



AAA Mediation.org™

FN-10677 MN-10677 LN-10677, Esq.

Portland, Oregon



Current Employer-Title	Full time Neutral
Profession	Attorney - Construction, Design, Government Contracts, Litigation
Work History	Partner (Construction and Design Group), Stoel Rives LLP, 1977 - 2022 (Retired).
Experience	Extensive trial, arbitration, claims handling and mediation experience, with practice concentration on construction and design and procurement matters. Approximately 75% of practice in the construction area representing public and private owners, prime contractors, major subcontractors, steel fabricators, and design professionals on both private and public projects. The experience has been very broad, including contract development and negotiation, claims, mediation and trials/arbitrations. Projects have included many major commercial buildings, industrial facilities, and heavy construction projects. Approximately 15% of construction practice involves public improvement and government contracts, representing both contractors and public owners with respect to construction, procurement, and military base operation service contracts. Balance of practice devoted primarily to general business law advice to clients involved in the construction and design industry. Several clients with significant regional and national project areas.
Mediator Experience	Mediated scores of cases, primarily related to construction and design disputes. However, has mediated a number of commercial disputes, including those involving public bodies. Typically, the cases mediated have been larger cases involving significant claim amounts.
Representative Issues Handled as a Mediator	While a number of my construction cases have involved construction defect litigation, most of my cases involve more traditional construction issues such as delays, cost overruns, extras, contractor claims, etc.
Mediator Style & Process Preferences	The parties deserve a realistic assessment of the risk and rewards of the litigation/arbitration process. A direct and energetic style is used, without being coercive. Years of experience as an advocate gives the parties a valuable perspective.
Education	University of California at Berkeley (JD-1977); University of Notre Dame (BA, with highest honors, Phi Beta Kappa-1974). Admitted to the Bar: Oregon (1977-2022), Washington (1986-2022) (Retired)

Professional Licenses

Professional Associations Oregon Independent College Fund (Board of Directors); Oregon State Bar (Construction Law Section; Fee Arbitration Panel; Past Judicial Administration Committee; Past House of Delegates;); Oregon-Columbia Chapter of the Associated General Contractors (Oregon-Columbia Chapter; Past Legal Counsel to Board of Directors); Multnomah County Bar Association (Young Lawyers Section, Past President; Past Director); Washington State Bar (Procurement and Private Construction Law Section); American Bar Association; Multnomah County Legal Aid (Board of Directors; Former President); Oregon Commission on Judicial Fitness and Disability (Former Chair).

Recent Publications & Speaking Engagements PUBLICATIONS: "Contracts Are King, But Don't Forget Tort Law," The Daily Journal of Commerce; "Limitation of Liability Clauses: Nothing to 'LOL' About," The Daily Journal of Commerce; "Subcontracting Pitfalls: Making The Flow Down Work," The Daily Journal of Commerce; "The Litigation Process: An Upper Division School of Hard Knocks," The Daily Journal of Commerce; "You Can't Make This Stuff Up: The Human Condition Meets Construction Law," The Daily Journal of Commerce; "Don't Ignore the Importance of Your Contracts--The Courts Won't," The Daily Journal of Commerce; "Who Can Afford to Litigate These Days? Use ADR," The Daily Journal of Commerce; "Contractors React to Changing Conditions," The Daily Journal of Commerce; "Legal Relationships Between Owner/Design Professional/Prime Contractor/Subcontractors/Suppliers," Construction Law, Oregon State Bar CLE; "Contracts and Payment are Tied Together," The Daily Journal of Commerce; "Being Forewarned is Being Forearmed," The Daily Journal of Commerce; "No Good Deed Goes Unpunished with Performance Bonds," The Daily Journal of Commerce; "Aftermath of Bridge's Collapse: Here Come the Lawyers," The Daily Journal of Commerce; "With Slowdown Approaching, Time to Put up the Guards," The Daily Journal of Commerce; "Project Delayed May Be Damages Denied," The Daily Journal of Commerce; "Cost-Plus Contracts' True Cost not Obvious," The Daily Journal of Commerce; "Liquidated Damages," Construction Law Handbook, Aspen Law; "A Trap for the Unwary: Joint Ventures Must Have Their Own Contractor's Licenses," The Daily Journal of Commerce; "Negotiating Construction Contracts for Owner-Top 15 Issues in AIA Contracts," Multnomah Bar Association; "Oral Contract Worth the Paper It's Not Written On," The Daily Journal of Commerce; "Notice and Claim Procedures: Claimant Beware, Especially in Washington," The Daily Journal of Commerce.

SPEAKING ENGAGEMENTS: "Annual Oregon Construction Law," The Seminar Group; "Competitive Construction Bidding Conference," The Seminar Group; "Owners' Claims Against Contractors: Entitlement, Calculation and Avoidance," The Seminar Group; "Fraud and False Claims in Construction," The Seminar Group; "Legal Issues Related to Delay and Scheduling," Lorman Education Services; "Claims Management and Dispute Resolution," American Council of Engineering Companies of Oregon; "Tricks, Traps and Ploys Used in Construction Scheduling in Oregon," Lorman Education Services; "Negotiating Construction Contracts for Owner: Top 15 Issues in AIA Contracts," Multnomah Bar Association; "Resolving Claims Through Alternative Dispute Resolution Procedures," Northwest Construction Consumer Council; "Engineering Liability and Practice," Professional Engineers of Oregon, 2003; "Overview of Project Problems and Early Prevention of Disputes," Lorman Education Services; "Resolving Claims Through Alternative Dispute Resolution Procedures," The Seminar Group; "The Owner's Perspective on a Large, Complex Project," Law Seminars International; "Resolving Claims Through Mediation and Arbitration," Law Seminars International; "Construction Claims Avoidance and Resolution," Lorman Education International; "Purchase Orders and Supply Contracts: What's in the Fine Print?," Pacific Northwest Steel Fabricators' Association.

Mediation Rate \$550 Per Hour

Languages English

Citizenship United States of America

Locale Portland, OR

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.