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Orlando, Florida



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Current Employer-Title	Gray/Robinson, P.A. - Partner; Chair, Litigation Department. Director, Litigation. Chair, ADR practice group
Panelist Video	https://www.adr.org/videoresume?paramName=265767633
Profession	Trial Attorney, Arbitrator, Mediator, Counselor at Law, Private Judge, Special Master
Work History	Senior Partner/Chair, Litigation Department, Gray/Robinson, P.A. (and predecessor firms), 1995-Present; Full-time ADR Neutral, -Present; Senior Partner, Fisher, Rushmer, Werrenrath, Keiner Wack & Dickson, P.A., 1984-1995; Partner, Akerman, Senterfitt & Eidson, P.A., 1974-1984; Lieutenant, U.S. Navy, Qualified Deck Officer, USS Ault, (DD-698) 1968-1971; Forklift Operator, Linabury Brick and Block Company, Summer 1967; Painter's Helper, Pepsi-Cola Company, Summer 1966.
Experience	<p>Trial attorney (1974), AAA arbitrator (1995), mediator (1989), ICDR arbitrator (2005) in general business, IP, crisis and risk management and construction law in public and private, heavy/highway, institutional, residential, and environmental projects. Extensive technical, engineering and manufacturing process litigation experience. Arbitrator and trial practice includes coal-fired generating stations, industrial process facilities, weapons and propulsion systems, aircraft maintenance facilities, jails, military and government installations, roads, bridges, piers, marine structures, boats, yachts, treatment plant, airports, schools, hospitals, food processing plants, courthouses, and performing arts centers. Trial and arbitration experience of all types, including delays, contract damages, design defects, construction defects, project failures. Other practice areas: environmental media and internet, intellectual property and computer law.</p> <p>Extensive experience over 35 years in the commercial field focused primarily upon claims arising from design, construction, and operation of electric generating plants, coal, oil, transportation, distribution and pricing, natural gas, coal-fired and co-generation facilities construction and siting, including environmental considerations, with special emphasis on the engineering, technical, mechanical, and control aspects of construction, operation and maintenance of energy and energy related industrial process facilities. Cases include breach of contract, delay and disruption, contract</p>

interference coal supply, transportation; design defects and equipment specifications; a dispute between the owner, contractor, and operator of a 385 megawatt natural gas project involving specialty welding, steel specifications. Project collapses, business torts, delay and domestic, and international standards of engineering construction and owner care including problems arising from the outsourcing of shop drawings and design specifications; a dispute re: design, construction and use of cooling towers in coal-fired energy plants. Complex business torts and alleged RICO violations; a breach of trade secret case alleging misappropriation of the concept of bartering electric power for sale on the grid in exchange for power plant overhaul and planned outage maintenance.

Misappropriation of trade secrets case regarding coal handling facilities, limestone crushers, stack gas scrubbers, and specialized underground cooling system piping; a trade secret dispute between manufacturers of an environmental remediation product for use in coal-fired power plants and processing facilities, including contract breach, business torts, misappropriation of trade secrets; a damage and risk of loss claim, including assessment of and mitigation of damages from a twenty million dollar electric generator unit dropped from a Schnabel railroad car at the power plant site; cases involving HRSG's, including failure to meet heat recovery specifications and failure to meet noise reduction specifications at electric generating stations; cases involving biological fouling resulting in reduced power plant generating capacity and cooling pond failure arising from inadequate potassium and nitrogen uptake by aquaculture in cooling ponds; a dispute between a utility and the manufacturer/supplier of a rotary plow system for raw coal delivery to the power plant silos; several cases involving turbine blade failures at gas turbine generating stations; disputes between the mine operator, railroad, and a large regional electric utility over long term coal contract pricing and delivery; two different multi-million dollar damages claims involving inadvertent "reverse roll" of new or refurbished steam turbines upon start up, including reverse steam valve design defects, liability, damages, mitigation for loss of use.

Mediator Experience

Mediated in excess of 150 cases including: 50 between owners and contractors and 50 between architects/engineers and owners or contractors. The other 50 cases have included general business disputes; contract disputes (including international), computer software, and related intellectual property disputes, professional liability claims, real estate, wills, trusts and probate disputes. Holds the title of certified Federal Court Mediator and State Court 5th DCA Appellate Mediator.

Representative Issues Handled as a Mediator

Handled cases involving design defects, water and air pollution, storm water management, construction delays and extras, commercial contracts, computer software and hardware defects, and breach of contract. Other cases included large property damage such as hurricane and tornado damage; loss of marine structures; roofing, civil, structural, mechanical, and electrical contract disputes; standard of professional care, delay, and scheduling; acceleration, costs, and defects; commercial breach of contract; computer software, trademark, trade name/trade dress, trade secrets and patents; entitlement to contract deposits and liquidated damages; and non-compete clauses.

Mediator Style & Process Preferences

I am a proactive mediator. I provide not only the forum and framework for resolution, but make concrete suggestions to facilitate the process. I do not merely convey messages. I promote civility, professionalism, preparation, and hard work from the parties and their counsel. I work with the parties by telephone prior to, and after the mediation sessions if necessary to most efficiently achieve results, especially if the mediation is early in the process.

Education

University of Michigan (JD-1974); Miami University, Oxford Ohio (AB, English and Journalism-1968).

Harvard Law School (Federal Rules of Evidence Workshop-1988; Advanced Mediation Workshop-1989; Advanced Negotiation Workshop); United States Navy Officer Training School Newport (1968); Deck officer and propulsion systems experience USS Ault, DD-698 (1968-1971).

Professional Licenses

Admitted to the Bar: Florida (1974); U.S. District Court: Middle (1999) and Southern (1982) Districts of Florida, Northern District of Oklahoma (1998); U.S. Court of Appeals: Fifth (1975) and Eleventh (1975) Circuits; U.S. Supreme Court (1982).

Certified Mediator, Florida Supreme Court (1989).

Professional Associations

Florida Mediation Group; International Mediation Institute (The Hague, Netherlands) Certified Mediator; American Bar Association (Law Student Division; Construction Industry, Forum Committee on the Construction Industry, Dispute Resolution, and Litigation Sections); The College

of Master Advocates and Barristers; Federal Bar Association (National Intellectual Property and Communications Law Sections); The Florida Bar (Trial Lawyers, Environmental and Land Use Law, Sports and Entertainment Law Sections); Orange County Bar Association (Federal Judicial Relations Committee); Florida Circuit Civil Mediator Society; Ninth Judicial Circuit Fee Arbitration Committee; Central Florida Inns of Court (Emeritus Member); Who's Who in American Law; Society of Automotive Engineers (Affiliate); Million Dollar Advocates Forum; The American Institute of Architects (Associate); American College of Barristers (Senior Counsel Member).

Recent Publications & Speaking Engagements

PUBLICATIONS: "May It Please the Mediator: Strategies for Success in the Era of the Vanishing Jury Trial," INSIDE THE MINDS: EMERGING APPLICATIONS FOR ADR, 29 Aspatore Books, 2010; "Mixed-Use Condominium Projects: Cautionary Tales," LORMAN CONSTRUCTION NEWSLETTER, March 2007; author and speaker, "Condominium Risk Management," LRK/Memphis, September 2005; co-author, "Mixed Use Condo Projects - Pitfalls," April 2005.

SPEAKING ENGAGEMENTS: Speaker, "Alternative Dispute Resolution in Florida for Commercial Disputes," GrayRobinson Law Firm, May 1, 2018; Faculty, AAA/ICDR Neutrals Conference 2010; "Avoiding 'Green Building' Liability," 4th Campus and Community Sustainability Conference, University of South Florida, Tampa, Florida, October 2009; "Navigating Through First and Third Party Bad Faith Litigation," GrayRobinson, P.A. Litigation Department Meeting, Ritz Carlton, Orlando, Florida, August 2009; "Case Valuation and Settlement Tips," GrayRobinson, P.A. Litigation Team Luncheon Series, January 2009; "Avoiding 'Green Building' Liability," CMAA West Florida Chapter, CMAA West Central Florida Chapter and the Design-Build Institute of America Florida Region, Inc., January 2009; moderator, "What to Do When Construction Projects Go Bad," Lorman Seminar, April 2008; moderator, "How Design Documents Can Prevent or Cause Construction Claims," Lorman Seminar, February 2008; "Trial Excellence in Advocacy Workshop," Stetson University College of Law and Florida Defense Lawyers Association, January 2008; "Design Documents: Liability Traps and Escapes in Florida," Lorman Educational Services, September 2006; panelist, "Mold & Mildew Litigation," CNA - Victor O. Schinnerer & Company, April 2003; "Designing in the New Millennium: The 1999 Design Professional Legal Seminar," October 1999; "Five Ways the Millennium Bug Might Bite, and Five Ways to Keep it from Biting You!," Design Professionals Insurance Company, November 1998; "Practicing Law in the Year 2000," Florida Lawyers Mutual Insurance Company, August 1998; "Taxpayer Relief Act of 1997," DPIC Insurance Companies, Meeting of Invited Attorneys, April 1998; "Determining What Information is Discoverable," Florida Discovery Skills for Paralegals, January 1998; "Drafting of Construction Contracts," American Institute of Architects Fall Meeting, November 1996; "Contracts Negotiation and Drafting," Design Professionals Insurance Company, 1995; "Professionalism," Florida Lawyers Mutual Insurance Company, 1995; VOSCO/NSPE Meeting of Invited Attorneys, 1993; "Mediation of Commercial Disputes," American Bar Association, Business Law Section Spring Meeting, 1992; "Overview of Permitting Procedures for Construction in Florida," American Society of Civil Engineers, September 1991; "Recent Developments in Stormwater Management," American Society of Civil Engineers, 1991; "Field Change Procedures," American Society of Civil Engineers, Young Engineer's Section, 1989.

Locations Where Parties Will Not be Charged for Travel Expenses Central Florida

Mediation Rate \$600 Per Hour

Languages English

Citizenship United States of America

Locale Orlando, FL

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.