



AAA Mediation.org™

**FN-18768 MN-18768 LN-18768, Esq.**

**Boston, Massachusetts**



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**Current Employer-Title** Pierce Atwood LLP - Partner

**Panelist Video** <https://www.adr.org/videoresume?paramName=882924453>

**Profession** Mediator, Arbitrator

**Work History** Partner, Pierce Atwood LLP, 2013-Present; Partner, Little Bulman & Whitney P.C., 1999-2013; Partner, Adler Pollock & Sheehan Inc., 1991-1999.

**Experience** Have extensive experience litigating and arbitrating complex commercial disputes, with a focus on the construction industry. Cases have involved nearly every facet of construction law, including claims for wrongful termination, Mass Gen. Laws 93A, delay and disruption, cumulative impact, payment and performance bonds, indemnification, insurance coverage, cardinal changes, Architect and Engineer errors and omissions, and mechanics' liens. Often handle projects from beginning to the end - from selecting the delivery approach, to negotiating the contracts, to troubleshooting problems that arise on a project, to facilitating project close-out, to resolving disputes that may arise. In particular, have significant interest in, and experience with: the application of public procurement laws (including but not limited to Mass and RI); construction industry insurance coverage disputes; standard form industry contract documents (including AIA, ConsensusDocs, DBIA, EJCDC); and construction industry labor issues, including trade licensing issues, prevailing wages, and project labor agreements.

**Mediator Experience** Mediated several substantial business disputes, mostly involving construction industry issues, including several multi-party disputes, and often involving claims in the millions of dollars. They have included private and public construction disputes, mostly in New England. Representative disputes have involved delay and disruption claims, cumulative impact claims, differing site condition claims, false claims act disputes, insurance coverage disputes, construction labor issues.

**Mediator Style & Process** My mediation philosophy is to work proactively with the parties to try to settle their disputes. I expect the parties to submit mediation statements, and to do so sufficiently in advance of the

<b>Preferences</b>	mediation session so as to permit me to carefully review them to become familiar with the legal and factual issues at play. I actively encourage counsel to exchange mediation statements with one another, as that increases the likelihood of achieving a mediated settlement. I routinely schedule pre-mediation calls with counsel, separately, to more deeply explore the legal and factual issues, and to identify opportunities to facilitate settlement. In the mediation session, I draw upon my deep experience with all facets of the construction industry, along with a healthy dose of common sense, to press counsel and the parties to consider the weaknesses, as well as the strengths, of their positions. I have found that this often tends to make the parties more open minded to the settlement possibilities presented. I am a quick study, and very much enjoy the challenge of mastering a mediation file and quickly identifying the issues that are key to resolving the dispute.
<b>Education</b>	Georgetown University (JD, cum laude-1983); Dartmouth College (BA, cum laude-1979)
<b>Professional Licenses</b>	Admitted to the Bar: Rhode Island (1983), Massachusetts (1986); U.S. District Court: Rhode Island, Massachusetts; U.S. Court of Appeals, First Circuit; U.S. Tax Court
<b>Professional Associations</b>	American Bar Association (Forum Committee on the Construction Industry; Governing Committee, Past Member; Public Contracts Law Section; Labor and Employment Law Section; Torts and Insurance Practices Section, Fidelity and Surety Law Committee); Rhode Island State Bar Association (Superior Court Bench Bar Committee); American College of Construction Lawyers (Fellow)
<b>Recent Publications &amp; Speaking Engagements</b>	Author, "Rediscovering the Rules of Discovery in Construction Litigation," Journal of the American College of Construction Lawyers, Summer 2007; Co-Editor, STICKS AND BRICKS: A Practical Guide to Construction Systems and Technology, American Bar Association, 2001; Regional Editor and Contributing Author, THE DESIGN - BUILD DESKBOOK (2d. Ed.) American Bar Association, 2000; Co-author, Rhode Island chapter, FIFTY STATES CONTRACTOR AND DESIGN PROFESSIONAL LICENSE LAW, John Wiley and Sons, Inc., 1998; Co-author, Rhode Island chapter, FIFTY STATES LIEN AND BOND LAW, John Wiley and Sons, Inc., 1997; Co-author, "Rhode Island Law for Design Professionals," Lorman Education Services, 1997; Co-author, Rhode Island chapter, PUBLIC CONSTRUCTION CONTRACTING IN THE 50 STATES, John Wiley & Sons, Inc., 1996; Author, "An Evolving Perspective on Design-Build Construction," CONSTRUCTION LAWYER, American Bar Association, April 1995; Co-author, RHODE ISLAND CONSTRUCTION LAW, SECURING PAYMENT, Lorman Education Services, 1993.
<b>Mediation Rate</b>	\$495 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Boston, MA

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.