

## E.A. "Seth" Mills, Jr.

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Office Location: Atlanta-Tampa



### Overview

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Seth Mills is one of the founding shareholders of the firm. His practice is focused in the areas of complex commercial litigation, including professional liability, administrative disputes, construction, financial fraud, fidelity and surety matters.

### Practice Areas

- › Administrative Law
- › Alternative Dispute Resolution
- › Appellate
- › Complex Commercial Litigation
- › Construction
- › Fidelity
- › Liability Insurance, Subrogation, and Recovery
- › Suretyship
- › Governmental

### Admitted to Practice

- › All Florida State and Federal Courts
- › All Georgia State and Federal Courts
- › United States Circuit Court of Appeals for the Eleventh Circuit



- › United States Army Court of Military Review
- › United States Court of Military Appeals
- › United States Supreme Court

## Education

- › The Citadel; B.A. in Political Science, 1979
- › The University of Florida, College of Law, J.D., 1981.

## Professional Involvement

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## Professional, Trade, and Philanthropic Affiliations

- › American Bar Association
  - › Tort and Insurance Practice Section
  - › Fidelity and Surety Law Committee
  - › Litigation Section
  - › Forum on the Construction Industry
- › The Florida Bar
  - › Trial Lawyers Section
- › The Hillsborough County Bar Association
  - › Trial Lawyers Section
  - › Construction Law Section
- › National Bond Claims Association
- › Gulfcoast Fidelity and Surety Institute
- › The Surety Claims Institute

## Selected Honors & Recognitions

- › Best Lawyers in America 2018: Construction Lawyer of the Year, Tampa, Florida
- › 2017 Chambers USA - Best Lawyers in America
- › Best Lawyers in America 2016: Construction Litigation and Construction Law
- › American Lawyer Media and Martindale Hubbell 2015 Top Rated Litigator

- › Board Certified Specialist in Business Litigation by the Florida Bar (1996-Present)
- › Martindale-Hubbell, AV Rated
- › Repeatedly named as one of Florida's "Legal Elite" for Business Litigation by Florida Trend Magazine
- › Repeatedly named as Florida "Super Lawyer" in Business Litigation by Law & Politics Magazine
- › Repeatedly named as one "Tampa's Top Rated Lawyers" by Legal Leaders Magazine
- › Fellow of American Bar Foundation
- › Fellow of ABA's Young Lawyers Division
- › Past Chairman of American Bar Associations' Fidelity & Surety Law Committee
- › Past appointment to American Bar Association's Continuing Legal Education Committee
- › Past Young Lawyer Member of Governing Committee of ABA's Forum on the Construction Industry
- › Past Florida's Young Lawyer Representative to ABA's Young Lawyers Division

## Publications & Speaking

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### Selected Publications

- › Chapter 3, "Deciding to Litigate the Surety's Recourse Against its Principal and Indemnitors," in *Managing and Litigating the Complex Surety Case* (3d Ed. 2017).
- › "Fifty State Survey: Notice, Defenses and the Prejudice Requirement for Sureties," February, 2017.
- › "Tender By The Surety," in the *Bond Default Manual* (4th Ed. 2015).
- › "Consequential, Liquidated and Tort Damages on Construction Projects," American Bar Association, January, 2013.
- › "*Annotated Financial Institution Bond, 3rd. Edition*," American Bar Association.
- › Sections on Insuring Agreement G Coverages including: Fraudulent Mortgages; Insured's ERISA Plans; and Retroactive Date Riders, Spring, 2013.
- › "Early Termination of Coverage Under the Financial Institution Bond and Commercial Crime Policy," Gulfcoast Fidelity and Surety Institute, June, 2006.

- "The Attorney-Client Privilege and Work Product Doctrines: The Boundaries of Protected Communications Between Insured and Insurers," Gulfcoast Fidelity and Surety Institute, June, 2005.
- "Tender By The Surety," in *The Bond Default Manual* (3d Ed. 2005).
- "Thanksgiving Turkey for the Surety Industry," in *Insights*, Winter 2005.
- "Spearin and the Subcontractor," in *Insights*, Spring 2004.
- "Dishonest Employees and Their Wreckage: Termination of Coverage under the Financial Institution Bond and Commercial Crime Policy," Gulfcoast Fidelity and Surety Institute, June, 2003.
- "Restrictions on Allocation of Risks of Delays or Accelerated Performance," American Bar Association's Forum on the Construction Industry and TIPS Fidelity and Surety Law Committee, January, 2002
- "Claim Notice Requirements - Sound Policy or Economic Duress," American Bar Association's Forum Committee on the Construction Industry and TIPS Fidelity and Surety Law Committee, January, 2002.
- "Dual Obligees: Dependent or Independent Rights?" Gulfcoast Fidelity & Surety Institute, June, 1999.
- "Sovereign Immunity and Implied Contracts Revisited", in *The Florida Bar Agenda*, April, 1998.
- "Bond Defaults," American Bar Association's Fidelity and Surety Law Committee, October, 1997.
- "Res Judicata, Collateral Estoppel and the Surety," Surety Claims Institute, June, 1996.
- "I Got Ya' Covered: Insurance and Surety Bonds in the 90's," American Bar Association's Forum on Construction Industry and TIPS Fidelity and Surety Law Committee, January, 1995.
- "What Lies Behind the Doehr? A Review of the Constitutionality of Mechanics' Lien Laws," in *The Construction Lawyer*, October, 1994.
- "The U.S. Constitution: Its Impact on Mechanic's Lien Rights and the Construction Industry," *Comments on Construction*, Summer, 1993.
- "Construction Lien Rights - Out the Doehr?" in *The Florida Bar Journal*, June, 1992.
- "Negotiation Tactics and Strategy, ABA/YLD, Washington, D.C., 1989.

## Selected Speaking Engagements

- ▶ "Preparing Witnesses to Testify," Atlanta Surety Claims Association, February, 2017.
- ▶ "Bad Faith, Good Faith or No Faith at All: A Primer on First Party Bad Faith Insurance Claims," July, 2015.
- ▶ "The Rising Clamor Of Successor Obligees: Contenders or Pretenders?" Zurich American Fidelity and Surety Claims National Meeting, July, 2013.
- ▶ "The Lucky Thirteen: Top Tips for Presenting the Insurer/Surety for Deposition," Gulfcoast Fidelity and Surety Institute, June, 2008"Georgia and Alabama Construction Lien and Bond Law Update," Philadelphia, PA, January, 2008.
- ▶ "Bad Faith Claims Against Sureties, A Quick Glimpse at a Moving Target," Gulfcoast Fidelity and Surety Institute, June, 2007.
- ▶ "Florida Construction Lien and Bond Law Update," Philadelphia, PA, Fall, 2006.
- ▶ "Florida Construction Lien and Bond Law Update," Hartford, CT, Spring, 2005.
- ▶ "The Surety's Analysis of Time Related Construction Claims," Gulfcoast Fidelity and Surety Institute, June, 2004.
- ▶ "Preparing Witnesses: Part Art, Part Science and Part Mystery," Florida Departmental of Environmental Protection, September, 2003.
- ▶ "Takeover by the Surety," National Program Co-Chair, American Bar Association's TIPS Fidelity and Surety Law Committee, May, 2002.
- ▶ "State & Federal Prompt Payment Laws," Hillsborough County Bar Association, April, 2000.
- ▶ "When to Hold and When to Fold: Practical Advice on Recurring Construction Issues," National Program Co-Chair, American Bar Association's Forum on Construction Industry, April, 1999.
- ▶ "Softening the Blow of Construction Contract Clauses," ASA, March, 1996.
- ▶ "Minority Business Enterprises and Public Bidding Requirements," Associated Builders and Contractors, Inc., Tampa, Florida, 1988.



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