



AAA Mediation.org™

FN-11380 MN-11380 LN-11380, Esq.

Newport, Kentucky



Current Employer-Title Yocum & Neuroth, LLC - Senior Member

Professional Summary With over 40 years of experience as an attorney handling construction matters in litigation, arbitration, and mediation, and over 30 years serving as an AAA arbitrator, bring to the process an extensive knowledge of construction contracts, the construction process, and familiarity with many architectural, engineering, and geotechnical issues that arise. Able to promptly focus on key information critical to deciding and resolving disputes.

Profession Attorney, Arbitrator, and Mediator - Construction, Business, Commercial, and Insurance

Work History Senior Member, Yocum & Neuroth, LLC, 2018 - Present; Managing Member, Benjamin, Yocum & Heather, LLC, 1986-2018; Attorney, 1979- to April 2018.

Experience Primarily engaged in litigation, arbitration, and mediation of construction, business/ commercial, and insurance related matters. 75% of practice relates to construction matters; 25% relates to business, commercial, and insurance matters. Practice primarily in Ohio and Kentucky in both state and federal courts, arbitrations, and mediations. Construction practice has involved a broad spectrum of projects including: commercial, industrial, institutional (private and public), power plants, airports, hospitals, medical clinics, schools and universities, shopping malls, high-rise office buildings, office and warehouse facilities, highways and roads, bridges, apartments, condominiums, retirement communities, site development, excavation, rock, and other site conditions. Chair, Legal Committee, Construction Specifications Institute, Cincinnati Chapter; Past Chair, Constructor Magazine Committee, Allied Construction Industries; Past Chapter Attorney and Board Member of the American Subcontractors Association of Ohio and Cincinnati. Have served as Referee on construction cases in the Ohio Court of Claims by appointment of Chief Justice of the Ohio Supreme Court.

Mediator Experience Has served as a mediator in construction cases involving waste water treatment plant, architect dispute with owner on college campus project, retail stores, office building conversion to residential, restaurant, and large single family residential. Have also served as a mediator regarding personal injury claims. The waste water treatment plant case involved claims of approximately \$2,000,000.

Representative Issues Representative issues handled as a mediator include contract issues relating to construction of

Handled as a Mediator	commercial, industrial, and institutional projects including claims for changed conditions, loss of productivity, deficient plans and specifications, bidding errors, assessment of backcharges, contract termination, scheduling and related damages issues.
Mediator Style & Process Preferences	The mediator's role is to facilitate settlement. This role requires flexibility to adapt to the circumstances and personalities of the case. Some cases can be settled merely by the open exchange of information that had not been previously considered. In some cases, parties need assistance in understanding their vulnerability to the risks and uncertainties of their case. Some parties primarily need the opportunity to vent and have their case "heard." My philosophy is that a mediator should be able to discern which approach will be most helpful in a particular case and adapt to the needs of the case. In some cases, parties need a "push" to get the matter resolved. I believe in hanging in there as long as there is hope to get the case settled including follow up after the initial mediation conference as may be necessary.
Technology Proficiency	Familiar with online platforms for conducting video conferences and hearings. Flexible regarding utilization of online platforms when desired by the parties. Experienced and familiar with various major software and cloud options regarding electronically stored information.
Education	Ohio State University (BA, summa cum laude-1975); University of Cincinnati (JD-1979). Also attended, New College, University of Oxford, England - 1975, and California Western School of Law - 1976 to 1977.
Professional Licenses	Admitted to the Bar: Ohio, 1979; Kentucky, 1980; Florida, 1980; U.S. Court of Appeals, Sixth Circuit, 1982; U.S. Supreme Court, 1986; and multiple U.S. District Courts.
Professional Associations	Construction Specifications Institute of Cincinnati (Legal Committee, Chair); Allied Construction Industries of Cincinnati (Constructor Magazine Committee, Past Chair); Chapter Attorney and Board Member, American Subcontractors' Association of Ohio; Cincinnati Bar Association; Ohio State Bar Association; Kentucky Bar Association; Florida Bar Association, Northern Kentucky Bar Association.
Recent Publications & Speaking Engagements	Author of in excess of 200 articles on legal topics primarily related to the construction industry which have been published in various construction industry publications, law review and business school publications, and law firm e-newsletter. Author of numerous seminar articles and publications regarding Ohio and Kentucky construction law through Cincinnati Bar Association, National Business Institute, Lorman Business Center, Inc., and other construction industry groups. Recently, most speaking engagements have been through Construction Specifications Institute, Cincinnati.
Locations Where Parties Will Not be Charged for Travel Expenses	Within 25 miles of downtown Cincinnati, Ohio.
Mediation Rate	\$385 Per Hour
Languages	English
Citizenship	United States of America
Locale	Newport, KY

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.

