



AAA Mediation.org™

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New Providence, New Jersey



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Current Employer-Title Taylor Law Group LLC - Partner
Public Contracting Group - Chair

Panelist Video <https://www.adr.org/videoresume?paramName=272763447>

Professional Summary Focus on construction in public, commercial and residential projects, and procurement law for public entities, for several decades. Litigation, contract drafting and negotiating, serving as arbitrator and mediator since 2006.

Profession Attorney, Arbitrator, Mediator

Work History Partner/Arbitrator/Mediator, Taylor Law Group, LLC, 2023-Present; Of Counsel, Florio Perrucci Steinhardt Cappelli Tipton & Taylor, LLC, 2015 – 2023; Partner, Tesser & Cohen, 2014; Senior Counsel (Litigation Department, Construction Law and Public Contracts Group), Lowenstein Sandler LLP, 2000 – 2014; Associate (Construction Practice Group), Ravin Sarasohn PC, 1998 – 1999; Mandelbaum Salsburg PC, 1990 – 1996; Deputy Attorney General, Department of Transportation New Jersey Office of the Attorney General, 1981 – 1984.

Experience Arbitration practice involves construction project claims ranging from \$50,000 to \$20 million. Also handles arbitration and mediation of residential and equipment warranty and consumer fraud claims.

Pursued a legal career concentrating in all aspects of construction and procurement law since serving as a Deputy Attorney General for the New Jersey Department of Transportation. Represents owners, contractors, subcontractors, and suppliers in matters involving public, commercial, and residential projects. In the public sector, successfully filed and defended against numerous bid protests and litigated multi-million-dollar complex claims matters involving projects such as water and sewage treatment plants, highway and bridge projects, and schools. On the commercial side, negotiates and drafts contracts, enforces lien and surety bond claims, and successfully litigated or arbitrated numerous disputes involving health care facilities; hi-rises; and shopping centers. Has also

represented both owners and contractors in construction disputes involving asserted consumer fraud and OSHA violations.

Served as Co-Chair of the New Jersey State Bar Association Construction Law Section, and as Co-Chair of the Bergen County Bar Association Construction Law Section. Served as legal counsel to the Utility & Transportation Contractors Association. Seminars have been presented under the auspices of NJ-ICLE, Bergen County Bar Association, and Lorman Education Services. Served for eight years on the Closter Planning Board.

Frequent lecturer on topics such as arbitrating construction matters, contract drafting, bid protests, change orders, delay claims, the Prompt Payment Act, pay-when-paid clauses, lien and bond claims, and consumer fraud actions.

Mediator Experience

Since 2006 has had an active mediation practice focusing on construction projects and related disputes. Projects include office renovations, shopping centers, residential and condominiums. Claims involve breach of contract, unjust enrichment, change orders, delay claims, design and installation deficiencies, warranties, insurance coverage and consumer fraud. Parties include developers, owners, design professionals, construction managers, contractors, subcontractors, suppliers and insurance carriers. Claims have ranged from \$20,000 to \$3 million. Serves as a court-appointed mediator for the Superior Court of New Jersey on construction matters, and for the U.S. District Court, District of New Jersey.

Representative Issues Handled as a Mediator

Has served as mediator on over a hundred construction and related cases. Typical cases have involved construction contract disputes in which the developer or owner asserts deficiencies in performance and installation, while the contractor asserts that any damages are caused by the architect/engineer or another trade contractor. Water infiltration through the curtain wall, balconies or roof is a common problem of this type. Third party damages to unit owners of condominiums is a frequent related factor. Failure of the contractor to pay subcontractors, resulting in construction lien claims, often is connected with withholding of payment by the owner for asserted performance deficiencies. Delay claims often involve early stage difficulties experienced by the owner in securing zoning variances or permits, which then throws off the anticipated construction schedule, resulting in complicated CPM delay claim analysis. Residential projects often have asserted a violation of the Consumer Fraud Act. Related entities such as sureties and insurance carriers frequently must be involved to achieve a global settlement.

Mediator Style & Process Preferences

Construction disputes are highly technical and require the mediator to be knowledgeable about contract terms, applicable statutes, significant case law, plans and specifications, financing, lien, bond and insurance claims and project protocol. When parties voluntarily bring their disputes to mediation, these complex matters have a good chance of being resolved without the significant costs in both time and expense necessary to prove or defend against claims. The mediator can help to achieve that goal by carefully listening to the grievances of each party, assisting them to articulate their positions to the other side and encouraging each party to understand the position of their adversary. Allowing the parties - not just their attorneys - to hear the opening presentation of the other side provides a useful starting point. Following that, in break-out sessions, the mediator should strive to clarify the goals of each party by asking penetrating questions, offering insights into the strengths and weaknesses of their position and the proofs that will be necessary to advance their cases. The mediator may be able to work with the parties to develop solutions or trade-offs that avoid the need for litigation or arbitration. At all times, the mediator must insure trust and confidence by maintaining strict confidentiality as requested by the parties and by allowing the parties to maintain control of the process. This does not mean that the mediator should act as little more than a messenger of the last round of negotiations. Such a process is very frustrating to the parties. The mediator can provide a realistic evaluation of the case while remaining neutral and not stepping into the role of advocate or arbitrator.

Technology Proficiency

Arbitrations and Mediations may be held virtually via the zoom platform.

Education

Benjamin Cardozo School of Law (JD, with honors-1981); Pratt Institute (M. Library Science-1974); City University of New York, Brooklyn College (BA, English Literature-1970).

Professional Licenses

Admitted to the Bar: New York (1982), New Jersey (1981); U.S. District Court: District of New Jersey (1981).

Professional Associations	Past Co-Chair, New Jersey State Bar Association Construction Law Section; Past Co-Chair, Bergen County Construction Law Committee; Member, NJSBA Alternative Dispute Resolution Section.
Recent Publications & Speaking Engagements	"Consumer Fraud Law, annual Construction Law Symposium", ICLE Seminar June 2024; "Recent Trends in Arbitration" NJSBA Annual Convention 2023; "Are Subcontractors at Risk of Losing the Protection Afforded by the Municipal Mechanic's Lien Law?" New Jersey Lawyer, Construction Law Edition, December 2017; "Construction Contract Provisions from the Owner's Perspective," ICLE Real Estate Seminar, December 2015; "Public Bid Eligibility Requirements," Lorman Webinar, December 2015; "OSHA Requirements on Construction Projects," NJSBA Construction Law Section, September 2015; "Construction Lien Law 2015, Securing Payment," ICLE Seminar June 2015; "How to Keep Construction Arbitration Economical and Efficient," Lorman web article 2014; "Amendments to the Construction Lien Law," Lorman Education Seminars, September 2011; "Election of Remedies Under the New Home Warranty and Builders' Registration Act," New Jersey Law Journal, March 2009.
Locations Where Parties Will Not be Charged for Travel Expenses	Arbitration and Mediation hearings will only be held in the Arbitrator's offices in New Providence, Union County, NJ; in counsel's offices in Bergen County if agreed-upon by all parties; or virtually.
Mediation Rate	\$350 Per Hour
Languages	English
Citizenship	United States of America
Locale	New Providence, 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.