



AAA Mediation.org™

FN-10680 MN-10680 LN-10680, Esq.

Glendale, California



Current Employer-Title	Knapp, Petersen & Clarke - Director, Founder of Real Estate and Construction Law Department
Profession	Attorney - Construction, Real Property, Business Law
Work History	Director/Founder of Real Estate and Construction Law Department, Knapp Petersen & Clarke, 1991 – Present; Principal, Silverton Miller & Phillippi, 1974 – 1991; Construction Assistant, Condiotti Enterprises, 1970 – 1974.
Experience	Significant portion of law practice involved in construction, real estate, and contract law, including breaches of construction contracts, mechanic's liens, and stop notices. Represents owners; lenders, title carriers, borrowers, developers; public agencies; architects; engineers; prime and general contractors; subcontractors; and some suppliers, sureties, and insurers. Previous experience in residential tract home development. Practice in Glendale, Los Angeles, Ventura, Santa Barbara and California's Central Coast. Experience in land conservation issues, including creation and enforcement of conservation easements and related trespass and timber related claims.
Mediator Experience	<p>Over 35 years' experience as an AAA real estate and construction arbitrator, with practice expanded in 2011 to include mediation of disputes in those industries.</p> <p>Recent mediations have included change order and construction "extra" and delay claims, construction management contract disputes, inverse condemnation/trespass to real property, construction loan guaranty claim and related lender liability issues, and a public utility rate structure (alleged property misclassification) case. Construction matters previously arbitrated include construction claims (including CPM scheduling, change order, and delay issues) and construction defect disputes (including two party and multi-party subsidence, water intrusion, mold, seismic and solar system issues). Real estate and commercial matters regularly handled include disputes involving owners, agencies, contractors, developers, commercial, office and industrial landlords and tenants, adjoining property owners, brokers, title insurers, and escrow holders, including commission, nondisclosure, boundary line, view easement, commercial and industrial lease disputes, conservation easement, and other issues, including breach of contract, partnership, and corporate and related entity dissolution issues.</p> <p>Experience includes both on-line and telephonic mediations (particularly in multi-party cases with party and carrier communications, enhancing the ability to keep matters moving during COVID-19</p>

distancing restrictions).

**Representative Issues
Handled as a Mediator**

Mediated construction issues regularly include two-party and multi-party construction contract, construction defect, negligent design and construction management claims (and related insurance coverage issues), compliance with plans and specifications, change orders, and delay claims. Mediated real estate cases include breach of contract, commercial lease, title, specific performance, survey/property line issues, trespass, property damage, view disputes, water rate structure and co-ownership disputes. Commercial lending cases include issues relating to defaults, workouts, pre-and post-foreclosure issues, application of sales proceeds, and guaranties.

**Mediator Style & Process
Preferences**

Successful mediations start with parties who have had access to enough information to learn the strengths and weaknesses of their cases and a mediator who has done his or her homework in advance of the mediation session. There is no formula for settling a dispute. Depending on the requests of the parties, the process can facilitate the parties' discussion or can offer a neutral evaluation of the likely outcome of a dispute. A creative and persistent mediator can help the parties manage their own destiny by generating remedies to otherwise seemingly unsolvable problems. Wherever possible, I speak with all counsel in advance of mediation session to understand issues and positions to make the most efficient use of mediation sessions.

Education

Loyola University (JD-1981); California State University (BA-1975).

Professional Licenses

Admitted to the Bar: California (1981).

Professional Associations

Los Angeles County Bar Association; State Bar of California; American Institute of Architects (Los Angeles Chapter, Affiliate Member); Santa Barbara Court Administered Dispute Resolution ("CADRe") Settlement Master panel. Member TerraFirma Risk Retention Group Claims Committee (Specialty insurer).

**Recent Publications &
Speaking Engagements**

"Saving Land," Insuring Permanence, Land Trust Alliance, (a look at conservation easement litigation coverage), Winter 2009.

**Locations Where Parties
Will Not be Charged for
Travel Expenses**

Los Angeles, Ventura and Santa Barbara Counties. No travel or digital charges for virtual sessions.

Mediation Rate

\$495 Per Hour

Languages

English

Citizenship

United States of America

Locale

Glendale, CA

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.