



AAA Mediation.org™

FN-14512 MN-14512 LN-14512, Esq.

St. Louis, Missouri



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| Current Employer-Title | Husch Blackwell LLP – Partner Washington University, McKelvey School of Engineering Henry Edwin Sever Institute – Adjunct Faculty |
| Profession | Lawyer - Construction Litigation, Business/Commercial litigation, Products Liability |
| Work History | Partner, Husch Blackwell LLP (and predecessor firm), 2005 – Present; Principal, Brown & James, P.C., 1981 – 2005; Associate, Moser, Marsalek, Carpenter, Cleary, Jaekel, Keaney & Brown, 1979 – 1980. |
| Experience | Over 30 years as civil trial lawyer specializing in construction, business/commercial, and products liability litigation. Approximately 85% of practice in construction litigation, mostly representing design professionals, but also contractors and owners. Construction claims range from few thousand to multi-million dollar claims. Previous Adjunct Faculty, Products and Professional Liability, Washington University School of Engineering and Applied Sciences in St. Louis. Adjunct Faculty, Legal Aspects of Construction, Washington University, McKelvey School of Engineering - Sever Institute, St. Louis, Missouri. |
| Mediator Experience | The primary focus practice is construction related disputes though other disputes of a commercial or tort nature make up a part of the dispute to be resolved. Mediated roughly 100 cases of various size and complexity. Regularly mediates cases in addition to his regular construction litigation practice. Mediates disputes arising from contract interpretation, design issues, construction scheduling and impact claims, cost overrun disputes, and payment disputes. The projects involved have included municipal, state, and private projects as well as project sizes from relatively small residential projects to multiple party commercial, industrial, or processing projects. Cases have involved subsurface conditions to building finishes and everything in between. Mediated disputes among and between design professionals, owners, contractors, subcontractors, vendors, and third parties. Amounts of money in disputes have ranged from thousands to the multi-millions. |
| Representative Issues Handled as a Mediator | Issues handled as a mediator include: <ul style="list-style-type: none">• settlement damage to a historic urban building related to construction on an adjacent site• a construction dispute arising from a commercial development which was alleged to have issues with the parking deck and water control following completion• design issues and claims related to the new electrical building to support the load growth of the |

data center which was alleged to have issues

- water infiltration of a new completed multistory upscale apartment complex
- delays and interference claims on an educational complex
- heating and air conditioning issues to a newly completed elementary school building
- payment and lien issues, design issue with wood panel finishes, delay damages, and liquidated damages issues with a municipal facility

Mediator Style & Process Preferences The role of the mediator is to assist the parties in reaching their resolution by talking through issues, assuring the parties have considered all facets of the claims, the risks of moving forward, and the benefits of reaching their resolution. The role is not to push the parties, but rather to make them want to reach resolution.

Education University of Missouri at St. Louis (BA, Political Science-1974; MA, Political Science-1976); St. Louis University (JD, cum laude-1979).

Professional Licenses Admitted to the Bar: Missouri, 1979; Illinois, 1980; U.S. District Court, Eastern and Western Districts of Missouri, Southern and Central Districts of Illinois; U.S. Court of Appeals, Seventh and Eight Circuits.

Professional Associations Bar Association of Metropolitan St. Louis; Missouri Bar Association (Construction Law Committee, Vice Chair); American Bar Association (Forum on Construction Industry; Torts and Insurance Practice Section; Litigation Section; Construction Litigation Committee); Missouri Organization of Defense Lawyers; Defense Research Institute (Construction Law Committee, Chair; Seminars Subcommittee, Chair).

Recent Publications & Speaking Engagements Publications:
Chapter author, "Alternative Dispute Resolution, Mediation and Partnering," MISSOURI CONSTRUCTION LAW, Missouri Bar Continuing Legal Education, October 1994, and 2000 cumulative supplement; chapter author, "Liability of Design Professionals," chapter 11, MISSOURI CONSTRUCTION LAW, Missouri Bar Continuing Legal Education, 2nd ed., October 2004; contributing author, "Construction Law & Risk Management, Case Notes and Articles," Ardent Publications.
Construction Executive: Submittal Review: Study the Shop Drawings, February 02, 2020
The St. Louis Bar Journal: Construction Project Delays: An Expensive Gordian Knot, Summer 2019
International Risk Management Institute, Inc. (IRMI) - Expert Commentary: When Striking Contract Language Isn't Enough, July 2018
Construction Today: Shop Drawings and Submittals 101, April 17, 2018
The St. Louis Bar Journal: Shop Drawings and Submittals: Purposes, Processes, and Problems, October 06, 2017

Speaking Engagements:

Speaker, "Legally Speaking - Project Delays & Resulting Claims," St. Louis Council of Construction Consumers, October 17, 2019; Speaker, "Shop Drawings and Submittals: Purpose, Process and Problems," Professional Engineers' Seminar, September 19, 2019; Speaker, "You Can't Handle the Truth...," Construction Specification Institute Greater Saint Louis Chapter, April 17, 2019; "AIA Contracts," St. Louis, Missouri, July 18, 2007; "Legal Issues for Missouri Design Professionals," Construction Law Seminar, St. Louis, Missouri, May 11, 2007; speaker and author, "Legal Issues for Missouri Professional Engineers," Construction Law Seminar, St. Louis, Missouri, November 17, 2005; "Staying on the Straight and Narrow: A Look at Selected Roles of the Design Professional During Construction Administration," American Council of Engineering Companies Annual Convention, Washington, D.C., April 12, 2005; "Contractual Issues and E&O Insurance," Missouri Society of Professional Surveyors 47th Annual Meeting, Kansas City, Missouri, September 25, 2004; "Best Practices in Complex Construction Arbitration," American Arbitration Association, St. Louis, September 9, 2004; panelist, "The Anatomy of a Construction Contract," Missouri Bar Association, Associated General Contractors of St. Louis, AIA Kansas City Chapter, American Subcontractors Association, American Society of Estimating Engineers, and the Associated Builders and Contractors, Inc. - Heart of America Chapter, June 3, 2004; "Yours, Mine & Ours: Consequential Damages and Who Bears the Burden," American Council of Engineering Companies 2003 Fall Conference, Phoenix, Arizona, October 8-11, 2003.

Mediation Rate \$485 Per Hour

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| Languages | English |
| Citizenship | United States of America |
| Locale | St. Louis, MO |

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.