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Needham, Massachusetts



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Current Employer-Title Fieldsteel Dispute Resolution, LLC – Original Member

Panelist Video <https://www.adr.org/videoresume?paramName=268405745>

Profession Mediator, Arbitrator, Facilitator, Special Master, DRB Member, formerly Attorney - General Civil Litigation (Design and Construction, Environmental, Contracts, Insurance Coverage and Liability, Municipal, Education, Eminent Domain and Land Valuation), Business Litigation

Work History Original Member, Fieldsteel Dispute Resolution LLC, 2020 – Present; Founding Partner, Urbelis & Fieldsteel LLP (and predecessor firms), 1990 – 2019; Partner/Associate, Withington Cross Park and Groden, 1980 – 1989; Counsel to the Commissioner, Boston Police Department, 1977 – 1980.

Experience Since the early 2000s, has devoted all professional activities to serving as a neutral, including as an arbitrator, mediator, DRB member and court appointed master. Prior to this time, was primarily engaged in general civil litigation in a private law firm setting, and my practice included the following areas of law:

Has substantial experience in representing all involved parties in the construction process, including owners/developers in public and private projects (commercial, heavy/highway, industrial, institutional, and residential, including single family, multifamily and condominiums), general contractors, sureties, insurers, architects/engineers/designers, sub and specialty contractors. I have also litigated construction disputes involving design issues, delays, and contract interpretation.

A significant part of such private practice was devoted to environmental law including allocation of responsibility, risk assessment, and consent decrees. Was involved in the first Superfund settlement in the United States and many subsequent Superfund cases. Also has experience in representing clients in cases and settlements involving contamination (investigation, characterization), site remediation, indoor air quality, hazardous waste, and enforcement matters. This work involved interaction with the United States E.P.A., Massachusetts and Connecticut Departments of Environmental Protection, and environmental agencies from various New England states. Has extensive experience in private party hazardous waste litigation. Also drafted environmental

documents for lending institutions and borrowers. Has experience in handling insurance coverage cases involving environmental claims, product liability cases and other matters.

Was also general counsel for several independent schools for many years.

During the 1980s and 1990s, represented many homeowners including drafting and/or reviewing contracts for homeowners and representation in litigation with contractors. Served as Associate Town Counsel for the Town of Bourne. In 2002, was retained as a Consulting Attorney: Office of the Attorney General - Commonwealth of Massachusetts to provide an independent review/evaluation of possible claims under the Massachusetts False Claims Act relative to the Central/Artery Tunnel Project ("Big Dig").

Mediator Experience

Since approximately 1987, has served as a mediator in about 1,500 cases. Many of these cases have involved multiple parties ranging from 3 parties to 34 parties. Available for mediation via videoconference and teleconference, in addition to in-person proceedings where safe and appropriate. Experienced in using the online platform Zoom and has conducted numerous Zoom mediations.

Has served as a mediator in design/construction cases, involving small to very large private and public institutional, commercial, industrial, heavy and highway, and residential construction projects. Has also served as a mediator in cases, which have involved contract and commercial disputes, environmental matters, professional liability, employment law matters, personal injury, real estate and land use disputes, and insurance coverage and suretyship cases. The construction cases have involved owners (public and private), general contractors, design builders, architects, engineers, and other designers, subcontractors, material suppliers, insurers and surety companies. The disputes have involved projects ranging from approximately \$15,000 to almost \$15,000,000,000. These projects have involved public and private colleges and universities, public and private secondary, middle and elementary schools, hospitals, religious institutions, highways, bridges and tunnels, pipelines, solar facilities, airports, high rise and smaller office and commercial buildings, retail buildings ranging from small stores and restaurants to large shopping complexes, industrial facilities, including manufacturing and distribution centers and power plants, multi-family residential structures, including condominiums, and very large (\$20,000,000) to small (\$15,000) residential projects. Many of the projects have been well in excess of \$1,000,000 to over \$1,000,000,000, and the cases have involved disputes of between \$20,000 and \$150,000,000. The environmental disputes have involved private party contamination claims and enforcement actions involving public entities. The professional liability cases have included claims against architects, engineers, and other design professionals brought by owners, design build partners and other contractors, and against real estate agents and brokers, insurance brokers, accountants, and lawyers.

Representative Issues Handled as a Mediator

In design/construction cases, has dealt with issues involving claims for delay/disruption, impact and liquidated damages, negligent design and construction administration, claims for change orders and extra work, claims resulting from defective design/construction, and claims arising out of a termination and/or abandonment of a contract or non-payment by an owner. Many of these cases have involved insurance/suretyship issues impacting insurance coverage and the liability of a surety. Since many of the construction cases have involved public construction projects, issues of municipal law have frequently been involved. All of the professional liability cases have included issues dealing with the standard of care of a professional and have frequently involved expert participation in the mediation. The construction cases have involved all aspects of the construction process from financing, permitting and zoning to site work, foundation, carpentry, mechanical, electrical, plumbing, fire protection, roofing, building envelope, drywall, masonry, tile, carpet, and painting work. The environmental cases have dealt with the identification of the source and extent of the contamination and the cost and extent of appropriate remediation activities. Many of these cases have also involved insurance coverage issues.

Mediator Style & Process Preferences

Believes that the process should fit the requirements of the case and that, particularly in complex matters, much work must be performed in advance of the mediation, including pre-mediation sessions, and if necessary, significant work following the mediation session in order to finalize a settlement. Pre-mediation sessions may also involve issues of insurance coverage, challenging personal and organizational issues, as well as financial viability. While many mediations start with presentations, the trend to forego or greatly reduce such presentations will be considered and the most efficient and effective procedure will be determined with input from counsel. If a site visit is deemed to be beneficial, it will be conducted with a clear agenda and schedule. While mediation

submissions will generally be shared with opposing counsel, private information not to be shared will also be welcomed. All information is thoroughly reviewed in order to allow for a productive mediation and to demonstrate to the parties that their dispute is very important to the mediator. To that end, direct participation by parties and experts is welcomed and persons with settlement authority, including insurance/surety representatives, are urged to be present at the mediation if their participation is required for a settlement of the dispute. To assist in this goal, virtual mediations are frequently utilized and are very helpful, as such participation is made more cost effective and convenient for such representatives. A style of thoughtful and probing feedback is essential, and, if requested, informed opinions and perspectives regarding the merits of claims will be provided in private sessions in a respectful and direct manner. Where necessary and appropriate, follow up with parties and counsel after the actual session to help them continue the mediation process and resolve any outstanding issues in order to produce a final settlement will be provided. Willingness to spend as much time and effort as is required to produce a settlement is a key aspect of a mediator's work and will be offered.

Education

Boston University (JD, American Jurisprudence Award-1976); Dartmouth College (AB, cum laude-1972)

Professional Licenses

Admitted to the Bar: New York (1980), Massachusetts (1977); U.S. District Court: District of Massachusetts (1977), Southern (1984) and Eastern (1984) Districts of New York; U.S. Court of Appeals: First (1978) and Federal (1984) Circuits; U.S. Court of International Trade (1983); U.S. Court of Federal Claims (1983)

Professional Associations

Massachusetts Bar Association; former member of Boston Bar Association (ADR Subcommittee; Construction Law Subcommittee); former member of International Mediation Institute (IMI) Certified Mediator

Recent Publications & Speaking Engagements

Lecturer, "Top Ten Tips for a Successful Mediation Practice – Settling at the Best Price Possible", Massachusetts Municipal Lawyers Association Annual Public Construction and Infrastructure Conference, June 2024; "Virtual Mediation – A Way to Resolve Construction Disputes Whose Time Has Come", AGC of Massachusetts, March 2021; "Maximizing the Benefits of Arbitration for Development and Construction Disputes", Massachusetts Bar Association, June, 2018; "Best Practices for Advocates in Mediation", Massachusetts Bar Association, February, 2017; "Essentials of Mediation", Massachusetts Bar Association, January, 2017; "Mediating with Municipalities" Massachusetts Bar Association, May, 2016; "Best Practices in Arbitration: The Role of the Arbitrator", Massachusetts Bar Association, March, 2016; "Reading Between the Lines: The ABC's of Arbitration for New Practitioners", Massachusetts Bar Association, June, 2015; "Mediation, Facilitation and Dialogue", Emerson College, March, 2014, February, 2013; "Preparing for Complex, Multi-Party Mediations", Boston Bar Association, ADR Committee, Real Estate Section, Construction Law Committee, January, 2013; "Multi-Party Mediations - A Practical Guide", Massachusetts Bar Association, Alternative Dispute Resolution Committee, November, 2012; "Mediating Public Construction Contract Matters", Massachusetts Association of Public Purchasing Officials, March, 2012; "Alternative Dispute Resolution in the Construction Industry," Wentworth Institute of Technology, December 2011, July 2010 and July 2009; "Mediation Skills Workshop for Owners, Design Professionals and Contractors," Boston Law Collaborative, LLC, December 2008; speaker and author, "Managing Complex Construction Law Issues," National Business Institute, November, 2006; "The Strategic Use of Arbitration, Mediation and Litigation: Which to Use and Why," Association of Corporate Counsel, Northeast Chapter, May, 2006; speaker, "Alternative Dispute Resolution for Design Professionals," Boston Architectural Center, December 2005; "Construction Mediation - Strategies and Tactics," Boston Bar Association, May 2005; speaker, "What a Construction Mediation Really Looks Like," National Forum on Conflict Management in the Construction Industry, Orlando, November 2004; speaker and co-author, "Construction Law: Can This Job Be Saved?" Lorman Education Services, November 2004; speaker, "Innovative Techniques in the Mediation of Large and Complex Construction Cases," Boston Bar Association, February 2004; speaker, "Effective Construction Arbitration Advocacy," Massachusetts Bar Association, May, 2003; speaker, "The Role of Design Professionals as Parties and Experts in Litigation and Dispute Resolution," Annual Professional Practice in Civil and Environmental Engineering, University of Massachusetts, Amherst, April, 2003; speaker and co-author, "Construction Issues in Massachusetts," Lorman Education Services, December 2002, December 2001; speaker, "Build Boston - Mediated Construction Disputes," Boston Society of Architects, November 2001, 2002, 2003, 2004, 2005, 2008 and 2009; speaker, "Alternative Dispute Resolution," National Contract Management Association, March, 2002; "Bridging the Information

Gap in Environmental Mediation," ADR CURRENTS, March-May 2001; speaker and co-author, "Massachusetts Construction Defect Claims," Lorman Education Services, March 2000, March 2001; speaker, "Alternative Dispute Resolution and Litigation," Massachusetts Society of Certified Public Accountants, January, 1999; co-author, "When Does Environmental Regulation of Private Property Become a Taking and Require Compensation?" 70 MASSACHUSETTS LAW REVIEW 72, June 1985; speaker and co-author, LIVING WITH ENVIRONMENTAL LAW, Massachusetts Continuing Legal Education, 1984.

Locations Where Parties Will Not be Charged for Travel Expenses Boston metropolitan area

Mediation Rate \$540 Per Hour

Languages English

Citizenship United States of America

Locale Needham, MA

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.