



AAA Mediation.org™

FN-20041 MN-20041 LN-20041, Esq.

Atlanta, Georgia



Current Employer-Title Stites & Harbison - Partner

Profession Attorney - Construction, Commercial

Work History Partner, Stites & Harbison (formerly Varner, Stephens, Humphries & White, LLP), 1985-present.

Experience Majority of practice is construction law throughout the United States and Puerto Rico, including contract negotiation, dispute resolution and litigation. Practice includes representing general contractors and specialty contractors, owner/developers, suppliers, design professionals and sureties/insurers on public and private commercial projects. Experience with multi-party disputes over contract balance and extra work, back charges and punch list work, design defects and defective workmanship, delay and acceleration claims, CPM schedule analysis, rehab and renovation, pollution and environmental, and insurance coverage. Handled disputes involving concrete and masonry, structural steel and metal deck, demolition and collapse, clearing and grading, studs and drywall, mechanical and electrical, curtain wall and glazing, roofing and waterproofing, decks and plazas, water intrusion and runoff, stucco and exterior finish systems, stone and granite, millwork and interior finishes. Types of projects include office buildings, hotels, hospitals, retail, parking decks, apartments, and residential, ranging from \$200,000 to \$200 million. Experience with matters in Georgia, Florida, North Carolina, South Carolina, Virginia, District of Columbia, Maryland, Michigan, Pennsylvania, New Jersey, Delaware, Tennessee, Alabama, Mississippi, Louisiana, Texas, Colorado, Arizona, California and Puerto Rico.

Practice also includes commercial dispute resolution representing corporations and LLC's, banks and credit unions, businesses and individuals in a broad range of matters including contract negotiations, business transactions, commercial litigation, labor and employment disputes. Experience with lawsuits and transactions involving real estate, healthcare, technology, solar energy, security agreements and priority issues, promissory notes and guaranties, foreclosure and deficiency actions, fraudulent transfers, participation agreements, commercial leases, easements, condemnations, tax liens and credits, insurance claims, premises liability, purchase and sale of business, shareholder disputes, fiduciary duty claims, lost business opportunity, trade secrets, and tortious interference with contract and business relations.

Mediator Experience Has mediated more than 50 construction cases, primarily owner-contractor and contractor-subcontractor disputes, but also including claims between architects, engineers, suppliers, sureties

and insurers. Amounts in dispute range from \$50,000 to over \$1 million.

Representative Issues Handled as a Mediator	Construction cases mediated have included the following issues: defective construction, delay and disruption, termination and completion costs, defective design, changes and extra work, concealed conditions, lien and bond claims, grading and foundations, MEP, glass and glazing, steel fabrication and erection, concrete and carpentry, roofing and waterproofing, drywall and finishes.
Mediator Style & Process Preferences	Mediation offers a flexible and effective process for resolving disputes, and helps parties make progress even if there is no settlement at mediation. It offers parties a chance to control the outcome and to avoid the increasing costs of arbitration and litigation. It offers the structure and deadline needed to get difficult disputes resolved. Preparation by the parties and counsel, as well as the mediator's command of the process (whether facilitative or evaluative), enhance the success of mediation.
Education	Davidson College (BA-1976); Duke University (JD, with honors-1985)
Professional Licenses	Admitted to the Bar: Georgia, 1985; Georgia Court of Appeals, 1985; Georgia Supreme Court, 1985; U.S. District Court: Northern (1985) and Middle (1996) Districts of Georgia; U.S. Court of Appeals: Third (1992), Eleventh (1986), and Federal (2002) Circuits.
Professional Associations	American Bar Association (Litigation Section; Forum on Construction Law); State Bar of Georgia; Atlanta Bar Association (Construction Law Section; ADR Section); Georgia Academy of Mediators & Arbitrators; Associated General Contractors; Design Build Institute of America.
Recent Publications & Speaking Engagements	Speaker, "Motion Practice in Arbitration", Georgia ICLE Arbitration Institute, August 2016; Speaker, "Construction Mechanics' and Materialmen's Liens," Georgia Institute of Continuing Legal Education, 1999-13; Speaker, "Best of CLE: Construction Law," The Seminar Group, 2011-2012; Speaker, "Arbitration," Georgia ICLE, Feb 2013, May 2012; speaker, "ADR Institute," Georgia ICLE, August 2011; speaker, "ADR in Multi-Party Disputes," ABA Forum on the Construction Industry, May 2006; "Delay Claims Against the Surety," THE CONSTRUCTION LAWYER, Journal of the Forum on the Construction Industry, July 1997; Georgia case note editor, CONSTRUCT, publication of Construction Litigation Committee of American Bar Association Litigation Section.
Mediation Rate	\$350 Per Hour
Languages	English
Citizenship	United States of America
Locale	Atlanta, GA

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.