

Robert A. Banner

Partner

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Robert A. Banner is a highly seasoned construction lawyer with more than 40 years of experience navigating the full range of complex issues that can arise during any phase of a development or construction project.

Bob represents architects, engineers, owners, developers, construction managers, general contractors, and subcontractors in trials and arbitrations involving breach of contract, delay claims, intellectual property, unfair competition, alleged design professional malpractice, and commercial real estate disputes. He also drafts and negotiates complex construction and access agreements.

Prior to joining Tarter Krinsky & Drogin in 2024, Bob led the construction practice at another New York firm.

Bob is co-chair of the Construction Committee for the New York County Lawyers Association and has spoken and presented on the issues that arise during construction projects.

Outside of his practice, Bob is an avid golfer. He has played on 68 of *Golf Magazine's* 2026 list of top 100 Golf Courses in the World.

Education

- University of Pennsylvania (J.D.)
- University of Pennsylvania (B.A., *summa cum laude*)

Bar Admissions

- New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Awards & Honors

- *Best Lawyers in America®*, 2026

Related Services

- Construction
- Construction Disputes & Resolution
- Adjacent Access

- *Chambers USA*, Band 3 in Construction, 2026

Representative Experience

- Represents a public authority in adjacent property access issues arising out of the authority's large capital projects.
- Represents a leading general contractor in New York City on numerous construction matters, including transactions and litigations in public and private projects.
- Represents a prominent New York City developer in the negotiation of multiple license agreements with neighbors involving simultaneous projects.
- Represents an HVAC subcontractor in connection with multimillion-dollar litigations involving claims of delays and defective work.
- Represented the owner and developer of a Buddhist monastery in a bench trial for a complex construction case brought by a terminated contractor. The result was a favorable decision for the owner.
- Represented an architectural firm in a negligence action seeking millions in damages relating to zoning advice. After a nine-day trial in Supreme Court, New York County, the jury found the architectural firm and its principals (the only defendants) were not negligent.
- Represented an engineering firm in a negligence and breach of contract action involving design and construction of a wastewater treatment plant. The entire claim, including a delay claim for over \$10 million in federally mandated liquidated damages, was defeated at trial.
- Represented an oil company executive in an arbitration before the International Chamber of Commerce involving ownership of shares in an oil field in Kazakhstan. The ICC awarded ownership of the shares, valued in excess of \$20 million, to the client, along with substantial monetary damages.
- Drafted a series of master agreements for a large financial institution to use in its contracts with architects, contractors, and construction managers.
- Represented the Empire State Development Corp. in achieving a successful verdict and full compensation against an action involving the collapse of a building in New York's Time Square
- Represented a large engineering firm an \$8 million negligence and delay claim involving design and construction of an interstate highway. The result was a successful jury verdict for the engineering firm after a lengthy trial.
- Represented a financial services firm in an arbitration for fees owed and against a counterclaim for unfair competition. The arbitrators decided the fee should be paid in full and denied the counterclaim.
- Represented an architectural firm that successfully argued for dismissal of all claims against it in connection with 7 World Trade Center under the NY State Defense Emergency Act.
- Represented an architectural firm in a claim alleging negligent cost estimates involving a New York City Private School. The case was settled on the eve of trial for de minimus amount.
- Represented a co-op board at trial in a dispute in which a tenant claimed substantial property damage due to asbestos contamination. The result was a successful jury verdict.

- Represented Equitable Life Assurance Company in a trial alleging defective construction of a health club. A jury awarded Equitable a seven-figure recovery.
- Represented an architectural firm in a trial involving the collapse of a portion of a midtown office building. The court granted the architectural firm's motion to dismiss at the conclusion of the plaintiff's case.
- Represented a Rock & Roll Hall of Fame Group and its most well-known member in a dispute regarding a recording studio. Settled on the eve of trial for de minimus amount.
- Represented a large pension fund that purchased a building with construction defects despite an "as is" clause in the purchase agreement.
- Represented a financial services firm in a dispute involving compensation and wrongful appropriation of proprietary information.
- Represented a spouse in a multimillion dollar claim in Bankruptcy Court for breach of a separation agreement.
- Represented owners of a condominium complex and obtained a verdict in the New York Supreme Court to maintain a valuable easement after trial.
- Represented developers in a multimillion-dollar attorney malpractice case involving zoning.
- Represented a world-renowned design firm in employment litigation, defending against a claim of wrongful termination.
- Represents numerous owners of townhouses, schools, commercial buildings, not-for-profit organizations, and residences in negotiations with adjacent property owners.
- Represents a large public entity in negotiating dozens of access agreements to enable construction of several large infrastructure projects.
- Represents a contractor in all aspects of its business including review of public and private contracts.
- Represents the seller of buildings against allegations of fraud and breach of contract.

Speaking Engagements

- The Impact of NFTs on Architecture & Design, AIANY Webinar
- Succession & Millennials: Strategies & Considerations for an Evolving Workforce, ACECNY Winter Conference 2020
- Structuring your Business with Non-Licensed Partners, ACECNY 2019-20 Build a Better Business Seminar Series
- Engineers Beware: There's a New Trend Putting Engineering Firms at Risk, ACEC 2019 Tri-State Conference
- PDH Course: Key Engineering Issues Involved in Protecting Adjacent Buildings During a Construction Project, ACECNY 2018 Annual Meeting
- Time is Money: Key Issues for Builders & Developers with Construction Projects Requiring Access Agreements with Adjacent Building, 2018 Anchin Construction & Development Forum
- How to be a Project Advocate by Diffusing Adjacent Neighbor Tensions, The Center for Architecture (AIANY)
- Playing Nice with the Neighbors: Dealing with Adjoining Properties during

Construction, Anchin's Construction & Development Forum

- How to Control, Manage, Reduce and Monitor Litigation Cost and Risk, ACEC Tri-State Fall Conference
- A Practical, Non-Textbook Guide to Contractual Negotiations, The Center for Architecture (AIANY)
- Copyright Issues Involving Substantial Similarity, The Center for Architecture (AIANY)
- Copyright Issues in Construction Law, University of Pennsylvania Law School

Articles

- NYREJ Industry Leaders Spotlight: Robert A. Banner, Construction & Design, The New York Law Journal
- Building Buyer May Proceed With Claims Against Seller, New York Law Journal
- TIAA Global Invs., LLC v. One Astoria Sq. LLC, 2015 NY Slip Op 01768 (1st Dep't Mar. 3, 2015)
- DEFENDANT'S VERDICT Architect Malpractice, Jury Verdict Review & Analysis
- Coping With a Neighbor's Renovation, New York Times
- Design Firms Should Care About Litigation, The Zweig Letter
- How To Live Next To A Construction Site And Remain Sane, Curbed University, curbed.com
- Benefits & Pitfalls of Outsourcing Email Services, New York Law Journal, e-Discovery Special Report, February 6, 2017

Committees

- New York County Lawyers, Construction Committee Co-Chair

Insights

August 21, 2025

Consequential Damages: Contract Language Is Key