



AAA Mediation.org™

**FN-18808 MN-18808 LN-18808, Esq.**

Phoenix, Arizona



**Current Employer-Title** Rider Levett Bucknall Ltd. (RLB) – Executive Vice President and General Counsel

**Profession** Attorney; Executive

**Work History** Executive Vice President And General Counsel, Rider Levett Bucknall Ltd., 2002 – Present; Attorney, John T Jozwick P.L.L.C., 1994 – 2001; Attorney, Greenwood Village, 1992 – 1993 Schiffrin Hopkins & Olson, 1989 – 1992; Bryan Schiffrin & McMonagle, 1989 – 1992; Attorney, John T Jozwick P.L.L.C., 1988 – 1989; Taylor Bryan & Hintze, 1985 – 1987; Owner's Construction Representative, US Department of the Navy Military Sealift Command, 1981 – 1985; Project Engineer, US Department of the Navy (Supervisor of Shipbuilding, Conversion and Repair), 1978 – 1980.

**Experience** Over 40 years experience in the construction industry as a Project Engineer, Owner's Construction Representative (CONREP), Attorney, Expert Witness, and Alternative Dispute Resolution (ADR) Provider; more than 25 years directly related to dispute resolution and/or avoidance. Experience includes hands-on project field experience, knowledge of construction law and principles, preparation and defense of construction claim issues, legal advocacy of construction disputes, and neutral third party and expert investigation and testimony. Employers and clients have included owners, contractors, subcontractors, design professionals, sureties, and attorneys. Project disputes have included bridges, roads, transit, utilities and infrastructure, civil, residential, multi-family, office, hotel, casino, commercial, industrial, educational, prisons, justice centers, hospitals, marine facilities, ship repair, and shipbuilding, including multiple Megaprojects as an attorney, expert, and ADR provider.

As Executive Vice President and General Counsel for Rider Levett Bucknall Ltd. North America, responsible for advisory and litigation services to owners, contractors, subcontractors, design professionals, sureties, and attorneys relating to projects, disputes, dispute resolution, and dispute avoidance. Areas include construction defects, claims for additional compensation, schedule/delay issues and claims, loss of efficiency and cumulative disruption, breaches of contract, terminations, construction management issues, claims made against performance and payment bonds, and litigation support relating to construction disputes.

Prior to employment at RLB, practiced as an attorney representing construction clients that included owners, primes, subcontractors and sureties. Dispute experience included: bid protests, design

defects, defective construction claims, constructive change claims, changed site conditions, acceleration and loss of efficiency claims, delay claims, terminations for default and convenience, guarantee and warranty claims, breaches of contract, collections and payment disputes, disruption claims, suspensions of work, bond claims, and payment disputes. Worked at contractor facilities and on-site at construction projects assisting in project management, contract administration, schedule and delay analysis, and preparing documentation for claims. In addition, for over five years was responsible for opinion reports and claims relating to additional compensation or delay claims by law firm in-house claim consultants. Prepared, analyzed, and oversaw numerous claims for additional compensation and schedule impact, including analysis of entitlement issues, cost analysis, and schedule analysis.

The positions of Engineer and CONREP with the Department of the Navy provided hands-on experience with public/government contracts, design, project management, contract administration, estimates, bids, change orders, inspecting work to conform to plans and specifications, monitoring progress against schedules, and pay application review. Projects included the construction of the Destroyer Tender AD-41 Class (USS Yellowstone), and the design and construction of the T-ARC 7 (USNS Zeus). Projects also included the design and construction of the T-AGOS 1 Ocean Surveillance Class (USNS Stalwart), and various repair projects.

### **Mediator Experience**

Provided ADR services and have been mediating disputes since 1994. Examples of disputes mediated have included: residential disputes between homeowners and contractors regarding workmanship and construction defects; delay damages on residential construction projects; commercial construction disputes; tenant improvement disputes; damages and delay disputes between developers and contractors; payment disputes; flood damage dispute involving multiple public entities, private parties, and insurance carriers.

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

Representative issues handled in construction cases mediated have included: construction defects and workmanship issues; costs of repair; schedule delays and delay damages; claims for additional time and compensation; contract performance and payment disputes; insurance coverage.

### **Mediator Style & Process Preferences**

Due to the nature of construction and related insurance disputes, the mediation approach is typically an evaluative style. All participants (including the mediator) evaluate the strengths and weaknesses of the disputes in question and to seek alternatives for resolution. The parties are expected to actively participate in discussing the dispute issues, to assist in solution making, and to be flexible in combinations of joint sessions and caucuses both prior to the mediation session and throughout the session. Additionally, and depending on the dispute(s) it may be prudent to perform pre-mediation inquiries and site visits to understand the nature of the dispute(s) to begin to strategize on facilitating resolution. Thus, the mediation process is viewed as being an active evaluative process and not a session of merely shuttling settlement offers among parties and caucus rooms.

### **Education**

University of Puget Sound (JD-1985); Pace University (MBA, Management-1979); Florida Institute of Technology (BS, Ocean Engineering-1975).

### **Professional Licenses**

Admitted to the Bar: Arizona (1997), Colorado (1994), Washington (1985-inactive). Certified Forensic Claims Consultant (CFCC), AACE Certification #00111.

### **Professional Associations**

American Arbitration Association; American Bar Association (Forum Committee on the Construction Industry; Alternative Dispute Resolution Section; ); Association for Conflict Resolution; CPR Institute; Dispute Resolution Board Foundation (DRBF); Maricopa County Bar Association; Member, Chartered Institute of Arbitrators (MCI Arb); State Bar Association of Arizona (Chair of ADR Section 2013-2014, and Member of Construction Law Section); State Bar Association of Colorado; State Bar Association of Washington.

### **Recent Publications & Speaking Engagements**

Publications: Viewpoint. "Managing Vaccine Mandates. Don't Ignore the Costs," Engineering News Record, October 25 – November 1, 2021, page 60; Viewpoint: "Vaccine Mandates Can Cost Money," Engineering News Record, October 15, 2021; "The Elements of Construction Claims Analysis," CONSTRUCTION CLAIMS MAGAZINE, Fall 2019; "Following the Money: G702," Building Design & Construction, September 6, 2017; "Don't Leave Your Office Vulnerable to Drive-By Lawsuits," Building Design & Construction, February 8, 2017; "Home Maintenance 101: How Uninformed Homeowners Can Cause Developers Big Headaches, and What to do About It," BUILDING DESIGN & CONSTRUCTION, August 29, 2016; "From Construction Site to Court Room: How Project Management is Transforming Expert Witness Teams," BUILDING DESIGN &

CONSTRUCTION, July 29, 2016; "5 Ways to Handle Conflict During Construction," BUILDING DESIGN & CONSTRUCTION, January 13, 2016; "The Use of ADR Neutrals in the Construction Industry," STATE BAR OF ARIZONA, ARIZONA ADR FORUM, Summer / Fall 2013; "A Reflection on Construction Costs and Construction Employment," STATE BAR OF ARIZONA CONSTRUCTION LAW NEWSLETTER, Spring 2011; "Disputes are Avoidable with a Project Neutral," ARIZONA BUILDER'S EXCHANGE, volume 1, issue 76, December 17, 2010; "The Human Effect During Conflict Resolution," AZ DEVELOPMENT CENTRAL, volume 3, issue 14, April 2010; "Why Would You Wait? Resolve Disputes as they Arise with a Dispute Review Board," THE ARIZONAN, volume 6, number 4, Arizona News Service for The Arizona Contractors Association, November 2009; "Resolve Disputes as they Arise by Using a Dispute Review Board," COLORADO CONSTRUCTION, McGraw Hill, July 2009; "Arbitrating Shipyard Disputes and Damages," THE ARBITRATOR, Society of Maritime Arbitrators, Inc., volume 36, number 4, July 2005.

Speaking Engagements: "Utilization of a Third Party Neutral (TPN) to Avoid and Resolve Disputes," Construction Financial Management Association ("CFMA"), Phoenix, AZ, 11/21; "Alternatives to the Typical ADR Processes; Utilization of a Third Party Neutral," National Association of Women in Construction ("NAWIC"), Phoenix, AZ, 7/21; "Alternatives to the Typical ADR Processes; Utilization of a Third Party Neutral," State Bar of Arizona Construction Law Section, Phoenix, AZ, 3/21; "Ethical Challenges for In-House Counsel," State Bar of Arizona In-House Counsel Section, Phoenix, AZ, 3/20; "Effective Utilization of Third Party Neutrals to Mitigate Risk in High Tech, High Cost Construction," 2019 Association of Conflict Resolution Annual Conference, Tucson, AZ, 9/19; "ADR Tips for In-House Counsel," State Bar of Arizona In-House Counsel Section, Phoenix, AZ, 11/18; "Arbitration Myths and Realities," State Bar of Arizona, Chandler, AZ, 6/16; "Advanced Arbitration: Advocate or Arbitrator: Knowing Each Role Intimately Makes for More Effectively Advocating and Serving a Client, and Arbitrating and Serving Justice and the Process," State Bar of Arizona and ADR Section Advanced Program, Phoenix, AZ, 4/16; "Claim Risk in Construction Contracts and Alternative Methods of Resolving Disputes," Arizona Society of Certified Public Accountants, Construction Industry Conference, Phoenix, AZ, 10/15; "Claim Risk in Construction Contracts," Surety Association of Arizona, Phoenix, AZ, 4/15; "Preparing for Mediation," ABA Advanced Mediation Institute, San Antonio, TX, 10/14; "Preparing for a Construction Mediation: A Mediator's Perspective," Arizona State Bar Construction Law Section, Phoenix, AZ, 9/14; "An Ethics Update for ADR Professionals, and Practice Tips for Achieving Success in Mediation" Arizona State Bar 2014 Annual Convention, Tucson, AZ, 6/14; "Alternative Dispute Resolution," Forensic Expert Witness Assc 2014 National Conference, Tempe, AZ, 4/14

**Locations Where Parties Will Not be Charged for Travel Expenses** Phoenix, AZ; Tucson, AZ; Las Vegas, NV

**Mediation Rate** \$490 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** Phoenix, AZ

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.