



AAA Mediation.org™

FN-20943 MN-20943 LN-20943, Esq.

Detroit, Michigan

Current Employer-Title Dykema Gossett PLLC - Member

Profession Attorney

Work History Member, Dykema Gossett PLLC, 2018-Present
Member/Associate, Kerr, Russell and Weber, PLC, 1980-2018

Experience Over 40 years experience as a civil trial attorney, arbitrator and mediator specializing in construction/surety and contract law. 95% of practice in construction/surety law representing architects, engineers, general contractors, subcontractors, owners, suppliers and sureties involving public and private projects (commercial, institutional, industrial) ranging in value from \$10,000 to over \$100 million.

Mediator Experience Has served as a mediator in hundreds of disputes between owners, general contractors, subcontractors, design professionals, suppliers and sureties involving public and private projects (commercial, institutional, industrial) including casinos, hospitals, schools, industrial plants, and residential/commercial construction in dollar amounts ranging from tens of thousands to over \$100 million.

Years of Practice as a Mediator: 30+

Number of Cases Mediated: 200+

References: Ronald P. Strote, rstrote@strotelaw.com; Ronald A. Deneweth, rdeneweth@dvs-law.com

Representative Issues Handled as a Mediator Construction cases mediated have included the following issues: delay damages, failure to perform, owner interference, design errors/omissions, differing site conditions, construction change directives, payment disputes, and contract interpretation.

Mediator Style & Process Preferences Mediation is a dynamic process and thus there is no one correct or required way to conduct a hearing. In all mediations, I strive to listen attentively to the position of each party and attempt to assure that the other parties do so as well. At times it is productive for the parties to meet together, as many times a face-to-face discussion allows for greater understanding by each party of the other's position on critical issues. At times, the position of the parties is well understood and the only discussions that need to occur involve the manner in which a resolution can be reached. Whether in public or in private, I believe that the mediator's role is to challenge the position of each party and then refine the dispute to its lowest common denominator. Once this occurs, the parties may recognize that their positions are not that different or at least there is an understanding reached as to the depth of one or both parties' convictions. Despite differences the parties may have, a mediator usually can persuade the parties that there are no absolutes, no guarantees, and that a resolution that the parties can control without further expense is always more desirable than the unknowns of litigation or arbitration.

Technology Proficiency Willing to conduct hearings/conferences/mediations/arbitrations in person or remotely via online

platforms such as Zoom.

Education

Colgate University (BA, History-1977); St. Johns University (JD, with honors-1980).

Professional Licenses

Admitted to the Bar: Michigan, 1980; U.S. District Court, Eastern District of Michigan, 1981; U.S. Court of Appeals, Sixth Circuit; U.S. Supreme Court, 1995.

Professional Associations

American Bar Association (Forum Committee on the Construction Industry; Torts and Insurance Practice Section, Fidelity and Surety Law Committee); Michigan Bar Association (Real Property Section; Environmental Law Section); Detroit Bar Association; International Association of Defense Counsel; Surety Claims Institute; National Bond Claims Association.

Recent Publications & Speaking Engagements

Numerous articles and speaking engagements for the Institute of Continuing Legal Education, National Business Institute, Pearlman Surety, National Bond Claims Association, Surety Claims Institute, and Michigan NECA.

Mediation Rate

\$410 Per Hour

Languages

English

Citizenship

United States of America

Locale

Detroit, MI

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.