



AAA Mediation.org™

FN-14475 MN-14475 LN-14475, Esq.

Pittsburgh, Pennsylvania



Current Employer-Title Clark Hill PLC – Member

Profession Attorney, Arbitrator, Mediator

Work History Member, Clark Hill PLC, 2013 – Present; Partner/Associate, Thorp Reed & Armstrong, LLP, 1986 – 2013; Assistant County Solicitor, Allegheny County Law Department, 1982 – 1986; Attorney, Goehring Rutter & Boehm, 1985 – 1986.

Experience Civil trial lawyer specializing in construction litigation (80%). Represents owners, contractors, architects, engineers, public agencies, sureties and insurers involved in public, private, commercial, industrial and institutional construction projects ranging in value from \$200,000 to \$1.4 billion. Represented clients in construction disputes involving jails, airports, transit systems, cogeneration and power plants, steel mills, petrochemical plants, bridges, hotels, schools, commercial office buildings, treatment facilities and sports complexes. Matters litigated included claims for delay, acceleration, disruption, impact, personal injury and property damage. Litigated in state and federal courts and participated in ADR proceedings.

Chambers USA (Construction) 2014-2023; Best Lawyers in America "2020 Lawyer of the Year" (Litigation/Construction in Pittsburgh), Construction Law/Litigation 2006-2020; Pennsylvania Super Lawyer, 2005-2022; Martindale-Hubbell AV rated; Chief Executive Community Citation of Recognition, 2004; Allegheny County Solicitor's Commendation, 1998.

Mediator Experience Mediated in excess of 90 construction cases between owners and contractors, owners and architects, general contractors and subcontractors, and general contractors and sureties. Construction projects have included: an airport, a courthouse, a restaurant, power plants, water plants, sewage plants, schools, commercial buildings, office buildings, apartment buildings, and residences.

Representative Issues Handled as a Mediator Construction cases mediated have included the following issues: delay, acceleration, loss of productivity, default termination, extra work, defective work, defective specifications, design errors and omissions, differing site conditions, and contractual and statutory claims.

Mediator Style & Process Preferences My mediation philosophy is a hybrid of a facilitative and evaluative approach. Generally, my role is to assist in the facilitation of a mutually acceptable resolution of a dispute in a cooperative and informal manner. To accomplish this, I ensure that each party appreciates the strengths and

weaknesses of each side's factual and legal contentions, both in the exchange of information and opinions and in the evaluation of that information. I advise the parties that my expectation is that they will have an opportunity and a responsibility to candidly disclose to me the facts, theories, and opinions on which they rely in the dispute. I expect that the parties will state their positions, disclose their interests, and assist me in considering creative solutions to resolve the matter.

As a mediator, I am a neutral intermediary, not an advocate, and I do not provide legal advice. However, particularly in the construction arena, I may perform an evaluative function - that is, I may, based on experience, point out the weaknesses and the likelihood of possible outcomes on certain issues. This is done not as a judge or advocate, but rather to assist the parties in moving to an equitable resolution. The process focuses on the interests and objectives of the parties and possible solutions the parties believe will be fair, equitable, and mutually beneficial.

Education

Emory University (JD-1982); Franklin & Marshall College (BA-1979).

Professional Licenses

Admitted to the Bar: Pennsylvania (1982), Georgia (1982); Supreme Court of Pennsylvania; U.S. District Court: Western District of Pennsylvania; U.S. Court of Appeals: Third and Fourth Circuits; PRO HAC VICE: West Virginia Supreme Court; U.S. District Court: Middle District of Pennsylvania; Northern District of Alabama; Northern District of Florida; U.S. Bankruptcy Court for the District of Delaware; Superior Court of California, County of San Diego.

Professional Associations

Academy of Trial Lawyers of Allegheny County (Fellow); American Bar Foundation (Fellow); American Bar Association (Forum on the Construction Industry, Construction Litigation Committee); Allegheny County Bar Association (Construction Law Section, Past Chair, Board Member; Litigation Section, Liaison Committee with State and Federal Court, Chair); Georgia State Bar Association; Pennsylvania Bar Association; Master Builders' Association of Western Pennsylvania (Affiliate Member); Associated General Contractors of America; Constructors' Association of Western Pennsylvania (Associate Member); International Mediation Institute (IMI) Certified Mediator.

Recent Publications & Speaking Engagements

Editor, Allegheny County Court of Common Pleas Civil Practice Manual 13th Edition, PBI 2018; PBI Pennsylvania Construction Law: Project Delivery Methods, Execution and Completion (Author, Section on Public-Private Partnerships), 2013 and 2015; wrote numerous articles for CONSTRUCTION LAW NEWS, 2002-Present; "The Law Governing Construction Site Claims: Basis of Liability and Damages Against Contractors, the Construction Manager, the Design Professional and the Owner," Nowak, Ryan, Dee and Sterling, PBI no. 1998-1447, 2001 (updated PBI no. 201-2801); "How Effective Are Set-Aside Programs in Helping Disadvantaged Businesses?" PITTSBURGH BUSINESS TIMES, August 11-17, 2000; "Airport, Stadiums, County Succeeds in Fighting Legal Development Battles," PITTSBURGH BUSINESS TIMES, February 18-24, 2000; "Recognizing Virtue and Becoming a Professional," PITTSBURGH LEGAL JOURNAL, vol. 143, pp. 15-16, 1995; "Occupational Noise Exposure of Railroad Workers-Which Regulation Applies," UNIVERSITY OF PITTSBURGH JOURNAL OF LAW AND COMMERCE, vol. 11, p. 39, 1991; "Proposed Amendments to the Pennsylvania Mechanic's Lien Law of 1963," THE MASTER BUILDER, p. 3, Fall 1991; "The Mechanic's Lien Law in Pennsylvania," AT ISSUE, p. 5, Spring 1991; "Work Participation and Its Potential Application in the United States," LABOR LAW JOURNAL, vol. 35, p. 148, March 1984.

SPEAKING ENGAGEMENTS: American Bar Association Forum on the Construction Industry, The Engineers' Society of Western Pennsylvania, American Arbitration Association, Pennsylvania Bar Institute, National Business Institute, Lorman Education Services, Allegheny County Bar Association Construction Law Section, Master Builders' Association, Southwestern Pennsylvania Municipal Secretaries Association, and Pennsylvania Department of Community Affairs.

Mediation Rate

\$475 Per Hour

Languages

English

Citizenship

United States of America

Locale

Pittsburgh, PA

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.