



## JAMES P. TERPENING III

### PARTNER

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James P. Terpening III is a partner in the Tampa office of Shutts & Bowen LLP, where he is a member of the Construction Litigation Practice Group.

Board Certified by The Florida Bar in Construction Law, James focuses his practice on pursuing and defending claims for property owners, developers, general contractors and other construction industry stakeholders in a wide range of construction-related disputes. James handles complex matters including multi-party construction and design defect lawsuits, breach of contract claims, construction lien foreclosure actions, indemnity claims, and other disputes involving contractual and performance issues that arise in connection with commercial and residential construction projects.

James' core capabilities include:

- **Construction Litigation:** James regularly represents clients in contested matters involving construction defects, design defects, payment and performance claims, construction liens, insurance coverage, and breach of contract claims. His representation of construction clients spans from pre-suit matters through trial.
- **Arbitration Expertise:** With extensive arbitration experience, James has successfully handled numerous arbitration proceedings through final award and is on the American Arbitration Association roster of arbitrators, giving him a dual perspective as both an advocate and a neutral party.
- **Strategic and Business-Focused Counseling:** James serves not only as legal counsel of record for clients, but also as a trusted advisor, helping clients avoid litigation where appropriate, anticipate legal risks, and evaluate the strategic and commercial impacts of legal decisions. James emphasizes efficient, cost-effective resolutions, with an eye toward the long-term business interests of his clients.

### Practice Areas

Construction

## James P. Terpening III

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### Litigation

### Accolades

- Florida Bar Board Certified in Construction Law
- *Florida Super Lawyers*, Rising Star, Construction Litigation, 2017-2019
- *Best Lawyers in America*®
  - Construction Law, 2022, 2023, 2024, 2025, 2026
  - Litigation - Construction, 2023, 2024, 2025, 2026

### Education

- Emory University School of Law, J.D., 2009
  - Executive Notes and Comments Editor, *Emory Bankruptcy Developments Journal*
- University of Florida, B.S., Building Construction, *summa cum laude*, 2005

### Bar Admissions

Florida

### Court Admissions

- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Middle District of Florida

### Professional and Civic

- The Florida Bar, Construction Law Committee
- Hillsborough County Bar Association, Construction Law Section
- Emory Law School Alumni Board, Board Member (past member)
- University of Florida M.E. Rinker, Sr. School of Construction Management, Advisory Council Member (past member)

### Presentations

- Speaker, *Construction Players, Anatomy of a Project, and Project Delivery Systems*, Construction Law Essentials (Fundamentals PLUS Sticks & Bricks), American Bar Association, Forum on Construction Law, Orlando, Florida (2025)

## James P. Terpening III

- Speaker, *Non-Delegable Duty and Vicarious Liability Claims Against General Contractors*, 13th Annual Construction Law in Florida Seminar, The Seminar Group (2024)
- Speaker, *Navigating Building Envelope Construction Defect Claims from the Perspectives of the Association, Developer and Designer*, 12th Annual Construction Law in Florida Seminar, The Seminar Group (2023)
- Speaker, *Understanding, Navigating and Avoiding Contractual Indemnity and Commercial General Liability Insurance Coverage Claims*, Association of Corporate Counsel – Real Estate Network (2023)
- Speaker, *Your Guide to Building Applications, Inspection Reports, Permits, and More, Construction Law 101 for Paralegals: From Contracts to Litigation*, National Business Institute (2022)
- Speaker, *Construction Contract Drafting – Five of the Most Important Provisions to Consider When Advising Your Clients*, The Construction Law Committee of the Real Property, Probate and Trust Law Section of the Florida Bar (2022)
- Speaker, *Discovery in Construction Litigation for Paralegals*, National Business Institute (2021)
- Speaker, *Career Tips and Tricks Hosted by Law and GBS Alumni*, Emory Alumni Association (2020)
- Guest Lecturer, University of Florida Construction Law Class, M.E. Rinker, Sr. School of Construction Management (2019)
- Speaker, *Navigating Florida's Anti-Indemnity Statute (Section 725.06, Florida Statutes)*, Hillsborough County Bar Association (2019)
- Speaker, *Troubleshooting Construction Project Legal Issues*, National Business Institute (2017)
- Speaker, *Issues of Data Collection: The Benefits and Detriments of Self Collection vs. Third Party Collection*, Law Tech Miami (2012)

## Publications

- Co-Author, *Breach of Contract Defenses: Florida*, Practical Law (2021)
- Co-Author, *Equitable Remedies for Contract Actions: Florida*, Practical Law (2021)
- Co-Author, *Quasi-Contract Claims: Florida*, Practical Law (2021)
- *All or Nothing: Properly Deducting Vehicle Ownership Expenses Under § 707(b)(2)(a)(ii)(i)*, 25 Emory Bankr. Dev. J. 565 (2009)