



AAA Mediation.org™

**FN-1051598 MN-1051598 LN-1051598,
Esq.**

New York, New York



Current Employer-Title Duane Morris LLP

Profession Attorney, Arbitrator, Mediator; Professional Engineer

Work History Duane Morris LLP, 2008-Present; Counsel, Thelen Reid Brown Raysman & Steiner LLP (formerly Brown Raysman Millstein Felder & Steiner LLP), 2006-2008; Of Counsel, Ross & Cohen, LLP, 1998-2006; Chief Operating Officer, Edwards & Zuck, P.C., 1997-1998; Partner, Zetlin & DeChiara, 1995-1997; Partner, Baer Marks & Upham, 1994-1995; Partner, Shea & Gould, 1983-1994; Tax and Financial Specialist, Coopers & Lybrand, 1980-1983; Construction Engineer, HRH Construction Corp., 1979-1980; Strategic Planner, Western Electric, 1977-1979; Project Engineer, Dames & Moore, 1973-1977.

Experience Has over 30 years' experience in the construction industry as a lawyer, general contractor/construction manager, and engineer. Has represented owners, developers, contractors, architects, engineers, subcontractors, manufacturers, and suppliers in litigation, arbitration, mediation, and other forms of alternative dispute resolution, as well as transactional matters and business negotiations. Has litigated both private and public sector disputes involving heavy construction, buildings, and commercial and residential structures. Has been involved in drafting and negotiating design/construction agreements for projects with construction budgets from less than \$100,000 to those exceeding \$1 billion. Currently construction counsel to the largest private development in the City of New York, with approximately 2.5 million square feet costing \$2 billion as well to the owner of a professional football team with regards to the design/construction of a new \$1.4 billion stadium and to the owner of new tower at the site of the World Trade Center. Has represented a major retail mall developer in the negotiation of agreements for the installation of solar energy panels on shopping center rooftops, as well as the installation of a co-gen facility for a retail mall in New York City. Has also been involved in litigation arbitration regarding an \$80 million reservoir gatehouse, a \$300 million AC/DC conversion project, disputes regarding a convention center, and a \$90 million high school project in the Bronx. Currently involved in litigation concerning a private hotel/theatre project located at Battery Park City for a major New York developer.

Mediator Experience Have served as a mediator in at least 10 cases involving construction industry disputes. At least

three of these cases involved claims by a design professional against an owner for unpaid invoices, counterclaims by the owner for overcharging by the design professionals for services rendered, errors and omissions in the drawings and specifications prepared by the design professional and cost overruns during construction caused by the design professional's negligence in preparing plans and specifications and meeting owner's budget. Other cases mediated included contractor/owner disputes with regard to faulty construction of various structures including high-end residential apartments, electrical installations at airport terminals and highway sound barriers. Each matter also involved claims for delayed completion of the work.

Representative Issues Handled as a Mediator	Mediated fee disputes between owners and design professionals, claims for defective/improper work as between owners/contractors and claims involving delay to the project as between owners/archtects, owners/contractors, and contractors/subcontractors.
Mediator Style & Process Preferences	I believe almost all construction disputes can be resolved by mediation, unless, however, there exists issues which are as a matter of law better resolved by the courts (i.e., missed statute of limitations). Construction disputes being factually intensive readily avail themselves to resolution rather than litigation. The mediator in a construction dispute while always acting as a facilitator should utilize his knowledge of the construction/design process to screen out superfluous and unnecessary facts to get the parties to focus on the real issues. The parties to the mediation process in order for it to be effective must be open and forthcoming providing the mediator with all information necessary for the mediator to effectively evaluate the facts and facilitate the resolution of the matter.
Education	New York Law School (JD-1983); New York University (MBA-1977); City College of New York (BCE-1973).
Professional Licenses	Admitted to the Bar: New York (1983), New Jersey (1983); U.S. District Court: Southern (1983) and Eastern (1983) Districts of New York, District of New Jersey (1983). Registered Professional Engineer: New York (1977), New Jersey (1977).
Professional Associations	American Society of Civil Engineers (Metropolitan Section); National Society of Professional Engineers; New York State Society of Professional Engineers; American Bar Association (Forum Committee on Construction Industry); New York State Bar Association; International Mediation Institute (IMI) Certified Mediator.
Recent Publications & Speaking Engagements	"Implementation Considerations with Regard to ADR," COUNSEL TO COUNSEL, vol. 2, no. 3, May/June 1992.
Mediation Rate	\$965 Per Hour
Languages	English
Citizenship	United States of America
Locale	New York, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.