



AAA Mediation.org™

**FN-12947 MN-12947 LN-12947, Esq.**

**Chicago, Illinois**



**Current Employer-Title** Duane Morris LLP - Partner

**Profession** Attorney

**Work History** Partner, Duane Morris LLP, 2006 – Present; Office Managing Shareholder and Head of the Chicago Office Construction Practice Group, Jenkins & Gilchrist, 2001 – 2006; Partner and Head of International Construction Practice Group, Baker & McKenzie, 1976 – 2001.

**Experience** Specializes in construction-related matters involving contract drafting, contract negotiation, breach of contract claims, claims for extras, delay, disruption, loss of productivity, excessive change orders, out-of-scope work, and claims involving mechanics' liens. Represented the following: the Government of Greece against \$200 million in claims submitted by a consortium of 23 European contractors during construction of the Athens Metro Rail system; a large Chicago hospital in the construction of its \$600 million new facility; the contractor in its claim against the owner arising out of the construction of a night club in Moscow; a Taiwanese owner of a luxury hotel in Guam in claims against designer and contractor; large international engineering and construction firms in various matters; and various subcontractors and general contractors involving the construction of waste water treatment plants, office buildings, airports, and theme parks, among others. Lectured extensively on construction related matters, including claim prevention, claim prosecution, and contract terms that materially effect risk allocation between parties.

**Mediator Experience** Served as a mediator in over 300 mediations, the vast majority of which have been construction related. These mediations have included disputes that arise out of the construction of power plants, bridges, highways, hospitals, hotels, schools, churches, high-rise condominiums, and office buildings. Has also acted as a mediator in general commercial disputes, insurance coverage disputes, and will and probate disputes.

**Mediator Style & Process Preferences** I believe that parties trust me to mediate their cases because of my background and experience in both construction law and as a trial lawyer. While the role of a mediator is to bring the parties together in a settlement, my success rests in large part on asking each of the parties the tough questions as they relate to the substance of their positions, and the evidence that will be introduced at trial or in arbitration. I provide each of the parties with an honest evaluation of his or her case, both the positive and negative aspects. If a party has a strong position, I don't mislead the party into thinking otherwise. I am told that it is this quality which the parties find most helpful.

<b>Education</b>	University of San Francisco (JD-1976); University of Michigan (BA-1972)
<b>Professional Licenses</b>	Admitted to the Bar: Illinois, 1976; U.S. District Court: District of Illinois, 1976; U.S. Court of Appeals: Seventh Circuit, 1976; U.S. Supreme Court, 2012.
<b>Professional Associations</b>	American Bar Association (Construction Industry Forum); Illinois Bar Association; Chicago Bar Association; DuPage County Bar Association; Fellow, College of Commercial Arbitrators; Fellow, The Chartered Institute of Arbitrators; Illinois Road and Transportation Builders Association (Design Build Task Force); Chicago Building Congress; Trial Lawyers Club of Chicago (Past President); Chicago Construction and Real Estate Council (Past Director); Society of Illinois Construction Attorneys (Past Membership Chair); Associated General Contractors of America; International Mediation Institute (IMI) Certified Mediator.
<b>Recent Publications &amp; Speaking Engagements</b>	<p>Co-author, "Jurisdiction Chapter: USA Construction Law," INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: CONSTRUCTION &amp; ENGINEERING LAW 2016, 2017; co-author, "Recovery of Attorneys' Fees, Costs and Expenses," Construction Litigation Handbook, IICLE Press, 2013; The Art of Picking an Arbitrator," CBA RECORD, Chicago Bar Association, April 2008; author, "Ten Tips For Making Your Mediation Successful: A View From The Mediator's Chair," PRESIDENT &amp; CEO MAGAZINE, September 2004; author, "Discretion The Better Part of Valor: Arbitration In Lieu Of Litigation," PRESIDENT &amp; CEO MAGAZINE, August 2003.</p> <p>SPEAKING ENGAGEMENTS:"Some Thoughts on Making a Mediation Successful," Society of Illinois Construction Attorneys, March 22, 2017, April 26, 2017, May 31, 2017; "Winning Strategies in Arbitration," Society of Illinois Construction Attorneys, November 8, 2016, January 25, 2017; "Avoiding Construction Disputes and Resolving Those That Occur," Roundtable presentation to Peer Group 31, September 20, 2016; "This Might Not Be Ethical - Is That a Problem?" Two-hour CLE course for the Society of Illinois Construction Attorneys, with co-speakers Stanley Sklar and Hon. Clifford Meacham (Ret.), June 16, 2015; "Alternate Dispute Resolution," Illinois Institute for Continuing Legal Education, October 8, 2013; "Ethics for Legal Counsel and Neutrals and the ADR Process," Society of Illinois Construction Attorneys, Chicago, March 19, 2013; "Managing Your First Arbitration," DePaul University College of Law, Center for Dispute Resolution in conjunction with the American Arbitration Association, the College of Commercial Arbitrators, the Chicago Bar Association and the Illinois Institute for Continuing Legal Education, Chicago, June, 2011; "Protocols For Expeditious, Cost Effective Commercial Arbitration," DePaul University College of Law, Center for Dispute Resolution, Chicago, November, 2010; "To Settle or Not To Settle - Impasses in Mediation," Circuit Court of Cook County Court Annexed Mediation Program, Chicago, November, 2010; "What You Can Learn From Construction Mediation," Circuit Court of Cook County Court Annexed Mediation Program, Chicago, May 2009; "Recovery of Attorney's Fees and Application of the Prevailing Party Standard," Society of Illinois Construction Attorneys, May 19, 2008; "What to do When Construction Projects Go Bad," Lorman Education Seminar, March 2008; "Dispute Resolution Methods Used In Construction Cases," Chicago Bar Association, February 15, 2008; "Construction Mediation - A View From the Mediator's Chair," Circuit Court of Cook County, Court Annexed Mediation Program, April 2006; "Dispute Resolution Methods Used In Construction Cases" National Society of Professional Engineers, 2005 Annual Convention, July 2005; "To Engineer Is Human - But Who Pays For Engineering Design Problems On Transportation Construction Projects?" Illinois Road &amp; Transportation Builders Association, February 2005; "Dispute Resolution Methods" Chicago Bar Association, January 2005.</p>
<b>Mediation Rate</b>	\$600 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Chicago, IL

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.