



AAA Mediation.org™

FN-18003 MN-18003 LN-18003, Esq.

Canonsburg, Pennsylvania



Current Employer-Title Bowles Rice LLP – Special Counsel, Chair of Construction Department

Profession Attorney, Arbitrator, Mediator - Construction, Surety, Commercial Litigation

Work History Attorney, Bowles Rice LLP, 2018 – Present; Partner, Blumling & Gusky LLP, 1998 – 2018; Attorney, Sable Makoroff & Gusky P.C., 1990 – 1998; Attorney, Porter Wright Morris & Arthur, 1988 – 1990.

Experience Majority of practice is focused in the construction industry, representing prime contractors, subcontractors, owners, construction managers, and design professionals in all phases of construction projects from contract negotiation through dispute resolution. Broad range of experience in both private and public projects, including industrial facilities, electric power facilities, highways and bridges, sewage and water treatment plants, commercial and residential projects, extended care facilities, schools, and hotels. Experience with both building and demolition projects. Extensive experience in delay and efficiency claims, differing site conditions, design defects, and suspension and termination issues.

Representative Issues Handled as a Mediator Successfully conducted mediations dealing with allegations of construction and design defects, wrongful termination, surety indemnification claims and defective component supply. Engaged to mediate several disputes between private companies and public entities and have addressed the requirements of binding board action vs. sunshine law/public hearing requirements. Also conducted one case between a governmental entity and a defendant over tax payment issues.

Mediator Style & Process Preferences I believe that the parties are in the best position to know the facts and circumstances of their own claims and defenses, but I also believe that the parties are NOT ALWAYS in the best position to gauge the strengths and weaknesses of those facts and circumstances and the legal issues that surround them. I view the mediator's role as twofold: first, understand the party's positions and the major components of each side's arguments and make sure each party is cognizant of the challenges they will likely face (including factual, legal and evidentiary challenges); second, help the parties to reach consensus on the monetary (or other) value to be placed on their claims and defenses given a realistic evaluation of the challenges faced. This includes not only the likelihood of prevailing, but sometimes requires some evaluation of the opportunity cost as well. My goal is generally to help create the most overall profitable solution for ALL parties.

Education	Case Western Reserve University (JD, magna cum laude-1988); Washington and Jefferson College (BA-1985).
Professional Licenses	Admitted to the Bar: Pennsylvania (1991), Ohio (1988); U.S. District Court: Northern District of Ohio (1990); Western District of Pennsylvania (1990); U.S. Court of Appeals: Fourth (1991) and Third (1994) Circuits; U.S. Court of Federal Claims (2000).
Professional Associations	American Bar Association (Forum on the Construction Industry); Allegheny County Bar Association (Construction Section; Alternative Dispute Resolution Committee).
Recent Publications & Speaking Engagements	Speaker, "Best Practices in Complex Construction Arbitration," AAA Seminar, Pittsburgh, November 2004; speaker, "It's Only Time and Money - CPM Scheduling," Lorman Education Services, July 2002; speaker, "Construction Claims in Pennsylvania," Lorman Education Services, April 2001; speaker, "Architect and Engineer Liability and Practice in Pennsylvania," Lorman Education Services, May 31, 2000; "Can This Job Be Saved," PENNSYLVANIA CONSTRUCTION LAW, Lorman Education Services, October 1999, October 2000, October 2001.
Locations Where Parties Will Not be Charged for Travel Expenses	Western Pennsylvania, Eastern Ohio, and Northern West Virginia
Mediation Rate	\$400 Per Hour
Languages	English
Citizenship	United States of America
Locale	Canonsburg, PA

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 a 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.