



AAA Mediation.org™

**FN-17812 MN-17812 LN-17812, II,  
Esq.**

San Francisco, California

**Current Employer-Title** Pillsbury Winthrop Shaw Pittman LLP - Senior Counsel

**Profession** Attorney - Construction

**Work History** Partner, Pillsbury Winthrop Shaw Pittman LLP, 2011 – Present; Partner, Howrey LLP, 2008 – 2011; Partner, Thelen LLP, 1994 – 2008; Partner/Associate, Pettit & Martin, 1987 – 1994; Partner/Associate, Braude Margulies Sacks & Rephan, 1980 – 1987; Project Manager, C.E.I. Contracting Inc., 1976 – 1977.

**Experience** Practice focuses on dispute resolution in the construction industry, handling matters involving domestic and international builders, owners, developers and designers in every phase of public and private construction, from initial planning through dispute resolution. Former Chair of the Construction practice at Pillsbury, Howrey, and Thelen.

**Mediator Experience** Mediated more than 60 disputes. Although the vast majority of cases handled involve contract disputes, delay and impact claims, defective workmanship or product claims, property damage disputes, or disputes involving allegations of professional malpractice, has also served as a mediator in real estate partition cases, easement disputes, breach of fiduciary duty, and probate matters.

Construction disputes mediated have arisen from all manner of projects, including energy, infrastructure, mass transit, hospital, hospitality, academia, commercial, and public public projects. The amount in dispute of cases successfully mediated has ranged from the tens of thousands to approximately 100 million dollars.

Has also conducted several mediations remotely utilizing the Zoom platform.

**Mediator Style & Process Preferences** I am an evaluative mediator who takes time to read the parties submissions, and listen to the parties in order to develop an understanding of the facts and issues in dispute. Once I feel that I understand the parties' positions well enough to comment intelligently, I will discuss those positions with each party to foster the party's understanding of the strengths and weaknesses of its case and of the case of its adversary. I then assist each party in performing a sober evaluation of the dispute and assist the parties in negotiating toward a mutually acceptable resolution. I also attempt to ferret out any subordinate issues which will be important in any settlement to ensure they are addressed in the parties' settlement agreement.

**Education** University of California, Hastings College of the Law (JD, Order of the Coif-1980); Catholic University of America (BS, Civil Engineering-1976).

**Professional Licenses** Admitted to the Bar: California (1988), District of Columbia (1981), Maryland (1980); U.S. District Court: District of Maryland (1984), District of Columbia (1985), District of California (1989); U.S. Supreme Court.

**Professional Associations** American College of Construction Lawyers (Fellow; Past President and other executive positions,

former Board member); American Bar Association (Forum on the Construction Industry, Past Chair, former Member of the Governing Committee; Public Contract Law Section, Construction Claims Committee, Past Chair; Public Contract Law Section, Construction Claims Committee, Past Vice Chair); American Bar Foundation (Fellow).

Other: Giffords (501(c)(4))(Board Member); Giffords Law Center to Prevent Gun Violence (501(c)(3))(Co-Founder, Past President, Former Board Member); ACE Mentor Program (National Advisory Council); Catholic University of America, School of Engineering (Former Member of Executive Board).

## **Recent Publications & Speaking Engagements**

Publications: Editor, THE DESIGN/BUILD DESKBOOK, ABA Forum on the Construction Industry, 2004 (2d Ed. 2000, 3d Ed. 2004); Pacific States Editor, STATE AND LOCAL CONSTRUCTION CONTRACTING SOURCE BOOK, ABA Public Contracts Law Section, 2002; Editor, THE DESIGN/BUILD PROCESS, ABA Forum on the Construction Industry, 1997; Co-author, AGCC HANDBOOK OF CALIFORNIA CONSTRUCTION LAW, Associated General Contractors of California, 1991; Co-author, CALIFORNIA CONSTRUCTION LAW, Federal Publications, 1995 (Rev. Ed.).

Speaking Engagements: "Attracting and Retaining a Diverse Workforce," Associated General Contractors of California, 2008; Moderator, "Risk Allocation in Standard Form Agreements: Who's the Fairest of Them All?" ABA Forum of the Construction Industry, 2006; Panelist, "Forensic Scheduling and the As-Built Delay Analysis," Construction Superconference, 2006; "Construction Law for Accountants," California CPA Foundation, 2004; "Fundamentals of Construction Law," ABA Forum of the Construction Industry, 2002; "Best Value Procurement and Other Alternatives to the Lowest Responsible Bidder," Associated Builders and Contractors, 2001; "Proving Damages Through Lay and Expert Witnesses," ABA Forum of the Construction Industry, 1999; "The Accountant's Role in Litigation," AICPA National Conference, 1998, 2000.

## **Locations Where Parties Will Not be Charged for Travel Expenses**

No travel charges for mediations in the San Francisco area, or, of course, for mediations conducted over "Zoom-type" platforms.

## **Mediation Rate**

\$750 Per Hour

## **Languages**

English

## **Citizenship**

United States of America

## **Locale**

San Francisco, 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.