



AAA Mediation.org™

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Louisville, Kentucky



Current Employer-Title Retired as Goldberg Simpson, LLC – Of Counsel

Profession Attorney - Construction

Work History Of Counsel, Goldberg Simpson LLC, 2020 – Present; Senior Legal Advisor to District, U.S. Army Corps of Engineers, 1984 – 1989; Assistant District Counsel, U.S. Army Corps of Engineers, 1974 – 1984.

Experience Ninety percent of practice in construction law matters, primarily representing sub and specialty contractors, general contractors, sureties/insurers and some owners, developers, and public agencies, including the Commonwealth of Kentucky on many cases. Cases arbitrated include those involving public and private commercial, heavy, highway, industrial, and institutional projects valued from \$100,000 to \$150 million. Over 35 years of private practice allowed representation of all elements of construction process from design to completion. Arbitration and Mediation Services serve to encourage resolution as quickly and efficiently as possible. High number of AAA cases have provided extensive experience in both fair and equitable arbitration and successful mediations.

Mediator Experience Semi-retired, dedicating practice to mediation and arbitration matters. Continue to represent and counsel construction companies, including general contractors and specialty subcontractors. Continues to serve as a mediator in complex construction related disputes with multiple parties. Served as a mediator in several cases in which there were four or more parties. These cases involved disputes over multi-floor office buildings and school buildings. Experience in multi-party meditations involving county school boards and their contractors, including architect-engineering company and contractors, with design defect issues included. Serves as a mediator in residential sales disputes as Mediator for the Greater Louisville Association of Realtors. All contract disputes are required to go to mediation prior to arbitration.

Having served in a very large number of AAA cases, has allowed me to gain considerable experience in working with the parties to achieve a fair and efficient settlement of disputes.

Representative Issues Handled as a Mediator Issues in school related disputes involved design issues which manifest themselves in construction related problems. One involved roofing design and the other in structural issues. Residential mediation cases usually involve disclosure statements made by seller and relied upon by purchaser. Many involved leaking basements. Multi-party mediations have involved design issues which result

in construction delay and change order claims. Both delay damages and suspension of work issues were included. Resolution reached in both cases.

Mediator Style & Process Preferences I have a very high success rate when serving as a mediator. I advise the parties that my job is to make sure that they leave the office that day, with a completed project behind them. I encourage the parties to focus on the fact that no dispute is resolved cheaper later. I consider myself a mediator who has to understand the facts to know the fundamentals behind the position of each party, yet understand the business aspects to know what will motivate each individual party to settle. Each party usually has a different motivation behind movement.

My expectations of the parties are that they approach the mediation with an open mind, and recognize that if they are going to have to participate in the process they must work hard to make it worthwhile. I tell each of them that I am going to work harder than they will, but I will expect them to work hard also.

Education University of Louisville (JD-1974; BA, Psychology-1971).

Professional Licenses Admitted to the Bar: Kentucky (1974); U.S. District Court: Western and Eastern Districts of Kentucky and the Southern District of Indiana; U.S. Court of Appeals, Federal Circuit; U.S. Claims Court

Professional Associations American Bar Association (Public Contracts Committee; Forum Committee on Construction Industry); American Bar Foundation (Fellow); Kentucky Bar Association (Construction and Public Contract Law Section); Louisville Bar Association.

Recent Publications & Speaking Engagements SPEAKING ENGAGEMENTS:
Presented over 200 construction related seminars. Continue to serve on panels involving sophisticated construction related matters, including claims for delay damages, overhead claims and inefficiency claims

Mediation Rate \$360 Per Hour

Languages English

Citizenship United States of America

Locale Louisville, KY

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.