



AAA Mediation.org™

FN-16943 MN-16943 LN-16943, Esq.

Robbinsville, New Jersey



Current Employer-Title	P3 Collaborative LLC – President; also part time Executive Consultant for HKA Global for work with New Jersey Transit contract.
Professional Summary	A registered professional engineer, attorney, trainer, arbitrator and mediator with proven leadership in project development, engineering, construction, operations, environmental, finance and collaborative conflict resolution. Has over 45 years of experience in the E&C industry, with special expertise in transit project delivery. Is President of P3 Collaborative LLC, a Dispute Resolution and Advisory Firm established in 2009. Previously held executive positions in top tier engineering and construction companies, and practiced law for 13 years in government and construction law firms. Has taught in universities and law schools. Began career as an officer in the US Army Corps of Engineers.
Profession	Engineer, Lawyer, Business Executive, Mediator, Arbitrator – with experience in the real estate, development, engineering, construction and environmental industries
Work History	President and Managing Director, P3 Collaborative, 2009 – Present; Corporate Vice President/Sr. Vice President (Head of Integrated Project Delivery), AECOM 2012 – 2018; Vice President (Project Development), URS Corporation, Washington Division, 2001 – 2009; Vice President/Project Development and General Counsel (for subsidiary Raytheon Infrastructure, Inc.), Washington Group International Inc., 1999 – 2001; Partner, Bastianelli Brown & Kelley, 1997 – 1999; Partner, Lyon & McManus, 1987 – 1996; Legal Counsel/Manager of Contract Administration (Power Division), Howard P. Foley, 1981 – 1987; Principal Engineer, George Washington University Physical Plant, 1978 – 1981; Senior Staff Engineer, IBM Corporation, 1977 – 1978; Officer, U.S. Army Corps of Engineers, 1972 – 1977.
Experience	<p>Over 45 years of experience including engineering and law and the development, design, construction and operation of over \$10 billion in projects and facilities. Extensive background in resolution of contract, financial and legal disputes from \$50,000 to \$40 million. Has worked as a facility engineer, engineering manager, contract administrator, corporate legal counsel, corporate officer, Corps of Engineers Army officer, business executive, and a partner in law firms specializing in construction and government contracts.</p>

Project experience includes design and construction of energy projects (nuclear, fossil, cogeneration, hydro, transmission lines, and coal-gasification), transportation projects (highways, HOT Lanes,

commuter and light rail, airports), environmental (water and wastewater plants, environmental remediation), hospitals, hotels, residential and commercial buildings. Major projects include Pinon Pine Integrated Gasification and Combined Cycle Project (\$300 million), The Colonnade Mixed-Use Development, Dulles Metrorail Extension (\$5 billion), Carillion Health System Facilities, C.H. Stanton Energy Center Units #1 and #2, (\$900 million) and Hudson Bergen Light Rail (\$1.7 Billion). Managed interdisciplinary teams in preparation, negotiation and administration of design, build, and O&M agreements ranging up to \$1.7 billion. Expertise includes developing public-private partnerships with federal, state and local agencies including development of the Houston Metro Rail Project (\$2 billion).

Past working familiarity with: mechanical, electrical, facilities and civil engineering; environmental and regulatory issues including remediation and NEPA; development and construction contract drafting, negotiation, and administration; and arbitration, litigation, mediation and structured negotiations for dispute resolution. Has taken the following courses: Harvard Program on Negotiation, How to Deal With Difficult People and Negotiations For Senior Executives, 2008; ARTBA Young Executive Development Program, 1999; Community Audit Program, Princeton University courses in Public Finance, Corporate Finance and Risk Management, 2002-2004; Engineer Officers' Basic Course, 1972, Construction Management, 1972, and Advanced Course, 1976.

Mediator Experience

Dispute resolution experience includes all types of construction contract disputes including renewable energy projects, storm water run-off, health care facility, municipal water facilities, commercial office buildings, mixed use development, financing agreements, airport projects, environmental contamination, and school projects. Most cases involve disputes between owner and contractor, some cases also involve architects and engineers, two cases involved consulting agreements for professional services, and two involved financing or fee agreements.

Representative Issues Handled as a Mediator

Typical cases handled as a mediator/third party neutral have included all types of contract disputes involving design, construction, operations and maintenance, claims of defects, delays, payment issues, allegations of deficient performance, damages, changes, terminations for default and convenience or breach of contract. Also has substantial experience in flood and storm related dispute resolutions including numerous mediations between property owners and insurance carriers after Superstorm Sandy, and flooding conflict issues involving residential developments and farms. There are frequently scheduling, defective work, defective design issues that affect entitlement to payment. In construction cases has worked with differing site conditions, piping and welding defects, mechanical and electrical claims, building structure claims, masonry, road, highway, window walls, roofing, water treatment, soil contamination and air quality. Projects have included multi-family residential, commercial buildings, public building, universities, airports, schools, power plants, highways, transit and water and waste water. Have also worked with environmental remediation, contamination, environmental damages, storm water, indoor air quality flooding issues and land use. Disputes typically involve a combination of legal, technical, scheduling and financial issues where my broad background has proven helpful in expediting the process and efficiently reaching a conclusion.

Representative cases are:

- Mediator, Welding Deficiencies, Delay and Contract Termination Claims – Mediation of a \$7 million complex construction deficiency and contract termination matter, involving welding and piping deficiencies, non-destructive testing and project delays, on a gas compressor station.
- Dispute Review Advisory Opinion, 700 MW Coal Fired Power Plant Owner/Contractor Contract Dispute - Provided 2 non-binding advisory opinions on multi-million dollar claims on construction of coal fired power plant project in WVA involving differing site conditions, subsurface unknown contamination, design defects, and scheduling delays. Used a successful abbreviated dispute resolution process.
- Mediator, Superstorm Sandy, Property Owner and Insurance Company Disputes - Mediated approximately 20 cases involving wind and water damages claims involving insurance carriers and residential property owners in New Jersey following the Superstorm Sandy, as part of New Jersey's State Mediation Program. Program had a 91% satisfaction rate and 67% settlement rate.
- Mediator, Processing Plant Design and Construction - Mediator on successful resolution of a \$4 million dispute between food manufacturer and design-builder on changes and performance failures in the finished construction; Disputes involved the quality and potential contamination of insulated coated paneling of the rooms, ventilation capacity of the food hood exhausting system.
- Mediator, Underground Pipelines Construction Deficiency Disputes – Mediated a \$15 million highly technical construction dispute involving a failure of a pipeline, included a collaborative

expert process that helped resolve the matter.

- Mediator, New Jersey Court Referred Mediation from Site Contamination Litigation - Dispute arose over contaminated gas station sale involving licensed state remediation professional (LSRP) controlled site, following remediation and continuing soil and ground water contamination following judge direction.

- William & Mary Law School, Adjunct Professor of Mediation, Course 722, 2020-2021, which included a working session of mediating a real life environmental justice case.

Mediator Style & Process Preferences

I am a catalyst and a bridge builder in helping entities form agreements. Working with parties and counsel, I meet both separately and together, to restore harmony, structure negotiations, help interpret issues, and propose solutions with the goal of facilitating agreement. In mediation the parties control the outcome and the mediator is there to facilitate. That does not mean I am not actively trying to move them toward seeing the risks of adjudication and benefits in reaching agreement. The mediator can and should provide insight into strengths and weaknesses through questions to the parties/counsel and actively encourage proposals from each side to move toward compromise in steps, but must maintain his neutrality and the parties trust. The mediator needs to emphasize both the costs of not resolving the dispute and the benefits in achieving a compromise which may expand the value of the matter. A knowledge of the subject matter is very useful in expediting the discussions and in focusing on realistic settlement proposals. A joint session is very important at the outset to give the parties an opportunity to be heard and a chance for some controlled venting. In the following separate meetings with each party, the mediator can begin to understand interests, get the parties to develop proposals and begin and move toward a solution. Confidentiality is very important to the parties and needs to be given careful attention by the mediator when carrying proposals back and forth. Finally it is imperative that the mediation end with a written agreement which the mediator must have the parties write and execute.

Technology Proficiency

Competent in hosting and managing virtual meetings, and breakout room using current technologies such as Zoom. Competency in PowerPoint, excel, word, QuickBooks and related software systems.

Education

George Washington University (JD-1980); U.S. Military Academy (BS-1972).

Professional Licenses

Admitted to the Bar: Pennsylvania (2012), New Jersey (2002), District of Columbia (1988), Virginia (1980). Registered Professional Engineer: Virginia #9595 (1977).

Professional Associations

American Bar Association (Section of Environment, Energy and Resources; Dispute Resolution Section, Construction Industry Forum); Virginia State Bar, (Environmental Law Section, Construction Law Section); DC Bar (various sections); Penn. Bar; Previously American Public Transportation Association; Previously American Road and Transportation Builders Association; International Centre for Conflict Prevention and Resolution (previously Co-Chair of Dispute Review Board Committee); Dispute Review Board Foundation.

Recent Publications & Speaking Engagements

- "Use of Mediation and Facilitation for The Speed of Need in Implementing Climate Change Resilience and Adaptation", ACR Greater NY Region, Annual Conference 2023 June 1, 2023, by Chris Kane, P.E., J.D. , Lara Fowler, Esq., Joe Siegel, Esq., Liliana Pimentel, PhD candidate.
- Commercial Law Development Program, Public-Private Partnerships (PPP) and Infrastructure Contracting Webinar Series. Content developer and lecturer for the following programs:
 - African PPP Program, "Structuring and Drafting the Tender and Contract", October 2022
 - African PPP Program, "Project Identification and PPP Screening", April 2022
 - Climate Risks Series, "Part 3 - Management of Climate Risks Using PPPs", February 2022
 - Bangladesh PPP Program, "Improving PPP Project Timelines - Overview of the PPP process life cycle and tools and techniques on how to avoid and navigate common bottlenecks and delays", January 2022
 - "Project Pre-Feasibility and Feasibility Studies, Section Considerations (Power Transmission, Water and Wastewater, Transportation, Transit)", Sept 2020
 - "Project Pre-Feasibility and Feasibility Studies", July 2020
 - Republic of Maldives, "Basic Negotiations Training" for the Attorney General's Office, May 2021
 - Republic of Maldives, Negotiations Exercise May 2021
 - Mongolia Government, "Overview of the PPP Process Cycle Workshop" August 2022
 - Mongolian Government "Overview of Strategic Project Development Issues", Two Day Workshop, January 2023
 - "Project Agreements for Public-Private Partnerships" February 2021

- Provided Content and Scripts for Short PPP Video Series- Dispute Resolution, Climate PPPs, KPIs, Innovation, Procurement, and Value for Money.
- “Dispute Avoidance & Early Resolution for Mega-Projects” Planned and Developed Material for a Workshop with industry experts on improving project delivery and reducing disputes, Dec. 14, 2021;
- “Environmental Justice in the Commonwealth of Virginia”, Moderator and Panelist, Sponsored by Virginia State Bar, Environmental Law Section, Oct. 8, 2020;
- “Understanding P3 Project Delivery Approaches in Transit, Water, and Waste to Energy” Presented at Federal P3 Conf. 2018, What Does a Successful P3 Look Like? Wash. DC, Nov. 2018;
- “P3s and DRBs, The A/E’s Perspective”, presented at Dispute Review Board Foundation Annual Meeting, Charlotte NC, Oct. 2018;
- “P3s, Integrated Project Delivery and Innovative Finance” ARTBA Transportation Law Forum 2016, Washington DC, June 2016;
- “P3 Conflicts of Interest, Issues for vertically integrated companies”, presented at Transportation Research Board Annual Meeting, Washington DC;
- “The Future of the Engineering & Construction Industry: Greater Integration and Collaboration,” Presented at ABA Forum on Construction Fall Meeting, Wash. DC, September 2013;
- “Streamlining the Federal Environmental Review Process – The Pros and Cons of FAST-41”, by Nathan Eady, Christopher Kane, Christian Marsh, & Patrick Veasy, NR&E, V035N01, Summer 2020;
- “A New Approach to Water for Hampton Roads Cities”, by James T. Lang and Christopher Kane, Virginia Lawyer, April 2017, Vol. 65, Environmental Law Section, page 26;
- “Resolving Increased Climate Change Impacts—Mediating Storm Water Runoff Disputes” Author, ABA S.E.E.R. Alternative Dispute Resolution Committee Newsletter, December 2014;
- “Collaborative Use of Technical Experts for Environmental and Construction Dispute Resolution”, by Chris Kane, pg. 171, Alternatives, CPR/Jossey-Bass, December 2013

Locations Where Parties Will Not be Charged for Travel Expenses Within 75 miles Washington DC
Within 75 miles Princeton NJ

Mediation Rate \$550 Per Hour

Languages English

Citizenship United States of America

Locale Robbinsville, 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.