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FN-13219 MN-13219 LN-13219, Esq.

New Orleans, Louisiana



Current Employer-Title Simon, Peragine, Smith & Redfearn, L.L.P.

Profession Attorney

Work History Founding Partner, Simon Peragine Smith & Redfearn L.L.P., 1979 – Present; Partner/Associate, Deutsch Kerrigan & Stiles, 1973 – 1979; Captain/Judge Advocate General Corps, U.S. Army, 1969 – 1973.

Experience Handled approximately 700 complex construction cases, most of them involving multiple parties and multiple claims among owners, contractors, architects and engineers, including some of the most high profile construction projects in the State of Louisiana and elsewhere.

Mediator Experience

Mediated over 700 complex construction disputes in various parts of the country, including:

Successful mediation in Atlanta of major hospital project among owner, contractor, architects, surety and subcontractors involving in excess of twenty parties

Successful Mediation of several subdivision bond cases in Chicago suburb involving contractor, surety and City.

Mediation in Cleveland involving public entity claims against fidelity insurer for various alleged fraudulent practices of employees.

Mediation of fidelity claim involving Washington State banks against fidelity insurers.

Mediation of various disputes involving United States Army Corp of Engineers, Louisiana Department of Transportation and Development, City of New Orleans, Parish of Jefferson, Parish of Lafayette, City of Shreveport, City of Baton Rouge and various other public entities in Louisiana and elsewhere.

Mediation of dispute in Miami involving owner, contractor, subcontractors and surety on high rise condominium project.

Mediation of dispute involving a nuclear power plant in Minnesota among owner and construction

managers.

Representative Issues Handled as a Mediator

Most of the cases mediated involve construction issues, involving disputes among owners, contractors, architects, engineers and subcontractors, involving a multitude of claims that are filed on construction projects, including delay damages, interference, change orders, design errors, etc. Also mediated one of the largest fire losses in the City of New Orleans among various parties and their insurers. Mediated a complex dispute between the owner of a local sports team and the contractor who built their stadium.

Mediator Style & Process Preferences

I have always viewed the mediator's role as being one of an active participant, not simply one who carries offers and counteroffers back and forth among the parties. I have practiced in the construction law area for 50 years, and I feel like one of the reasons that the parties pick me as a mediator is for me to bring some of that expertise to the table. Therefore, I feel I am not giving my best efforts to the parties unless at some point I give them some serious evaluative input. I also favor the use of mediator's proposals where the parties are truly at an impasse at the end of the mediation, and I have found that these have been quite successful also.

Education

Georgetown University (JD-1969); Holy Cross College (AB, History-1965).

Professional Licenses

Admitted to the Bar: Louisiana (1972), South Dakota (1969); all Federal, District and Appellate courts of Louisiana; U.S. Court of Appeals, Fifth Circuit; U.S. Court of Military Appeals (1971).

Professional Associations

Louisiana State Bar Association (Fidelity, Surety & Construction Section, Chair); South Dakota Bar Association; Federal Bar Association; New Orleans Bar Association; American Bar Association (Committee on Fidelity & Surety Law of TIPS, Past Chair; Forum Committee on the Construction Industry); International Association of Defense Counsel; American College of Construction Lawyers; International Mediation Institute (IMI) Certified Mediator.

Recent Publications & Speaking Engagements

Co-author, LOUISIANA CONSTRUCTION LAW MANUAL, Lawyer's Cooperative Publishing, 1991-2024;

Co-author, LAW OF SURETYSHIP, American Bar Association; numerous articles published by American Bar Association, Defense Research Institute and others. Speaker, "Getting Out of the Arbitration Weeds," ABA Forum on the Construction Industry/TIPS Fidelity & Surety Law Committee Mid-Winter Joint Meeting, 2011.

Author, "Contractor's and Surety's Rights and Liabilities Upon Owner Insolvency: An Update on the 'Pay When Paid' Clauses", The Construction Lawyer, Vol. 8, No.3 (August 1988).

Co-author, "Louisiana Construction Law Manual", (Lawyers Cooperative Publishing, 1991).

Co-author of "The Law of Suretyship", American Bar Association, Tort Insurance Practice Section (New York, Los Angeles, Chicago and Atlanta), 1993.

Co-editor, "The Law of Payment Bonds", American Bar Association, Tort Insurance Practice Section (San Francisco, California), 1998.

Co-author, AGC 79th Annual Convention; Legal Issues For Project Managers: An Overview Of Construction Law, Delay Claims And The New A-201 Document, March 14, 1998.

Co-Author, "Louisiana Construction Law", 2017 Edition, Thomson Reuters.

Speaker, American College of Construction Lawyers, Key Biscayne, Florida, February 19-22, 2015, Current Trends In Contractor Licensing Enforcement & Other Perils To the Start Of A Project.

Moderator, American Bar Association, Fidelity & Surety Law Committee, 2016 Mid-Winter Meeting, Fidelity Program, Substance and practice: Mediating the Complex Fidelity Claim and Evaluating Claim arising From Securities Law Violations: Mediation Panel: Mediation Strategies and Ethical Issues Arising while Private Sessions with the Mediator, New York January 21, 2016

Speaker, Baton Rouge Bar Association Construction Law Section, June 7, 2016, How Did I Lose

This Arbitration?

Speaker, Surety Claims Institute Annual Meeting, Newport, Rhode Island, June 22-24, 2016, Ethical Dilemmas in Mediation and Arbitration.

Committee Chair, Alternative Dispute Resolution Program, American College of Construction Lawyers, Amelia Island, March 16-19, 2017, Panel Discussion, The DRB Experience – Common Traits of Effective and Ineffective Boards.

Speaker, Surety Claims Institute Annual Meeting, Farmington, Pennsylvania, June 20-23, 2017, Complex Mediations and Settlement Techniques for Sureties.

Speaker, Construction Litigation in Louisiana - Theories of Recovery, Louisiana Association of Defense Counsel, February 16, 17, 1990.

Speaker, Update on Louisiana Construction and Surety Law, Louisiana Association of General Contractors, Inc., Perdido Beach Resort, July 7, 1994.

Speaker, American Arbitration Association, Mediating the Complex Multi-Party Construction Dispute (2001).

Speaker, Construction Arbitration, American Arbitration Association, National Forum on Conflict Resolution in the Construction Industry conference, Chicago, Illinois, November 13-14, 2003.

Speaker, American Arbitration Association, Neutrals Conference, San Antonio, Texas, March 5-6, 2004.

Speaker, American Arbitration Association, Neutrals Conference, Atlanta Georgia, October 15-16, 2004.

Speaker, LSU Construction Law Seminar, Arbitration and Mediation in the Construction Industry, Baton Rouge, Louisiana, October 25, 2004.

Co-Chair and Speaker, The Texas Construction Client Doing Business in Louisiana: The General Essential, December 9, 2005, Houston, Texas.

Speaker, ABA-TIPS/LSBA 2006 Katrina Program, Mediation - What is it? How Does It Work? New Orleans, Louisiana, May 6, 2006.

Mediation Rate	\$3,600 Per Day
Languages	English
Citizenship	United States of America
Locale	New Orleans, LA

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.