



FN-20968 MN-20968 LN-20968, Esq.

Detroit, Michigan



Current Employer-Title	Kitch Drutchas Wagner Valitutti & Sherbrook - Principal
Profession	Attorney
Work History	Principal, Kitch Drutchas Wagner Valitutti & Sherbrook, 1990-Present; Associate, Stephen M. Landau P.C., 1987-1990; Associate, Kitch Saurbier Drutchas Wagner & Kenney P.C., 1986-1987.
Experience	Seventy-five percent (75%) of practice devoted to construction-related matters including dispute avoidance and resolution, counseling and contract drafting, representing public, health care and educational institutions as well as private owners, general contractors and trade contractors; (15%) commercial litigation including antitrust and health care; (10%) general practice. Handled disputes with claims valued in excess of \$150 million involving product defect, contract interpretation and performance, productivity acceleration and payment issues including liens and bond claims.
Mediator Experience	Mediated cases by mutual selection and court appointment involving multi-party claims involving developers, contractors, designers, suppliers, manufacturers, government agencies and community groups for disputes that were presuit as well as pending in the state and federal courts.
Representative Issues Handled as a Mediator	Construction contract performance and interpretation, lien foreclosure and priority, financing, payment disputes, allocation of losses and responsibility for events experienced on project and adjacent properties, design and construction defects, insurance coverage, condominium developments, boundary disputes, nonprofit board issues, prisoner rights matters.
Mediator Style & Process Preferences	The mediator is to provide observations and guidance to assist the parties in reaching the conclusion that is most acceptable to the parties. The mediator does not impose, instruct, or decide, but rather questions, encourages, and challenges. The mediation should not conclude without a plan to continue communication in some manner and form toward possible resolution.
Education	Drake University Law School (JD-1986); Drake University School of Journalism (MA-1986); Loyola University of Chicago (AB-1983).
Professional Licenses	Admitted to the Bar: Michigan (1986); Iowa (1986-inactive). State Bar of Michigan; Iowa State Bar Association; Catholic Lawyers Society; Associated General

Professional Associations Contractors (Detroit Chapter, Legal Advisory Committee); American Institute of Architects; Construction Association of Michigan; Construction Specifications Institute (Certified Construction Documents Technologist); Building Owners and Managers Association of Metropolitan Detroit (Government Affairs Committee); Defense Research Institute (Construction Committee, Alternative Dispute Resolution Committee); Construction Owners Association of America (Contract Documents Committee, Communications/Editorial Committee); Engineering Society of Detroit (Construction & Design Committee); National Association of Construction Auditors (Advisory Committee).

Recent Publications & Speaking Engagements

PUBLICATIONS: Sier, Walker, eds., State-By-State Guide to Architect, Engineer, and Contractor Licensing, 2nd ed., [also drafted Michigan Chapter] New York, NY, Wolters Kluwer Law & Business, 2013-2021; ‘DRONES – Not Just for Hobbyists Anymore [Almost], with Kelsey Craig, THE CRITICAL PATH, newsletter for Defense Research Institute Construction Law Committee, Volume 19, Issue 3, October 6, 2015; “Critical Path Method and Last Planner ® System: Different Sides of the Same Analytical Coin,” THE CRITICAL PATH, newsletter for Defense Research Institute Construction Law Committee, Volume 18, Issue 2, July 17, 2014; “The Impact of Integrated Project Delivery on Insuring Project Risks,” OWNER’S PERSPECTIVE magazine published by Construction Owners Association of America, co-author with John Hurley, Spring 2011; “Recent Revisions to the Michigan Construction Lien Act,” THE TITLE EXAMINER, Michigan Land Title Association, Summer 2007; co-author, “The Updated A201 and Resolving Claims: Changes on the Horizon,” CAM MAGAZINE, vol. 28, no. 8, August 2007; co-author, “Anatomy of a Bond Form,” OWNER’S PERSPECTIVE, Spring 2004.

SPEAKING ENGAGEMENTS: “Complying with COVID-19 Response and Reopening Liability Assurance Act,” webinar presentation with Andrew Harris, Dominic DeBeul and Kaitlyn Elias for Building Owners and Managers of Metropolitan Detroit, November 24, 2020, and March 25, 2021; “Developing Standards for Quantifying and Analyzing Productivity Claims and the Impact On Construction Auditors,” webinar presentation with Carina Kraatz and James Schmid for the National Association of Construction Auditors, December 21, 2020; “Mock Mediation Session,” webinar demonstration and presentation for the National Association of Construction Auditors, September 22, 2020; “Beyond COVID-19: Owner Considerations for a Successful Restart,” webinar presentation with Donnelly Gillen and James Schmid for Construction Owners Association of America, July 16, 2020; “Pay Me Now or Pay Me Later: Tailored General Conditions Worth the Effort,” webinar presentation with David Stutzman and Ross Caldwell for Construction Owners Association of America, May 15, 2020; “Construction Project Owners’ Re-Start CHECKLIST,” webinar presentation with James T. Schmid for National Association of Construction Auditors, April 26, 2020; “Indemnification: Scope, Breadth, & Application,” presentation to State Bar of Michigan Insurance and Indemnity Law Section, Birmingham, Michigan, January 16, 2020; “The Other F-Word: Fiduciary Duty Implied or Explicit and the Implications for Owners, Contractors, and Design Professionals,” panel discussion with Fred Butters, Karen Erger and Eric Singer, Construction Superconference, Palos Verde, California, December 17, 2019; “AIA Contract Document Workshop: Supplemental or Alternate AIA Contract Documents and Digital Practice,” presentation for Half Moon Education, Inc., Livonia, Michigan, January 15, 2019; “Who is My Neighbor? Topics Involving Planned Unit Developments,” presentation with Holly Spurlock of CNA Insurance, Defense Research Institute – Professional Liability conference, New York, New York, November 29, 2018; “Fiduciary Duty Implications for Design Builders,” panel discussion with Frank Muraca, Tim Winnecke and Katherine Newman at the symposium, “Cutting the Gordian Knot – Fiduciary Duty Initiative,” Detroit, Michigan, September 24, 2018; “So You Want to Be an Expert Witness,” demonstration with Carina Kraatz and James Schmid for National Association of Construction Auditors, 7th Annual Conference, Lake Tahoe, California, September 18, 2018; “Contract Clauses: They May Not Be Contract Killers, But They Can Leave a Mark,” webinar presentation with Jack Mumma and Brian Perlberg to NAEP August 2018.

Locations Where Parties Will Not be Charged for Travel Expenses Hearing locations within 50 miles of the City of Detroit.

Mediation Rate \$450 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.