



AAA Mediation.org™

## **FN-12800 MN-12800 LN-12800, Esq.**

Vadnais Heights, Minnesota

**Current Employer-Title** Bistram ADR, LLC

**Profession** Attorney

**Work History** Neutral, Bistram ADR LLC, 2019 – Present; Shareholder and Chair of Firm ADR & Construction Practice Groups, Briggs and Morgan P.A., 1994 – 2018; Associate General Counsel, M.A. Mortenson Company, 1990 – 1994; Partner/Associate, Moore Costello & Hart, 1981 – 1990; General Counsel of Saint Paul Port Authority and Assistant City Attorney, City of Saint Paul, 1979 – 1981.

**Experience** From 1994 to 2018, over 75% of practice devoted to construction law and ADR; remainder devoted to commercial litigation and eminent domain. Represents entities involved in the construction process including owners, construction managers, contractors, sureties, lenders, insurers, subcontractors and suppliers. While at Mortenson, was responsible for administration and resolution of all surety claims. Regularly involved in presenting or adjudicating significant construction claims including, among others, differing site conditions, delays, acceleration, roof systems, design issues, liquidated damages and tunneling. Experience in construction law includes residential, multi-family, commercial, government construction and industrial/heavy. Commercial matters mediated and arbitrated include real estate and real estate disputes; majority/minority shareholder matters, eminent domain appeals and joint venture disputes between stakeholders. Served as a court appointed commissioner in real estate condemnation actions involving the taking of private property. Have served as an umpire in appraisal disputes between homeowners and insurance carriers.

Since January 1, 2019, have solely provided ADR services (in addition to continuing to serve as a court appointed eminent domain commissioner). Mediation and arbitration matters primarily focused on construction and real estate disputes as well as appeals from condemnation commission awards). Have also mediated insurance coverage disputes. Have served as a sole arbitrator and on panels (as chair on many occasions).

Have served on several Dispute Resolution Boards ("DRBs") regarding heavy industrial projects. Appointed in 2023 to the AAA-ICDR Dispute Avoidance and Resolution Board Roster.

**Mediator Experience** Mediated over 1000 cases. The majority of these cases have been construction disputes or disputes involving real estate development or condemnation. Has also mediated a number of other matters including condemnation cases and contract disputes. The amounts in dispute have ranged from \$50,000 to over \$10,000,000. Many of the mediations have involved multiple parties. Parties to the "typical" construction mediation include owners, general contractors, subcontractors, suppliers, sureties and insurance carriers.

**Representative Issues Handled as a Mediator** Construction cases mediated have included the following issues: loss of productivity, delay damages, differing site conditions, diminution in value, lost profits, contract interpretation, coverage issues, Miller Act and mini Miller Act applicability, design errors, termination for convenience/default, warranty.

<b>Mediator Style &amp; Process Preferences</b>	I favor the evaluative mediation process. I believe that most cases can be settled if all parties are committed to the process. I hope that parties come to the mediation session committed to the concept of settlement and prepared to discuss the resolution of issues that will lead to settlement. One process does not fit all situations. In my experience, the caucus method is preferred by the parties. I have used the double blind process with some success in matters involving multiple respondents.
<b>Education</b>	University of Missouri at Kansas City (LLM, Urban Affairs-1977); Oklahoma City University (JD-1976); University of Minnesota (BA, Political Science-1974).
<b>Professional Licenses</b>	Admitted to the Bar: Wisconsin (1985), Minnesota (1977); U.S. District Court: District of Minnesota (1977), District of Wisconsin (1985), District of Michigan, District of Nebraska, District of Columbia; U.S. Court of Appeals, Eighth Circuit.
<b>Professional Associations</b>	Minnesota Bar Association (Executive Council Member; Construction Law Section); Wisconsin Bar Association; American Bar Association (Forum Committee on Construction); Associated General Contractors of America (National Associate; Minnesota Board of Directors, Past Member; Engineers Joint Contract Documents Committee, Delegate).
<b>Recent Publications &amp; Speaking Engagements</b>	INSIDE THE MINDS: CONSTRUCTION LAW SETTLEMENTS AND NEGOTIATIONS, Aspatore, 2007; TOP 10 ISSUES IN INSURANCE COVERAGE IN MINNESOTA, Lorman Education Services, 2008; RECENT DEVELOPMENTS IN STANDARD FORM CONSTRUCTION CONTRACT DOCUMENTS, Minnesota CLE, 2008; "Ethical Concerns for Lawyer Advocates in Arbitration," MSBA Construction Section, March 2008; "Effective Construction Dispute Avoidance and Resolution in Minnesota," National Business Institute Seminar, January 2004. Frequent speaker at legal seminars regarding construction issues and ADR. PLI publication regarding Arbitration Processes in MN under federal and state law requirements.
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Twin cities metro area
<b>Mediation Rate</b>	\$450 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Vadnais Heights, MN

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.