



AAA Mediation.org™

FN-11515 MN-11515 LN-11515, Esq.

Norfolk, Virginia



Current Employer-Title	Woods Rogers Vandeventer Black, PLC - Principal Available for both In-Person and Virtual hearings
Profession	Attorney, Civil Engineer, Arbitrator and Mediator - Construction Law, Government and Commercial Contracts
Work History	Managing Partner/Partner/Associate, Vandeventer Black LLP, 1982 - 2022; Principal with Woods Rogers Vandenter Black PLC - 2022 - Present; Construction Engineer, Stone & Webster Engineering Corporation, 1973 - 1982.
Experience	Upon graduation from law school, began work with the Vandeventer Black Law Firm, specializing in Construction Law. Significant experience representing contractors in disputes with the federal government, including representation of contractors before boards of contract appeals, the U.S. Court of Federal Claims, U.S. Court of Appeals for the Federal Circuit; and General Accountability Office. Experience includes contract drafting, claims preparation, negotiation and dispute resolution (litigation, mediation, and arbitration), bid protests, and general advice. Claims and disputes range from \$10,000 to mega projects in the > \$5B range. Work includes major infrastructure and energy mega projects. Represents general contractors, joint venture partners (DB), construction managers, subcontractors, suppliers, owners, public entities and professional service organizations.
Mediator Experience	Served as a mediator in approximately 60 construction disputes. Most have been between general contractors and owners, but many between subcontractors and general contractors, and between owners and design professionals. Value of disputes has ranged from five figures to several million dollars.
Representative Issues Handled as a Mediator	Construction cases mediated have included the following issues: Delay and disruption analyses and damages; failure to perform, defective specifications; differing site conditions; owner interference issues; design errors and admissions; and constructive and/or actual changes to work.
Mediator Style & Process Preferences	My philosophy of mediation is to be an active participant in the process, and to make sure all parties have the opportunity to provide whatever information they believe may be important to their case while I try to refrain from giving too many opinions. I believe the parties generally select me by reputation as being an active, strong-willed participant, who tells the parties what I think of the case. I do not "evaluate" the case in the presence of all, so as not to prejudice the parties, but do give a

sense to the participants of where I believe their strengths and weaknesses may be.

Education

Syracuse University (JD, magna cum laude, Order of the Coif-1982; BS, Civil Engineering-1973); State University of New York (MS, Environmental Science-1977).

Professional Licenses

Admitted to the Bar: New York (1983), Virginia (1983). Licensed Professional Engineer: New York (1977); Commonwealth of Virginia (Emeritus-1983).

Professional Associations

Fellow, American College of Construction Lawyers (2018 - Present); Fellow, College of Commercial Arbitrators (2016 - present); American Bar Association Forum on Construction Law; Past Chair Division 13 (Government Construction Law Division); CPR International Institute for Conflict Prevention and Resolution - Construction Panel; New York State Bar; Virginia Bar Association (Construction and Public Contracts Law Section); Associated General Contractors of Virginia, Inc. (Virginia Legal Counsel and State Board of Directors - 2005-2020); Tidewater District Associated Builders and Contractors; Design Build Institute of America - Hampton Roads Chapter (Founder, past Legal Counsel and Board of Directors member); Hampton Roads Builders and Contractors Exchange (Past President 2017).

Recent Publications & Speaking Engagements

AAA 2019 Construction SuperConference - "Not Your Average ADR"; Arbitration in Commercial, Construction and Employment Law Cases - Faculty, Norfolk Portsmouth Bar Association CLE Presentation (October 2018); "Strategies for Winning at Mediation" - presentation to the Virginia Transportation Construction Alliance, July 2018; Co-Editor: FEDERAL GOVERNMENT CONSTRUCTION CONTRACTS (3d ed. 2017); Co-Author, Chapter 14 – Termination for Default, in FEDERAL GOVERNMENT CONSTRUCTION CONTRACTS (3d ed. 2017); Co-Author, Chapter 14 – Claim Issues, STATE AND LOCAL GOVERNMENT CONSTRUCTION LAW (2017); It's Getting Better All the Time: Best Practices in Presenting Delay Claims, Presentation to the ABA Forum on Construction Law (October 2016); Member of the Webinar Faculty for Tech Tools: Understanding the Scheduling Experts' Technology, ABA Forum on the Construction Industry (June 2014); Alternative Dispute Resolution, Presentation to the 2014 Annual Meeting of the Virginia Transportation Construction Alliance; Co-Author, Clearing the Smoke: Forensic Schedule Analysis Method Selection for Construction Attorneys, THE CONSTRUCTION LAWYER, Fall 2013; Working with Damages Consultants: Ten Steps to Success, Presentation to the ABA Forum on the Construction Industry, 2013 Midwinter Meeting – Naples, FL; Handling the Resolution of Subcontractor Claims in ADR with the Owner, Presentation to the ABA Forum on the Construction Industry, September 2010 Fall Meeting – Miami, FL; Preventing disputes in Vertical Construction Projects, Presentation to the ABA Forum on the Construction Industry, April 2010 Annual Meeting – Austin TX; Are You Choosing the Right Design Subcontract for Your Design-Build Project?, Presentation to the Design Build Institute of America, Hampton Roads Chapter (April 2010); Top Ten Contract Clauses Sure to Cause You Problems, Presentation to the Professional Construction Estimators Association of America (April 2010); The Great Debate: Arbitration vs. Litigation – Which Should You Chose?, Presentation to the ABA Forum on the Construction Industry, April 2009 Fall Meeting – New Orleans, LA; Discovery Issues in the Complex Arbitration Matter, Presentation to the ABA Forum on the Construction Industry, October 2008 Fall Meeting – Chicago, IL; View from the Other Side: An Arbitrator's Thoughts on How Not to Present Your Case, Presentation to the ABA Forum on the Construction Industry, April 2008 Annual Meeting – Palm Springs, CA.

Mediation Rate

\$550 Per Hour

Languages

English

Citizenship

United States of America

Locale

Norfolk, VA

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.