



AAA Mediation.org™

**FN-1792455 MN-1792455 LN-1792455,  
Esq.**

**Belleair, Florida**



## **Profession**

Construction Attorney, Arbitrator, Mediator and DRB Member

## **Work History**

FCI Arb Construction Neutral, Roger J. Peters Esq., 2011 – Present; Executive Vice President & General Manager of Pacific Operations, Dick Corporation/dck worldwide LLC, 2008 – 2011; Executive Vice President/General Counsel & Secretary, Dick Corporation, 1976 – 2008; Staff Assistant/General Counsel, Martin & Nettrour Contracting Company, 1972 – 1976.

## **Experience**

Formerly, Executive VP & GM of major contractor's Pacific Operations (Hawaii and Guam) with profit/loss responsibility for \$400m per year in construction revenue and 200 plus employees. Previously, in-house general counsel to a top 50 ENR general contractor/design/builder and construction manager for more than 30 years. Expertise in the development, documentation and resolution of construction claims, including claims for delays, disruption, acceleration and added scope. Has also negotiated hundreds of construction contracts with both public and private owners, construction managers and subcontractors and has been involved with more than 25 power plant projects over the last 40 years, including, nuclear, gas and coal fired, co-generation, combined cycle, solar and wind.

Significant construction projects and activities within the last five years include: Chair of an \$100M arbitration in Taiwan on a defense facility; arbitrator on a \$145M dispute on two high rises in San Francisco; arbitrator on a \$100M dispute on an Indian Casino in California; currently arbitrator on \$250M dispute on a tunnel project; arbitrator in a \$31M AAA arbitration on a gas gather plant in Oklahoma; arbitrator in a \$100M AAA shipbuilding dispute in Alabama; ICC arbitrator in a \$85M dispute on a LNG facility; arbitrator in a \$60M dispute on a biomass power plant in Hawaii; sole arbitrator on a \$16M dispute on cable stay bridge project; ; and sole arbitrator in a \$20M dispute on a high speed rail project in California. Mediated hundreds of disputes, one in excess of \$600M.

Has contract negotiation and claim resolution experience on a nationwide basis with particular expertise in Pennsylvania, Puerto Rico, Florida, Hawaii and Guam. Pennsylvania experience includes negotiation of the largest Construction Management agreement in the history of Allegheny County (Greater Pittsburgh International Airport - \$850m mega project) with multiple millions of dollars of claim resolution. Worked in Puerto Rico for over 12 years and negotiated a \$350m EPC contract with a governmental agency along with numerous other private and public contracts and

claim resolutions. In Florida, has more than 25 years of experience on such projects as Crystal River Nuclear Power Plant, Jacksonville Electric Authority St. Johns River Power Park, new Ft. Myers International Airport, new Miami Federal Courthouse, Orlando Utility Commission New Stanton Energy Center, Pensacola Naval Air Station and a luxury condominium in Ft. Lauderdale.

## **Mediator Experience**

For the first 20 years of career in construction, informally mediated hundreds of construction disputes before formal mediation became popular. Thereafter, participated in many mediations as company's representative in position as Executive VP and General Counsel and then decided to embark on an independent career as a construction neutral, including mediating disputes on his own. Mediated a \$150M dispute on the largest modular high rise housing project in the US in the northeast between the developer and the contractor; a \$230M dispute between the contractor and its subcontractor on a \$1.5B industrial plant in the mid-west; a \$50M dispute between the contractor and its subcontractor on an industrial plant in South America; a \$70M dispute on a toll road in the southeast between the design/builder and its engineer; a \$60M construction defect dispute on the \$300M corporate headquarters for a Fortune 500 company in the northeast between the owner, its A/E, the contractor and several subcontractors and their insurers; a \$20M construction defect dispute between the owner, its A/E and the contractor and its subcontractors on a \$250M corporate headquarters project in the mid-Atlantic region; a \$15M design/construction defect dispute over a pier in Central American between a cruise ship line, its engineer and the contractor; a \$9M construction defect dispute between the owner and contractor on a medical institute project in Virginia; and a \$10M dispute between the developer and its contractor on a residential/retail project in DC. Recently mediated 3 cases with disputes having values over \$25M, including a gas fired power plant in the northeast with claims and counterclaims valued over \$45M, a construction defect dispute with claims over \$30M on a hotel resort in Arizona and a \$25M dispute involving a biochemical plant in the southeast. In addition, here are some recent cases he has mediated or is in the process of mediating: a dispute between a major steel manufacturer and a disgruntled prime contractor (\$5M), a \$7M dispute on a prison between the contractor and several subcontractors, a \$6M dispute on a light rail project between the contractor and its engineers, a \$7M dispute on a reverse osmosis plant in Florida between the engineer and the owner, a municipal township in Pennsylvania and a piping prime contractor (\$1M), a city in West Virginia and its A/E over a water treatment facility (\$2M), a school district and 8 parties over a defective HVAC system (\$1M), a school district and 8 parties over a defective truss system (\$3M), a city in Nevada and a major national contractor and the engineers over claims from a disgruntled mechanical subcontractor on a waste water treatment plant (\$3.5M), a national GC and a disgruntled subcontractor on a Corps of Engineers Ammo Storage Facility (\$4.5M), a housing developer and 5 parties over a defective truss system for a community center (\$250K), and an office building owner and 5 parties over construction defects (\$750K). Parties have included: CH2M Hill, Hensel Phelps, Kiewit/Mass Electric, Turner Construction, Granite, Bombardier Transportation Group, Skanska USA, Dragados USA, AECOM, CDM Smith, HOK, Canon USA, American Bridge, Forest City Ratner Companies, Corval Constructors, Inc., Robarco, Inc., City of North Las Vegas, Hunt Construction Group, Pulte Homes, Myriant Corporation, City of Wheeling, W. Va., Greeley & Hansen, Palm Beach County, J & L Steel. Law firms have included: Reed Smith; Watt, Tieder, Hoffar & Fitzgerald; Peckar & Abramson, Troutman Sanders, Smith, Currie and Hancock, Weinberg, Wheeler, Hudgins, Gunn & Dial; Pillsbury, Winthrop, Shaw & Pittman; Seyfarth Shaw, Snell & Wilmer; Varela, Lee, Metz & Guarino; Lorber, Greenfield & Polito; Hill, Ward & Henderson, Kilpatrick Townsend, McDermott, Will & Emery and Baker Donelson.

## **Representative Issues Handled as a Mediator**

Many of the issues mediated involve matters that have alleged construction and/or engineering defects in major projects. Others include claims for extra work, claims for acceleration, delay and disruption damages, including labor productivity claims on major construction projects.

## **Mediator Style & Process Preferences**

I am a firm believer in ADR and resolving disputes at the earliest possible time on a construction project. I have experienced the high cost and high risk of litigation with sometimes less than satisfactory results and have seen the toll it takes on all the participants, not just in dollars and sense but also the emotional strain it places on employees and the fact that key players are taken out of the main stream of their corporate lives and are embroiled in highly contentious disputes. As a result of personally living through similar experiences, I became a trained mediator and have dedicated the remainder of my career to helping parties find a way to put their disagreements aside and solve their problems before they go off to war, i.e. litigation or arbitration. Because my experience combines legal (I was General Counsel to a top 30 CM/GC firm for 32 years), operational (I ran the company's operations in Hawaii and Guam for nearly 4 years as Executive VP & GM) and ADR (I have formally been mediating cases for 12 years), I understand all facets and sides of claim preparation

and resolution. As a result, my style is evaluative in the sense that based upon my experience in representing both owners and contractors as well as being a design/builder, I have seen matters from both sides of the street and have a good sense of what the probable outcome will be in matters that are finally arbitrated or litigated. I am not timid in expressing my views on particular issues, while at the same, I still protect the neutrality of the mediation process. I expect the parties to have thoroughly prepared for each mediation and to have an open mind about each party's position and to have both the intestinal fortitude and authority to make the tough decision when the time comes to try and settle a disputed matter.

<b>Education</b>	Duquesne University (JD-1975); Pennsylvania State University (BA-1971).
<b>Professional Licenses</b>	Admitted to the Bar: Pennsylvania, 1975
<b>Professional Associations</b>	Fellow--American College of Construction Lawyers; Construction Neutrals Panel of AAA; American Bar Association (Construction Forum and ADR Committees); Dispute Review Board Foundation, VP of Florida Chapter; Chartered Institute of Arbitrators; International Centre for Dispute Resolution.
<b>Recent Publications &amp; Speaking Engagements</b>	"The Effective Use of Dispute Boards with Partnering on Major Construction Projects" at the Construction Superconference, December 2019; "The Effective Use of Dispute Boards--Real Time" before the Atlanta Construction Bar, March 28, 2018; "The Effective Use of Dispute Boards on Major Projects", The American Journal of Construction Arbitration & ADR, 2017; "The Delicate Balance between Managing the Project vs. Managing the Claim", ABA Construction Forum Annual Meeting, April 11, 2014; "Effective Advocacy in Construction Mediation to Settle Your Case: What Works and Does Not Work", Georgia Construction Law Conference, March 5, 2014; "Solutions to International Construction Controversies", Catholic University of Peru, Dispute Resolution Society for Peru's Construction Bar Association, May, 2013; "Use of Dispute Boards on Large Projects", Brazilian Institute of Construction Law International Construction Conference in August 2012 and again in October 2014; "Government Construction Contracts and Compliance," Marcus Evans Conference in March of 2011; "Right Process; Wrong Arbitrator," AAA Construction Conference, November 2009; AAA Webinar on same subject November 2010; "Managing Expectations of the Parties: Best Practices in Construction Arbitration," AAA and ICDR Neutrals Conference, February 2009; "Products Liability in the Construction Industry," ALFA International Construction Conference, 2008; "To Mediate or Not to Mediate (How to Answer the Question)," AAA's Mediation Conference, March and November 2007; "Navigating Alternative Dispute Resolution," Corporate Counsel Construction Conference, October 2007; published in May-July 2007 issue of Dispute Resolution Journal; "Winning at Mediation", Kilpatrick Stockton Client Conference May 2007; "Documenting Construction Claims," Construction Financial Management Association, 1995; "Negotiation of Contract Claims," Engineering News Record, 1984; various other in-house seminars through the Dick Corporation over the last 30 years.
<b>Mediation Rate</b>	\$9,000 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Belleair, 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.