



AAA Mediation.org™

**FN-2048830 MN-2048830 LN-2048830,
Esq.**

Summerfield, North Carolina



Current Employer-Title Hedges Resolutions PLLC

Available for in-person and virtual mediations and arbitrations.

Profession Mediator, Arbitrator, Attorney

Work History Hedges Resolutions PLLC, 2024 -- Present, Member/Manager, Higgins Benjamin PLLC, 2015-December 31, 2023, Counsel, Sparrow Dennis & Medlin PA, 2010-2015; Partner, Nexsen Pruet, PLLC, 2004-2010; Partner, Adams Kleemeier Hagan Hannah & Fouts PLLC, 1999-2004; Partner, Patton Boggs, LLC, 1987-1999; Associate, Woods Rogers PLC, 1982-1987.

Experience Over 35 years as a construction lawyer and business and civil litigator. Lifetime family involvement with construction, engineering, architecture and construction materials. After earning an architecture degree and attending law school, legal practice focused upon litigation, mediation, arbitration, contract preparation and general advice, with particular experience in construction law, commercial litigation and the representation of contractors, construction owners, manufacturers, architects and engineers, and business and industrial plant owners. Projects include all types of design and construction, from housing to complex bridge, roads, ports, conventional and alternative energy and other infrastructure projects. Medical, institutional, hospitality, education, industrial facilities and CERCLA cleanup projects. Claims include all types of construction and design claims, defective work and personal injury, and related insurance and surety issues.

As an advocate, actively advanced mediation for over 25 years. Appeared in about 90 mediations, with sums in controversy ranging from a few thousand dollars to over \$30 million. The majority of these mediations involved construction disputes, including extra work, delay, differing site conditions, uncoordinated design, acceleration, design errors and omissions, insurance coverage, building defects, catastrophic collapse, liens, leasing and financing disputes, permitting and access problems, worksite injury and personal and property damages to third parties.

All but a few such mediations involved multiple parties and an agreed upon and planned period of pre-conference mediator involvement to assist the parties to narrow issues and prepare for productive settlement discussions.

Served as AAA Mediation and Arbitration Panelist for over 20 years. North Carolina Certified Superior Court Mediator for over 20 years. Certified Virginia Circuit Court Mediator.

Served as mediator in over 47 mediations. Predominately construction disputes of all types similar to experience as advocate. Other disputes and issues handled as mediator include commercial and business sales and contract disputes, medical device, software and manufacturing contract disputes, scientific and technical industrial disputes, closely held stockholder disputes, financing foreclosures and consumer claims.

Mediator Experience

A North Carolina Certified Superior Court Mediator and AAA Mediator for over 20 years. Certified Virginia Circuit Court Mediator. Served as a mediator in about 43 construction and commercial mediations, with amounts in controversy ranging from \$10,000 to \$2.4 million.

Representative Issues Handled as a Mediator

Defective design and construction; differing site conditions; incomplete and defective plumbing work; defective masonry; extra work, delay and acceleration claims; uncoordinated and defective bridge and highway design; architect and engineer errors and omissions; defaulted equipment leases and financing agreements; nonpayment, and liens.

Mediator Style & Process Preferences

Mediation often provides the first, and the last, best chance for the parties to create their own terms for settlement of their dispute. I support the construction industry's decision, decades ago, to utilize mediation as a preliminary alternate to litigation, not merely an expensive pretrial settlement conference. If the parties are well informed and motivated, early mediation avoids large litigation costs. Whenever mediation becomes appropriate, I hope the parties participate with at least an intention of settling the case on some terms, and with an open mind and commitment to resolving the dispute.

The mediator facilitates communication - providing an opportunity for each party to be heard. At the same time the mediator seeks to simplify issues, helping the parties to focus upon those critical issues around which a settlement can be reached. I try to become an active participant, alternatively listening and questioning in order to help the parties recognize the root of their dispute and the costs and risks of going forward. I bring energy, patience and, if needed, stamina to keep the process moving. I have experience with a broad range of mediation techniques and may suggest alternatives to move beyond an impasse.

Education

Wake Forest University (JD, Law Review Editorial Staff-1982); Virginia Tech (B.Arch., magna cum laude-1979).

Professional Licenses

Admitted to the Bar: Virginia (1982), North Carolina (1988), New York (2010), Colorado (1994-2018), New Jersey (2007-2018).

Professional Associations

American Bar Association (Litigation Section; Construction Forum); North Carolina Bar Association (Alternative Dispute Section; Litigation Section; Construction Section; Environmental Section); Virginia State Bar Association; Virginia State Bar Construction and Government Contracts Section; Associated General Contractors of America; Carolinas AGC.

Recent Publications & Speaking Engagements

Co-author and chapter author, "North Carolina," STATE-BY-STATE GUIDE TO CONSTRUCTION CONTRACTS AND CLAIMS, Aspen Publishers, 2006; "Just Who Designed My Building Anyway?," BUSINESS LIFE, Business Life Magazine, Inc., March 2000; co-author and editor, CONSTRUCTION LAW DESKBOOK, NC Bar Foundation, 1994; co-author, CONSTRUCTION AND DESIGN LAW, "Michie/LEXIS", 1987-1998. "Why You Want Mediation and How to Use It" Carolinas Associated General Contractors, 2019, "Back From the Brink: can we solve problems or just read contracts?" "It's About Time: The Project Schedule -- management tool or ground rules for the blame game?" "Design-Build: same old bonnet, or new hat?" "Getting the Designer Out of the Ivory Tower" Construction Superconference, " Vendome Group, LLC, 2004-07; "An Owner's Rights and Duties on a Construction Projects," Lorman Education Seminars, 2007; "Construction Contracting for Public Entities in North Carolina," Lorman Education Seminars, 2004; "North Carolina Law for Design Professionals," Lorman Education Seminars, 2003; "An Architectural Critique of AIA Standard Form Agreement," AIA North Carolina, 1995.

Mediation Rate

\$360 Per Hour

Languages	English
Citizenship	United States of America
Locale	Summerfield, NC

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.