



AAA Mediation.org™

FN-2088159 MN-2088159 LN-2088159, Esq.

San Francisco, California



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Panelist Video

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Professional Summary

Independent Arbitrator, Mediator and Dispute Boards specializing in dispute avoidance and dispute resolution in the construction, real estate, energy and commercial arenas.

Profession

Independent Arbitrator, Mediator, Dispute Boards

Work History

Independent Arbitrator/Mediator, 1990-Present; Principal, Law & ADR Office of Elizabeth A. Tippin, 1997 - 2023; Administrative Law Judge, California Office of Administrative Hearings, 2000 - 2005; Associate Attorney, Pandell Novich & Borsuk, 1990 - 1997; Associate Attorney, Lynch Loofbourrow et al, 1984 - 1990.

Experience

Over 30 years of serving as an attorney, with 28 of those years serving as a neutral Administrative Law Judge, mediator, arbitrator, and member of dispute resolution boards. Subject matter experience includes:

Design/Construction: Legal representation to global architecture, engineering and related design professional firms, contractors and owners for over 25 years, including preparation and negotiation of domestic and transnational contracts; risk management consultation; mediation, arbitration and litigation of claims including design error and omission, construction defect, delay and acceleration claims, change order evaluation, standard of care, standard in the industry, Americans with Disabilities Act compliance, fee disputes, construction site accidents and wrongful death claims, environmental site assessment, alternative energy, hazardous waste, mold, contamination, floods, landslides, land use issues, planning department discretionary review hearings, and insurance coverage disputes. Representative projects include infrastructure, wind power projects, sewage treatment plants, tunneling and micro-tunneling pipe projects, highway construction, commercial buildings, jails, fire stations, airports, schools, convention centers, banks, theaters, hotels, residential and mixed-use commercial/residential projects.

Commercial/Employment: business entity filings, contract negotiation, partnership formation

agreements, insurance procurement, business strategy, risk management, commercial lease negotiation, human resources and employment issues, and disputes involving breach of contract, fee disputes, partnership dissolution, intellectual property, copyright, professional licensing/discipline, ADA compliance, wrongful termination, retaliation, and discrimination claims.

Mediator Experience

Highly experienced neutral with service as a mediator in over 500 cases. As an Administrative Law Judge, conducted mediations of disputes concerning state agencies and private entities. The following are a sample of the mediation panels:

US District Court, Northern District, Mediation Panel, 2015 - 2024

Dispute Resolution Board (DRB) Caltrans, Colorado DOT, Nevada DOT, 2009 – Present

US Bankruptcy Court, Northern District, Mediation Panel, 2002 - Present

Bar Association of San Francisco, Attorney Client Fee Dispute Arbitration and Mediation Panels, and Civil Mediation Panel 1993 – Present

Equal Employment Opportunity Commission Mediation Panel 1998 - 2003

California Court of Appeals, Mediator Panel, 2003 - 2010

Representative Issues Handled as a Mediator

Multi-party construction defect claims; Architectural/Engineering error and omission; Change Order disputes; delay and acceleration claims; multi-party landslide; tunneling; roof leaks and mold; fire damage; environmental issues including site assessment, power plants, toxic waste; solar and wind energy contract disputes; real estate non-disclosure and real estate developer disputes; partnership dissolution and disputes; Design Professional fee disputes; Mechanics Liens and Stop Notices; Americans with Disabilities Act claims; attorney-client fee disputes; commercial contract disputes; bankruptcy cases; Franchisor/Franchisee disputes; employment discrimination and wrongful termination; construction site personal injury and wrongful death; product Liability: construction products, auto, motorcycle, printing presses; insurance coverage issues.

Mediator Style & Process Preferences

Each case presents different facts, legal reasoning and people dynamics, which demands a flexible mediation approach to designing the right process of communication toward the goal of resolution of the conflict. Mediation provides a confidential and private opportunity to explore options for resolving the conflict, but negotiation is tough and demanding. A good solution to a dispute using the mediation process should reflect prepared and sound judgment from the parties, their attorneys and the mediator. As an effective mediator I will be active and goal orientated, and boost the negotiation process by thorough preparation, good listening skills, thoughtful analysis and collaboration with all the participants in the process. In exploring options for resolution, I will not impose personal values, but may give an objective opinion, if requested.

The first step in assuring that the mediation includes the principals of economy and efficiency is preparation by the parties and their attorneys. In preparation for the Mediation, each side should define and analyze the facts, motives, values, strengths and weaknesses of from both sides coming to the table. Decide who will attend the mediation, making sure that the person with authority to settle and any insurance carrier representatives schedule their attendance. Determine if you will have an expert attend the mediation to explain any technical issues or whether you will have an expert report available. Obtain cost estimates for repairs. Prepare visuals to show at the mediation, including maps, photographs, videos, etc. that will help in the communications.

Each side should develop a brief statement about the issues in dispute to educate the mediator, along with key documents that assist in understanding the issues. Often mediation takes place early in the dispute process, even before a lawsuit is filed, so the other side may not understand the facts and legal arguments from your point of view. For this reason, it is important to share Briefs with the other party. However, any confidential issues can be presented separately to the Mediator.

Typically, prior to the mediation, I will have a private conference call with each attorney prior to the mediation to further explore the issues and to discuss any special concerns and to discuss any confidential information that will assist in resolving the dispute.

The mediation typically starts with a joint session in which all the parties and attorneys are in one large conference room. As the Mediator, I will explain the confidential nature of the proceedings and invite each party to make a presentation, and create a calm atmosphere in which individuals can talk candidly about the dispute. Some disputes can be resolved in one joint session, while in other cases the parties will be separated into private rooms. Since each case is different, I will invite each party to participate in developing the process that is productive for the continued communications.

Mediation is based upon the principals of negotiation, problem solving and effective communication. Some disputes can be resolved in a short period of time, while in other cases, if the parties determine that additional information is required to make informed decisions, and a second session may be scheduled. If a site visit would be productive, the mediation can be continued to arrange for that action. I encourage a creative approach to each party obtaining the information necessary to make an informed decision and incorporating creative decision making to meet each party's needs.

Most cases can be resolved if everyone comes to the mediation well prepared and the parties are candid with the Mediator. I can supercharge the mediation process, by understanding, communication and innovation in the settlement discussions.

Technology Proficiency	Substantial experience in conducting hearing using ZOOM and other similar platforms, including hybrid ZOOM and in-person hearings.
Education	Golden Gate University School of Law (JD - 1983); Arizona State University (BFA - 1975).
Professional Licenses	Admitted to the Bar: California (1984); U.S District Court, Northern (1984), Eastern (1986), and Southern (1992) Districts; U.S. Court of Appeals, Ninth Circuit (1984). U.S. Green Building Council, Leadership in Energy and Environmental Design Accredited Provider, LEED AP, (1990).
Professional Associations	Chartered Institute of Arbitrators (Fellow); California International Arbitration (Founding Member); American Bar Association (ADR and Construction Law Forum); Dispute Review Board Foundation (Past President US, Canada and Caribbean); The Mediation Society (Founding Member, Past President); The Bar Association of San Francisco (Past Chair Arbitration Committee); American Institute of Architects (Past Member of Board of Directors), Queen's Bench (Past Board of Directors); U.S. Green Building Council (LEED Legacy).
Recent Publications & Speaking Engagements	<p>Publications: "Negotiating at the Mediation Table: Nine Steps to Achieving a Better Outcome," Architecture & Engineering Negotiating Strategies, 2003; "The Paradigm Shift in Conflict Resolution Methodology," 2001; Destination, Australia and Cambodia: Construction and ADR, Article, Bar Association of San Francisco Recorder 2019; Stop the Pain- Using DRB's, Article, ABA Just Resolutions 2018; "Mediation isn't as easy as clicking your heels, but it can be a magical way to resolve disputes," Common Ground Magazine, 1997.</p> <p>Speaking Engagements: Adjunct Professor, Architecture Department, Academy of Art University, San Francisco 2003-2020; Lecturer, Architecture Department, University of California, Berkeley, 2007-2008; Latam and AACE Brazil, Chairing a DRB Meeting, Speaker, 2023</p> <p>P3 Water Summit, Innovative Ways to Avoid Construction Disputes, Using DRBs; Speaker, 2020, 2021, 2022</p> <p>P3 Airport Conference, Effective Use of DRBs on Airport Projects, Speaker, 2020, 2021</p> <p>CMAA 2020 Convention, Innovative Ways to Resolve Disputes Using DRBs, Speaker, 2020</p> <p>Convention, Sports, Entertainment Convention, Using DRBs to Avoid and Resolve Disputes, Speaker, 2020, 2021</p> <p>DRBF, The Effect of Covid 19 on DRBs, Webinar speaker, 2020</p> <p>P3C - Conference, Win Win Strategies - Effective Use of DRBs, Speaker, 2019</p> <p>The Puzzle: DRBs and Partnering, Speaker, Construction Super Conference, 2018</p> <p>Speaker: "Mastering Technical Issues in Real Property ADR Cases," The Mediation Society, 2006; "Getting to Yes-Using ADR Effectively in Employment Cases," Bar Association of San Francisco, 2004; "Zen and the Art of Mediator Selection," California State Bar Annual Meeting, 2005; Faculty, Equal Employment Opportunity Commission Mock Mediation Training Program 2000-2002; "Negotiating Fee Disputes in the Bankruptcy Era," American Institute of Architects, 2002; Faculty, University of San Francisco, Intensive Advocacy Trial Program, 2001; "Mediation Tips and Strategies," American Institute of Architects, 2001; "Race, Gender, and Culture in ADR", California State Bar, Annual Meeting, 2000; "Mastering Stellar Negotiations Skills I, II and III,," Queens Bench Bar Association, 1999-2000; "Conflict Resolution Strategies," American Institute of Architects, 1999; "Mediating Criminal Cases," Stanford Law School, 1999; "Mediating Multi-Party Disputes," Golden Gate University, 1998; "Developing a Mediation Practice," San Francisco Barristers Club, 1998; "Using Mediation to Resolve Fee Disputes," American Institute of Architects, 1998; Faculty, "Conflict Resolution and Personality Type," Bar Association of San Francisco, 1998.</p>

Locations Where Parties Will Not be Charged for Travel Expenses San Francisco Bay area. Willing to serve without charge for travel time.

Mediation Rate \$6,000 Per Day

Languages English

Citizenship United States of America

Locale San Francisco, CA

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.