



AAA Mediation.org™

**FN-1656490 MN-1656490 LN-1656490,
Esq.**

Escondido, California



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Current Employer-Title Mediation Offices of Matthew W. Argue, dba "One Mediator, Inc." - Full Time Arbitrator, Mediator, Special Master, Dispute Review Board, Project Neutral

Panelist Video <https://www.adr.org/videoresume?paramName=246843249>

Profession Arbitrator, Mediator, Neutral, Attorney

Work History Full Time Arbitrator and Mediator, "One Mediator", 2004 – Present; Partner and Head of Construction Law Group, Procopio Cory Hargreaves & Savitch LLP, 1989 – 2001.

Experience More than 30 years of experience in complex construction disputes. Over 30 years' experience in real estate, construction and insurance related litigation. Full-time mediator, arbitrator, Special Master and Discovery Referee since 2005. Former partner and head of the construction litigation department at Procopio, Cory, Hargreaves & Savitch in San Diego, CA. Has handled all types of real estate financing, transactional and construction litigation matters including the following: residential and commercial construction defect cases, construction claims disputes for owners, general contractors and developers, hotel and hospitality construction, construction contracts and subcontracts, payment, delay claims, disruption claims, schedule analysis, insurance coverage, bad faith real estate fraud, real estate broker cases, real estate mortgage and loans, eminent domain, land use, landlord-tenant, mechanic's liens, unlawful detainer, leasing, property tax reduction, master plan development, easements, zoning appeals, and title insurance. Extensive insurance experience including, professional liability, primary and excess, insurance coverage (covered vs. uncovered, "ongoing operations", "occurrence", Additional Insured, contractual liability, supplementary payments), Large deductibles and self-insured retentions, Wrap, OSCIP, Commercial General Liability, Property/Casualty insurance, agency/broker issues, Errors and Omissions, Directors and Officers, and Legal Malpractice. Representative construction litigation matters handled include representing owners in multi-million dollar single-family residence construction defect cases, representing over 300 owners in mass single-family tract development for construction defects totaling over \$25 million, representing owners in a commercial construction defect case versus general contractor and numerous trades, representing state-wide developer in defense of residential

construction defect cases, and representing developer versus general contractor in custom single-family residential construction defect case. Represented plaintiffs in AAS v. Superior Court (2000) 24 Cal. 4th 627, dealing with the "economic loss rule." Arbitrated over 250 construction related matters.

Mediator Experience

Mediated over 1000 cases involving all types of real estate and construction disputes including construction claims, delay and disruption, construction defect cases for commercial, high-end, custom single-family residential, large multiple single family and condominium tract developments, commercial retail and hotel projects. Serves as a mediator for the San Diego, Riverside and Los Angeles Superior Courts, mediating a range of construction, business, employment and personal injury cases.

Handles a wide variety of construction claims cases both public and private works involving airport, Port District, hotels, high rise commercial developments, local government facilities, Federal facilities, schools, water district, universities, low-income housing, residential luxury high-rise developments, large scale residential housing developments, and high-end luxury single-family homes. Has experience resolving disputes relating to change order disputes, Guaranteed Maximum Price contracts, budget disputes, construction failures, scheduling delays and inefficiency claims, termination, defective construction (commercial and residential), condominium buildings, insurance coverage and bad faith claims.

Representative Issues Handled as a Mediator

More than 30 years of experience in complex construction disputes, mediation and arbitration. Based in San Diego, serving as a full-time neutral since 2005 focusing on construction, insurance and real estate mediation and arbitration throughout Southern California. Has successfully mediated over 800 construction cases to settlement. Has arbitrated over 250 construction related matters. Became partner and head of the construction litigation department of law firm in 1997. Has handled all types of real estate financing, transactional and construction litigation matters including the following: residential and commercial construction defect cases, construction contracts and subcontracts, delay claims, disruption claims, insurance coverage, real estate fraud, real estate broker cases, real estate mortgage and loans, eminent domain, land use, landlord-tenant, mechanic's liens, unlawful detainer, leasing, property tax reduction, master plan development, easements, zoning appeals, and title insurance. Extensive insurance experience including, professional liability, primary and excess, insurance coverage (covered vs. uncovered, "ongoing operations", "occurrence", Additional Insured, contractual liability, supplementary payments), Large deductibles and self-insured retentions, Wrap, OSCP, Commercial General Liability, Property/Casualty insurance, agency/broker issues, Errors and Omissions, Directors and Officers, and Legal Malpractice. Representative construction litigation matters handled include representing owners in multi-million dollar single-family residence construction defect cases, representing over 300 owners in mass single-family tract development for construction defects totaling over \$25 million, representing owners in a commercial construction defect case versus general contractor and numerous trades, representing state-wide developer in defense of residential construction defect cases, and representing developer versus general contractor in custom single-family residential construction defect case. Represented plaintiffs in AAS v. Superior Court (2000) 24 Cal. 4th 627, dealing with the "economic loss rule."

Construction cases mediated include all types of construction cases, mold, personal injury, diminution in value/stigma, fraud, over billing, design deficiencies, and delay. Insurance related cases mediated included bad faith, Cumis issues, additional insured issues, coverage disputes, prior loss exclusions, and time on risk allocations. Real estate cases mediated have included failure to disclose, fraud, broker liability, construction defect liability for brokers, easements and boundary line disputes, title disputes, adverse possession, etc. Personal injury cases mediated include automobile and medical malpractice.

Mediator Style & Process Preferences

I view mediation as an "all gain" process for the parties. Mediation invariably results in new information, clarification of issues and focuses the parties on resolution. Mediation is overwhelmingly successful with over 95% of cases resolving at mediation or within a short time after mediation. The keys to successful mediation are willingness to participate, commitment to the process and preparation, both legal and personal, to find a solution. The mediator's main role is to facilitate communication and persistence in pursuing settlement.

Education

University of Southern California (JD-1989); San Diego State University (BA, Political Science-1986).

Professional Licenses	Admitted to the Bar: California (1989), Colorado (1999-inactive), Nevada (1999-inactive), Texas (2000-inactive), Washington (2001-inactive). California Real Estate Broker's License, (2006).
Professional Associations	American Bar Association (Forum on the Construction Industry; Dispute Resolution Section); San Diego County Bar Association (ADR Section; Construction Section); Bar Association of Northern San Diego County (Real Estate Section, Past Chairman; ADR Section); Washington State Bar Association (Construction Section); Spokane County Bar Association; Justice Todd/U.S.C. Inn of Court; Oliver Wendell Holmes Inn of Court; California Dispute Resolution Council, CLM, Claims Litigation Management Professional Certification (CLMP), Society for Construction Law (North America).
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>"Mediating with Emotional Intelligence: The Interplay of Emotional and Rational Decision Making, AAA DISPUTE RESOLUTION JOURNAL, Vol. 72, No. 3, 2017; "Emotional Intelligence in Mediation: When IQ is not Enough", AAA DISPUTE RESOLUTION JOURNAL, FALL 2015; "Timing is Everything: When is the Best Time to Resolve a Construction Defect Case?", AAA DISPUTE RESOLUTION JOURNAL, August/October 2013; "Work-Life Balance After Two Types of Cancer," THE BENCHER MAGAZINE, American Inns of Court, 2010; "Do's and Don'ts Representing Clients in Mediation", AAA DISPUTE RESOLUTION MAGAZINE, 2009; "Business, Private Life Collide in Luxury-Home Mediations," LOS ANGELES DAILY JOURNAL, 2007; "Renovating Recovery: In the Wake of the California Supreme Court's "AAS" Decision, Construction Defect Plaintiffs May Have to Rethink Damage claims," LOS ANGELES DAILY JOURNAL, 2001; Co-author, "Recent Developments in 'Physical Injury Rule' to Construction Defect Cases," NEVADA LAWYER, 2000; "Stigma Damages and Construction Defects," CONDO MANAGEMENT MAGAZINE, 1998; "Real Estate Broker Disclosure Laws," NATIONAL LAW JOURNAL, 1995.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>Frequent speaker at San Diego County Bar Association Construction Law Section, Orange County Bar Association, West Coast Casualty Annual Construction Defect Conference, Construction Super Conference, Mealy's Construction Conferences, CLM Construction Conferences.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	San Diego, Riverside, Los Angeles, El Centro, Palm Springs, San Bernardino, Fresno.
Mediation Rate	\$9,500 Per Day
Languages	English
Citizenship	United States of America
Locale	Escondido, CA

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.