for residences in the Northeast.
- Representation of a developer in litigation against adjacent property owners involving construction access license agreements.
- Representing a major contractor in connection with claims arising out substantial upgrades to subway lines in the City of New York.
- Representing a private school in litigation with the general contractor for its renovation and modernization of its campus buildings.
- Representing design professionals in cases that involves copyright infringement of their design drawings.
- Representing the owner and operator of a new ethanol plant in its dispute with the design-build contractor over design defects, defective workmanship, and cost overruns.
- Representing the owner of a food products company in litigation against the general contractor of its new headquarters.
- Advising clients in disputes concerning mechanic's liens, lien law trust funds, and lien priorities.
- Representing a major owner/developer, who was building a $60 million multi-tenant mall in the New York metropolitan area, against the general contractor and its surety.
- Advising one of the largest mall developers in the Northeast in construction and design defects litigation against the design-build contractor and its surety.

In his franchise and distribution practice, Mark has advised clients on franchising issues, including:

- The franchisor of corporate training programs throughout the United States and internationally in various transactional and litigations matters involving termination issues, unfair competition, breaches of contract, and intellectual property.
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The franchisee of an automotive product in New York, California, and Nevada in connection in its negotiations and litigation with the franchisor.

- The franchisee of educational services programs.
- Beverage distributors in New York with respect to their franchise and distribution rights under New York Alcoholic Beverage Control Law.

Additionally, prior to joining ArentFox Schiff, Mark was a partner in the construction practice group, as well as the franchise and distribution practice group, in the New York office of a leading regional law firm.

Professional Activities

Mark was an adjunct professor at the Polytechnic Institute of New York University, where he teaches "Construction and the Law" to graduate students who are pursuing their Masters in Engineering and Construction Management.

He has been a member of LEAN NYC, the ABA Construction Forum, the ABA Franchising Forum, the Construction Law Committee of the New York City Bar Association, the International Franchise Association, and the New York State Bar Association Business Law Committee.

Mark was co-chair of the Floating Hospital's Young Professionals Group, vice chair for programming for the Legal Society of the Jewish National Fund, and on the Board of Advisors to the Floating Hospital.

Presentations, Publications & Recognitions

Presentations

- Panel Moderator, ABA Construction Law Forum, "Executive Order Impacts - Policy/Regulatory Changes" (Webinar, Dec. 17, 2025)
- Panel Member, Construction Management Association of America, "Artificial Intelligence Applications and Risks in Construction" (Webinar, Jul. 27, 2023)
- Panel Member, Construction Management Association of America, "The Risks and Returns of Fast Track Projects" (Webinar, Dec. 16, 2021)
- Panel Member, Construction Management Association of America, "Construction Project Delays/Damages – Part 2") (Webinar, Jul. 29, 2021)
- Panel Member, Construction Management Association of America, "Construction Project Delays/Damages – Part 1") (Webinar, Jul. 22, 2021)
- Panel Member, Construction Management Association of America, "Moving Past Reacting to COVID-19, Planning for the New Norm" (Webinar, May 28, 2020)
- Panel Member, Construction Management Association of America, "Managing Construction During and After COVID-19" (Webinar, Apr. 30, 2020)
- Interview, Open Sourced Workplace, "Questions Relating to Construction Projects During the COVID-19 Pandemic" (Apr. 21, 2020)
- Panel Moderator and Speaker at, and contributing author to book for, PLI's *Drafting and Negotiating Construction and Design Contracts, Meeting the Challenges of Sustainable Development 2010* (Jul.).
  - Topics included "Understanding the Role of Building Codes and Industry Standards in Green Design and Construction"
- Roundtable Moderator, International Franchise Association's 41st Annual Legal Symposium (2008)

Publications

- Co-author, "The Dangers of Designing in Foreign Lands," *DesignIntelligence* (May/Jun. 2011), co-written with Eugene Scheiman, James Frankel, and Nick Pavlidis from ArentFox Schiff, and James Cramer from The Greenway Group
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"Analyzing Construction Claims," Lorman Educational Services (Jun. 2003)

- "Building Industry Response To Mold Claims," Lorman Educational Services (Nov. 2002)

Recognitions

- *The Best Lawyers in America* – Construction Litigation "Lawyer of the Year" (2027)
- *The Best Lawyers in America* – Construction (2013-2027), Construction Litigation (2021-2027)
- *Super Lawyers* – Construction Litigation (2010; 2013-2026) (New York Metro Area)
- *The Legal 500 US* – Construction (2016, 2017)

Downloads

Protecting Protectors

Bar Admissions

New York

Court Admissions

US District Court, Eastern District of New York
US District Court, Southern District of New York