



AAA Mediation.org™

FN-13440 MN-13440 LN-13440, Esq.

Bloomfield Hills, Michigan



Current Employer-Title Strote Law – Attorney

Profession Attorney - Construction, Real Property

Work History Attorney, Strote Law, 2016 – Present; Attorney, Butzel Long, 2016; Attorney, May Simpson & Strote P.C., 1987 – 2014; Attorney, Bonk, Pollick & Strote, 1975 – 1987; Attorney, Kemp Klein & Endleman, 1974 – 1975; Attorney, Peoples Gas Company, 1972 – 1973.

Experience Over 45 years' experience in real property and construction law, representing suppliers, manufacturers, general, sub and specialty contractors, developers, owners and public agencies (95%). Projects include public and private commercial, heavy highway, underground, industrial and residential construction. Experience in construction financing, leasing and environmental issues.

Mediator Experience Mediated over 450 construction related matters including: owner-contractor disputes, subcontractor disputes, and construction related casualty and property damage claims. Mediated over 10 public entity construction projects including hospitals, water/wastewater treatment facilities, and state highway projects. Has also mediated public-private stadium projects and international bridge construction. Matters have involved claims from under \$100,000.00 to over \$100 million. Approximately 50 mediations involved multiple parties, claims and cross claims with the mediations covering several days. Multiple mediations with insurance coverage issues.

Representative Issues Handled as a Mediator Stadium construction involving engineering claims, delay claims, impact damages, cardinal change, extended home office overhead, and extras; state forensic center with multiple parties, architectural claims, electrical extras, delay, and impact claims; international bridge project involving contractor, subcontractor, and U.S. and Canadian owners regarding subsurface conditions and installation of bridge piers; owner-contractor disputes involving wastewater treatment plant with engineering claims, property damage claims, and delay claims; multiple auto dealership, condominium, commercial, and high rise construction disputes with multiple claimants involving engineering/architectural issues; impact damages including delay, productivity loss, and cardinal change claims; auto dealership with encroachment and boundary disputes; and several homeowner-residential builder disputes involving extras, non-payment, and quality issues.

Mediator Style & Process Preferences	<p>While all litigation involves a component of the parties' ability to express their emotions, and principle and emotions must often be considered in mediating a case, construction/commercial litigation is expensive, time consuming, and consequently the parties need to focus on the risk and cost involved in proceeding with the litigation or arbitration. Every mediation is different based upon the parties' needs and desires and may be exclusively a dialogue across the table, breakout sessions with the parties, allowing the principals of the companies to meet privately, or never allowing the parties to meet face to face. As a mediator, it is imperative to be able to assess the dynamics of the group and tailor the process to the individuals who will ultimately make the decision. Often it becomes necessary to probe and discuss the facts and documents, with the necessity to stress strengths and weaknesses of a case based upon what has been presented to the mediator, always with the full acknowledgment that a complete file and facts has not been presented. Confidentiality, creativity, candor, and honesty are the absolute requisites to successfully bringing the parties together in fashioning a resolution of the dispute. As a mediator I expect that the parties will be familiar with the facts, their damages, and be as realistic as possible in evaluating the strengths and weaknesses of their position. I emphasize that the parties need to listen to the other side, that there are often gray areas in how facts and circumstances may be evaluated by the ultimate judge of fact, and that the cost to the litigants is more than legal and administrative costs, but involve their time combined with emotional impact of continuing litigation.</p>
Education	Northwestern University (JD, cum laude-1972); University of Michigan (AB-1969).
Professional Licenses	Admitted to the Bar: Michigan (1973), Illinois (1972-retired); U.S. District Court: District of Illinois (1972), District of Michigan (1973); U.S. Court of Appeals: Sixth Circuit.
Professional Associations	State Bar of Michigan; Michigan State Bar Foundation (Fellow); Oakland County Bar Association; Macomb County bar Association, Institute of Continuing Legal Education (Past Real Estate Advisory Board); International Mediation Institute (IMI) Certified Mediator.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>Chapter author, "Construction Lien Foreclosures," MICHIGAN CAUSES OF ACTION FORMBOOK, Institute of Continuing Legal Education, 1996; "Key Contract Clauses: An Overview," MICHIGAN BAR JOURNAL, vol. 71, no. 11; "Lien Claimants and Non-Titleholders, Lessees and Land Contract Purchasers: New Act, Old Problems," MICHIGAN REAL PROPERTY REVIEW, vol. 11, no. 2; "Mortgage Foreclosure Sales as Fraudulent Conveyances," MICHIGAN REAL PROPERTY REVIEW, vol. 13, no. 1; "Analysis of Priority Claims Under the Michigan Builders Trust Fund Act," MICHIGAN REAL PROPERTY REVIEW, vol. 13, no. 2; "Labor and Material Payment Bonds, An Overview," MICHIGAN REAL PROPERTY REVIEW, vol. 15, no. 2; "The Construction Contract Revisited," MICHIGAN REAL PROPERTY REVIEW, vol. 17, no. 2; "Smalley to Price to Erb: a Time Price Trilogy," MICHIGAN REAL PROPERTY REVIEW, vol. 22, no. 2; "Michigan's Builder's Trust Fund Act: Is a 'Supplier' a Subcontractor/Trustee?" MICHIGAN REAL PROPERTY REVIEW, vol. 26, no. 2.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>2015 American Arbitration Association, "The New Construction Rules: The Significant Changes"; 2014, American Arbitration Association "Stories Mediators Tell: The Good, The Bad, The Ideal"; 2014, Institute of Continuing Legal Education 13th Annual Advanced Negotiation & Dispute Resolution Institute, "Expanding Your Arbitration Practice-New Subject Matter, New Clients;" Current Issues in ADR," Michigan State Bar, Real Property Section, 2003; "Construction Facilitation," ICLE, 1998; "Analysis of Construction Contract Clauses and Resolving Claims," Homeward Bound Real Property Section, 1996; "Negotiating the Commercial Construction Contract: Is it Possible to Negotiate a Litigation Proof Contract," State Bar of Michigan, 1995; "Construction Liens, Bonds and Builders Trust," Institute of Continuing Legal Education, 1995; "Residential Real Estate Transactions," State Bar of Michigan, 1994; "Residential Real Estate: Highlighting Your Worst Nightmare," State Bar of Michigan Real Property Section, 1994.</p>
Mediation Rate	\$400 Per Hour
Languages	English
Citizenship	United States of America

Locale

Bloomfield Hills, MI

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.