



AAA Mediation.org™

## FN-13661 MN-13661 LN-13661, Esq.

Alexandria, Virginia



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**Current Employer-Title** Werther & Mills, LLC – Member

**Panelist Video** <https://www.adr.org/videoresume?paramName=309288463>

**Profession** Arbitrator, Attorney, Mediator

**Work History** Member, Werther & Mills, LLC, 2023 - Present; Member, Samek Werther & Mills LLC, 2019 – 2023; Partner, Troutman Sanders LLP, 2017 – 2019; Partner, Sedgwick, 2015 – 2017; Principal, Ober|Kaler, 2011 – 2015; Partner, Howrey LLP, 2008 – 2011; Partner, Thelen Reid Brown Raysman & Steiner LLP (formerly Thelen Reid & Priest LLP), 2002 – 2008; Partner, Arent Fox Kintner Plotkin & Kahn, 1998 – 2002; Partner, Watt, Tieder, Hoffar & Fitzgerald 1985 – 1998; Associate, Pettit & Martin, 1981 – 1985; Associate, McKenna Conner & Cuneo, 1978 – 1981; Law Clerk, Sellers Conner & Cuneo, 1976 – 1978.

**Experience** Special expertise in delay and loss of productivity claims, terminations for default, claims involving windows and flashing, groundwater, excavation and compaction, proctors, federal construction projects (courthouses, federal buildings, Pentagon), mold, constructive changes, subway cars, articulated rail cars, industrial plant dismantlement, taxiways, affordable housing, multi-family dwellings, office buildings, anticipated profits, and damages.

One-hundred percent of practice is in construction law, primarily representing general, sub and specialty contractors, sureties/insurers and owners/developers/public agencies, suppliers/manufacturers involving public and private (commercial, heavy/highway, industrial and institutional) projects. Handles disputes involving contract interpretation, breach issues and delay/acceleration claims. Also represent sureties concerning terminated contractors. Draft and negotiate contracts for developers and contractors.

**Mediator Experience** Mediation Experience as an Advocate or Party:

Mediated eight-figure Omnibus claim as counsel to the general contractor (with 35 subcontractors) to a favorable settlement on a federal project involving changes, delays, and inefficiencies.

Mediated on behalf of developer HVAC claims against the contractor on Class A residential building to favorable settlement.

Mediated default termination case involving slurry walls.

Mediated a seven-figure claim on steel plant construction on behalf of the contractor to resolution.

Mediated default termination case involving taxiway.

Mediated eight-figure Omnibus claim on behalf of the general contractor and 25 subcontractors on a federal project involving changes, delays, and loss of productivity to a favorable settlement.

Mediated claim on behalf of contractor on a nurse call system.

Mediated on behalf of developer claims against the contractor on Class A residential building for liquidated damages, construction defects, and damage to the building by contractor's forces.

Mediated six-figure claim on university building roof on behalf of subcontractor against the general contractor.

Years of Practice as a Mediator – 7

Total Number of Cases Mediated – 9

Mediation References - Robert Crewdson - robert.crewdson@dlapiper.com - 404.736.7827; Keith Anderson - keith.anderson@cbgbc.com - 703.294.4614

## **Representative Issues Handled as a Mediator**

Key issues involved schedule issues, constructive changes, differing site conditions, default terminations, tie backs and underpinnings, real estate buy out.

## **Mediator Style & Process Preferences**

I am a true believer in the mediation process, but also realistic enough to appreciate that the time set aside for mediation may not result in a resolution, so I am dogged in my pursuit of a mediated resolution beyond the time set for mediation. I am also a true believer in creative ideas, which in more than one instance have saved the day and brought the parties together to resolve their differences. Although not every case that is mediated will settle (because it is impossible to force parties to settle), there is almost always something to be gained by mediating, as there is usually some common ground which can then be used to make headway towards settlement.

## **Technology Proficiency**

Available for both Remote and In-Person (Depending on Health Risk)

## **Education**

George Washington University (JD-1978); University of Pennsylvania (BA-1975)

## **Professional Licenses**

Admitted to the Bar: Virginia (1998), District of Columbia (1979).

## **Professional Associations**

Women in Construction (2006-2021), President, en officio Board Member (2021-Present); American Bar Association (Public Contracts & Litigation Section); Construction Lawyers Society of America (CLSA), President 2018; American College of Construction Lawyers (ACCL) (2015-Present); Washington Building Congress (WBC).

## **Recent Publications & Speaking Engagements**

- Co-presenter, "When the Axe Falls: Terminations on Government Construction Projects," Forum on the Construction Industry, Fall Meeting, American Bar Association, 2023
- Presenter, "Construction Forum Trial Academy," Forum on the Construction Industry, American Bar Association, 2012
- Co-presenter, "The Do's and Don'ts of Government Construction Contracts," Webinar, Ober|Kaler, 2012
- Co-presenter, "Discovery in Construction Arbitration: When is "Enough" Enough?" 14th Annual Spring Conference, American Bar Association, 2012
- Presenter, "Construction Bond and Contract Provisions," Audio Conference, Lorman Education Services, 2011
- Presenter, "Getting Better All the Time: Advanced Negotiation Strategies," ABA Construction

Forum Midwinter Joint Meeting, 2011

- Moderator, "Cutting Edge Techniques for Mediation of a Real Estate Dispute - The Good, the Bad and the Ugly," Annual Convention, The Counselors of Real Estate, 2011
- Panelist, Fall Conference, Trustees' Council of Penn Women, 2010
- Panel moderator, "Where Do Women Stand: America's Top Philanthropic Entrepreneurs," Bisnow, 2010
- Panel moderator, "Where Do Women Stand: Breaking Stereotypes," Bisnow, 2010
- Author, "How Non-U.S.-Owned Companies Can Compete for Federal Government Contracts," ConstructionWebLinks.com, 2010
- Author, Inside the Minds: Best Practices for Resolving Government Contracts Disputes, Aspatore Books, 2009
- Panel moderator, "Show Us the Money: Is the Stimulus Working?" Women In Construction Conference, 2009
- Author, "\$130 Billion for Construction in the Economic Stimulus Bill: Where It Will Be Spent," ConstructionWebLinks.com, 2009
- Panel moderator, "Are Women Good for the Construction Industry?" Women In Construction Conference, 2007
- Panel moderator, "Women as Negotiators," Women In Construction Conference 2006
- Chapter author, "Terminations," Construction Law Handbook, Aspen Publishing, 1999, Updated annually

<b>Mediation Rate</b>	\$600 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Alexandria, VA

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.