



AAA Mediation.org™

**FN-1370950 MN-1370950 LN-1370950,
Esq.**

Hackensack, New Jersey

Current Employer-Title Tesser & Cohen – Founding Partner

Profession Attorney, Arbitrator, Mediator

Work History Partner, Tesser & Cohen, 1994 – Present; Associate, Peckar & Abramson, 1988-1994; Surety Claims Analyst – New York State Insurance Department – 1987-1988.

Experience Thirty-six years of experience as an attorney in practice devoted exclusively to representing clients in the construction industry. Representing owners, contractors, subcontractors, building suppliers, architects and engineers in multi-party and complex construction litigation involving various construction related claims involving construction defects, delay, interference, surety and bond claims, liens, differing site conditions, cost and productivity escalation claims, defective plans and specifications, acceleration, change order disputes and wrongful termination.

Significant construction projects and activities: involved in defense of multi-million dollar delay claim in Passaic County; prosecution of multi-million dollar construction defect and consumer fraud case on behalf of condominium association, defense of design professional on multi-million claim defective design claim; drafting and negotiation of multi-million dollar contracts on behalf of owners, contractors and subcontractors.

Super Lawyers in the field of Construction Litigation 2008-2023; Super Lawyers as Top 100 lawyers in the State of New Jersey – 2023; New Jersey Monthly; Top Lawyers in Bergen County: 201 Magazine; Recognized by Who's Who Legal in field of Construction Law.

Mediator Experience Participated in hundreds of mediation proceedings on behalf of clients in construction related matters. Began conducting mediations as a mediator in 2006 and have conducted approximately 75 mediations as a mediator through the court system or privately engaged as mediator in construction related matters.

Representative Issues Handled as a Mediator Construction defect claims (i.e. roofs, structural, electrical, HVAC); architectural and engineering design errors and omissions; breach of contract; delay issues, wrongful termination; lien law issues; surety issues.

Mediator Style & Process Preferences Resolving disputes through mediation involves overcoming obstacles. While money is the obvious obstacle in any civil litigation, it is often the final obstacle to overcome in reaching a resolution. I begin the process of each mediation by learning as much as I can about the positions of the parties. Where appropriate, I make an effort to reduce each party's emotional attachment to positions. By fully understanding each party's legitimate interests and its version of the facts and the law, I am able to gain each party's trust to effectively communicate its position. Gaining the trust of the parties promotes compromise and resolution. A good mediator listens and communicates and assists the parties in reaching their own resolution to a civil dispute, often avoiding the expense and uncertainty of protracted litigation. I believe that almost all disputes can be resolved amicably and that the mediation process is the best forum of conflict resolution in the American justice system.

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| Technology Proficiency | Conducted and participated in several mediations through Zoom and Teams. Preference is in person mediations, especially in multi-party cases, however, under the right circumstances, online platforms can be equally effective. |
| Education | St John's University (J.D. - 1987); State University of New York at Binghamton (B.A. - 1984). |
| Professional Licenses | Admitted to the Bar: New Jersey (1987), New York (1988); U.S. District Court: District of New Jersey, Eastern and Southern Districts of New York. |
| Professional Associations | Past Chair, New Jersey State Bar Association (Construction Law Section); Bergen County Bar Association; American Bar Association (Public Contract Law, Litigation, Forum Committee on the Construction Industry). |
| Recent Publications & Speaking Engagements | Frequent lecturer on various aspects of construction law for New Jersey ICLE, Construction Industry Section of New Jersey Bar Association, American Bar Association. |

CONSTRUCTION INDUSTRY SPEAKING ENGAGEMENTS:

- 2019 Construction Law Forum: Handling the construction Defect Case – June 2019
- Construction Claims and Law: Preparation, Proof & Defense - New Jersey Institute for Continuing Legal Education October 3, 2018
- Damages and Remedies: Pricing the Claim – October 3, 2018
- Ethics for Professional Engineers – January 2018
- IDP Seminar – Legal and Ethical Considerations – April 7, 2016
- “Yes, You Can Try a Construction Case: Planning and Handling a Construction Trial From Voir Dire to Closing Argument” ABA Section of Litigation Construction Litigation Committee – March 4, 2016
- Legal Issues for Design Professionals – May 6, 2015 & May 20, 2015
- NJ Construction Lien Law – April 29, 2015
- The Construction Lien Law Update- New Jersey Institute of Continuing Legal Education April 4, 2013
- The Construction Lien Law Update- New Jersey Institute of Continuing Legal Education March 29, 2012
- Air Conditioning Contractors of America – October 18, 2011
- The Intersection of Construction and Bankruptcy Law; Resolving the Dilemma- New Jersey Institute for Continuing Legal Education Seminar, November 18, 2010
- Bread & Butter Consumer Law Issues-New Jersey Institute of Continuing Legal Education Seminar, September 24, 2010
- New Jersey’s Lien Law: Update 2011 Special Provisions for Liens on Residential Construction Projects- New Jersey Institute for Continuing Legal Education March 25, 2010
- Commercial Real Estate Transactions: From Handshake to Closing Table (Part II) - New Jersey Institute of Continuing Legal Education Seminar, October 21, 2009.
- New Jersey’s Lien Laws: Update 2009 – Special Provisions for Liens on Residential Construction Projects - New Jersey Institute for Continuing Legal Education April 21, 2009
- Construction Claims and Law: Preparation, Proof and Defense-January 19, 2009
- Construction Lien Law in New Jersey, Lorman Education Seminars-January 23, 2009
- How to Write CYA Letters-Documenting Your Concerns -A Contractor’s Perspective" American Society for Heating Ventilating and Air Conditioning Engineers
- Construction Contracts and Lien Law; Bergen County Electrical Contractors Association
- Residential Construction Considerations; Bergen County Electrical Contractors Association Trade Show
- AJA Subcontract Agreements; In-House Seminar Jeral Construction Services Corp.
- Construction Claims Avoidance; In-House Seminar Jeral Construction Services Corp.

PUBLICATIONS:

- Beyond Prospective Bidders, Potential Challengers to Bid Specifications Has Expanded, New Jersey Law Journal-June 22, 2009;
- Looking Through the Lens of the New False Claims Act, Liability for Contractors and Attorneys Could Be Created; New Jersey Law Journal (June 23, 2009);
- The Kara Homes Appeal, The Lien Law and Residential Construction Contracts, New Jersey Bar Association Construction Law Section Newsletter-March 2009;

- Summary of Changes to AIA-2007 Documents, New Jersey Law Journal, October 20, 2008;
- Contractor's Lien Rights in Work for Tenants New Jersey Lawyer Magazine, March 31, 2008;
- Differing Site Conditions in New Jersey: Who Bears the Risk? , New Jersey Bar Association Construction Law Section Newsletter (December 2006);
- New Jersey Prompt Payment Act, New Jersey Bar Association Construction Law Section Newsletter (December 2006);
- The End of Arbitration of Residential Construction Disputes; New Jersey Bar Association Construction Law Section Newsletter (May 2005);
- Protecting Lien Rights for Tenancy Improvements, New Jersey Lawyer, The Magazine, October 2002.

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| Mediation Rate | \$400 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Hackensack, NJ |

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.