



AAA Mediation.org™

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New York, New York



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Current Employer-Title Rusk Renovations Inc. - President
Constructive Decisions, Inc. - President
Columbia University - Adjunct Professor in Construction Management

Panelist Video <https://www.adr.org/videoresume?paramName=272767887>

Profession Construction Professional - Construction Company Owner, General Contractor, Advisor to Subcontractors, Construction Consultant; Author - Construction Issues; Arbitrator, Mediator

Work History President, Rusk Renovations Inc., 1985-Present; Adjunct Professor in Construction Administration, Columbia University, 2007-Present.

Experience Construction professional with over 30 year's experience as a contractor, owner's representative and construction manager. An expert in the day to day realities of construction projects with a willingness and depth of dispute resolution experience to work with attorneys to intelligently streamline the process specifically for each case. Experience with high-end residential apartments, both traditional and modern; historic properties; dialysis facilities; high-end retail establishments; medical facilities; brownstones, wood houses, and "country houses"; fire and flood damage; imaging centers with MRI, cat scan, and x-ray; and commercial properties. Specific subject knowledge of demolition, foundation, shoring and structural steel and timber, concrete work, masonry, roofing, framing, gypsum wall board, plastering, decorative plaster, molding, custom cabinetry, stock cabinetry, kitchens, baths, drop ceilings, lighting, plumbing, electrical, stone and tile work, custom furniture, upholstery, glass work, stainless steel work, lighting fixtures and other design elements, air filtration, water filtration, circadian lighting, Wellness. Winner of the Lucy G. Moses award from the New York Landmarks Conservancy for Outstanding Contributions Made in the Field of Architectural and Historic Preservation. Proficient in use of Zoom for virtual hearings.

Mediator Experience Involved in over 80 construction mediations and 135 Construction Arbitrations. Each mediation is designed with the collaboration of the attorneys to create a session which has the highest opportunity for success. Premediation briefs and document exchange are usually a part of the mediation, so that the parties understand each other's position by the time we sit down. Arbitrator for American

Arbitration Association since 1993. Mediator since 1993. Specific dispute resolution experience as sole arbitrator, chairman of the panel and panel member with pay request, time, change order, project accounting, contract, workmanship, interior design, and decorating disputes. Other disputes include those among owners, general contractors, designers, subcontractors, and architects. Cases range from less than \$20,000 to over \$10 million. Owner, Architect, Developer, Municipality and Governmental Agency, Private and Public Schools, General Contractor, Subcontractor, Bonding Company, and vendors. Cases involvings single family homes, multifamily residential and commerical buildings. Multi-party cases with up to 35 participants in a single mediation session. Cases with two, three, four and five parties. Certified Mediator, International Mediation Institute.

Representative Issues Handled as a Mediator

Representative issues include: construction accounting, quantum merit, unjust enrichment, unknown subsurface conditions, accusations of fraud, multiple causation issues, unsigned change orders, unsigned contracts, contract interpretation, subsurface water, improper liens, design errors, design professional "standard of care," pay requests, wrongful termination, warrantees, failure to make timely payments, "pay when paid," time keeping, cost plus contracts, schedules, masonry and steel structure, excavation, mold, questions regarding quality of cabinetry, paint, flooring, structure, mechanical systems, architectural, engineering, and interior design. Has particular expertise in emotionally charged issues, especially among parties who had productive relationships at one time.

Mediator Style & Process Preferences

I first work with the attorneys to establish an objective, business-like relationship with each other. I ask both sides to prepare spreadsheets of their claims and counterclaims with a position paper keyed to those claims with supporting documents attached. I read these position papers carefully and develop a strategy for the mediation session.

With both sides well prepared and organized for the session, we work through the dispute quickly, issue by issue. The aim is not to reach agreement during these discussions, but to understand the case from both sides and to have a glimpse of what the case would look like if it didn't settle.

The parties are then often separated to make an objective review of their chances on various issues and to make a reasoned settlement offer. Offers are usually exchanged and settlements are usually reached.

Being a construction industry insider and a very experienced construction dispute resolution professional, I am able to speak clearly to practical construction reality as to evaluate the pros and cons of a case when asked. I enjoy the process of resolving disputes and have often worked to make it possible for warring factions to resume their business relationships.

Education

Carnegie Mellon University (B, Fine Arts-1984).

Professional Licenses

Home Improvement Contractor, New York City, 1990-Present.

Professional Associations

Association for Conflict Resolution; Painting and Decorative Contractors of America; Better Business Bureau; Remodeler's Advantage; Conseil International du Batiment pour la Recherche (L'Etude et al Documentation); International Mediation Institute (IMI) Certified Mediator.

Recent Publications & Speaking Engagements

"The Benefits of Alternative Dispute Resolution for Resolving Construction Disputes," Rusk Breakell & Eckman, White Paper for New York Dispute Resolution Lawyer, Summer 2011; Faculty, AAA Spring Construction Conference, Mediation: It's Not New, So What's Next?, 2011, Over 10 presentations of Managing Risk for Architects and their Clients, Contractors and Subcontractors since 2006; Co-presenter, "Breaking the Impasse, Moving from Stalemate to Settlement in Mediation," American Arbitration Association, October 2004; speaker, "Ethics in Alternative Dispute Resolution," American Arbitration Association, 2002; ON TIME AND ON BUDGET, A HOME RENOVATION SURVIVAL GUIDE (How to make allies of your architect and contractor), Doubleday, June 1996; articles on causes of construction inefficiencies and appearances on the Today Show, Good Day New York, WALL STREET JOURNAL, NEWSWEEK, ELLE DECOR, LADIES HOME JOURNAL; columnist Taconic Newspaper chain.

Mediation Rate

\$600 Per Hour

Languages

English

Citizenship

United States of America

Locale

New York, NY

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.