



AAA Mediation.org™

**FN-2153962 MN-2153962 LN-2153962,
Esq.**

Grosse Pointe Park, Michigan



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Current Employer-Title Jerome F. Rock, J.D. – Full Time Arbitrator and Mediator

Panelist Video <https://www.adr.org/videoresume?paramName=268427079>

Professional Summary Currently a full time Arbitrator and Mediator for Business, Technology and Construction Industry disputes. Engineer with degrees in Mechanical and Civil Engineering. Founding partner in law firm focused on commercial transactions, technology, construction law and related litigation. 10 years' experience as chief executive officer of a high-tech specialty engineering design firm.

Technical and engineering background, as well as experience as a business executive, helps to quickly grasp and understand both complex business and technical issues and concepts. Not easily confused with detail and can direct the focus to the underlying dispute.

Profession Arbitrator, Mediator, Attorney; Engineer, Former Business Executive

Work History Arbitrator/Mediator, Jerome F. Rock PC, 1977 – Present; Vice President/General Counsel, Bulldog Boiler Rentals LLC, 2001 – 2009; President/General Counsel, Building Technology Associates Inc., 1991 – 2001; Senior Partner and Founding Shareholder, Jacob & Weingarten Rock & Sherbow, 1977 – 1991; Engineer - Assistant Legal Counsel, Southeastern Michigan Transportation Authority, 1973 – 1977.

Experience Previous Law Firm partner with transaction and litigation practice focusing on complex commercial, technology, engineering, and construction transactions with specialized experience in building systems including MEP, HVAC, controls, roofing fenestration, paving. Litigated breach of contract disputes, bid protests, delay claims, construction lien claims, surety bond claims, building failure, product and design professional liability, defects and warranty claims. Commercial law practice involved organization, financing and transactions for high tech manufacturing, machine vision technology, software development and technology consulting businesses. Represented publicly traded oil and gas limited partnerships, real estate limited partnerships and high technology start-ups

in financing, securities, acquisition, development and leasing activities. Represented international real estate firm for exclusive multi-state commercial leasing transactions. Former shareholder in high technology contract design and manufacturing company focusing on industrial computers and controls.

Engineering and Construction law practice involved representation of general contractors, developers, engineers, architects, sureties, subcontractors and suppliers involving private and public projects. Experience with commercial, institutional educational and industrial projects, electric utility transmission, nuclear power plants, airports, baggage handling systems, highways and bridges, as well as Federal, State and local Government contracting.

Served 10 years as President for specialty engineering design firm providing program management and computer forecasting based on life cycle cost models (LCC) to establish capital and maintenance budgets for national manufacturing, telecommunications and public utility clients. Designed Facility Asset Management and Facility Maintenance program that used Building Information Modeling (BIM), industry performance standards and cost database to forecast serviceability of building components such as roofing, walls and windows, floors and paving, plumbing, HVAC and primary electrical systems. Developed computer based pre-qualification, bid submission and quality assurance programs for construction expenditures in excess of \$500M. Developed and administered performance based warranty programs for manufacturers, including roof membrane and roof material manufacturers and directed owner's warranty claims for defective building products. Developed and negotiated software development, research and development, joint venture and teaming agreements with national engineering and construction firms. Applied for business method patent and trademark protection for business practices. Holds U.S. Patent No.20100139780.

Served as Vice-President and General Counsel to construction industry specialty equipment business involved in high pressure steam boilers and remote monitoring control technology. Developed ISO 9001:2000 Certification program. Designed performance based contract systems for energy savings utilizing computer controls and remote monitoring with cellular transmission and the internet.

Served as Engineer and Assistant General Counsel to Southeastern Michigan Transportation Authority involved in developing request for proposals and evaluating bids for preliminary engineering studies for mass transit, light rail transit and dedicated bus transit lane projects including ridership surveys, alternative analysis and environmental impact assessments.

Mediator Experience

National Practice as Mediator and Arbitrator for commercial, engineering, technology and construction industry disputes. Emphasis on complex issues where technical and engineering background and business experience is necessary. Industry groups include public colleges and universities, municipalities and government agencies, waste water and water treatment utilities, electric utilities, including nuclear facilities, engineering and professional service organizations, commercial and industrial real estate, manufacturing, architecture, engineering, construction, high technology, including automation, robotics, Information Technology, Building Information Modeling (BIM), enterprise application software, and software development. Experience as mediator involving construction defects in Insulated Concrete Form (ICF) buildings and pre-stressed and post tensioned concrete floor and roofing.

Active as a mediator since 2002, having mediated over 1,000 matters. Certified General Civil Case Mediator for State of Michigan, certified mediator for Wayne, Oakland, Macomb and Washtenaw counties and Federal District Court. Business Court Panel of Approved Neutrals and Business Court Case Evaluation Panel Member.

Representative Issues Handled as a Mediator

Commercial mediation issues include lack of performance, breach of contract, contract interpretation, close corporation shareholder rights, oppression of minority shareholders, patent, trade mark, trade secret, confidentiality, non-disclosure and non-competition issues. Limited Partnership disputes, including Proxy challenges to remove General Partner, investment/capital call disputes. Commission disputes between manufacturer representatives and sales representatives and manufacturers, franchise disputes, commercial and industrial lease disputes, warranty and indemnification on manufactured products, disputes relating to Enterprise Application Software installations

Construction mediation issues include disputes between owners, developers, general contractors, sub-contractors, architects, engineers and sureties involving breach of contract, scope and design changes, contract delay claims, change order disputes, cost overruns, liquidated damages and consequential damages, indemnity issues and claims with sureties, building product failures, design and construction defects, architect and engineer liability, disputes involving performance based contracting for energy systems, energy management contract disputes, commissioning for HVAC and energy control systems. Warranty, design, product and construction and installation defect disputes for "engineered building systems" and building sub-systems including MEP, HVAC, waterproofing and roofing (including metal roof systems, single ply membrane and asphalt and bituminous built up roofing systems).

Mediated complex, multiparty dispute between field contractor installing baggage handling system in operating airport and prime contractor issuing Building Information Modeling (BIM) documentation; issues involved deficiencies/inaccuracies in BIM and incorrect interpretation and application of BIM on the project.

Mediator Style & Process Preferences

There are several ways a trained Mediator can play a valuable role for each side in a controversy: a) by understanding the complexity of the conflict, and designing a mediation "process" or format that will best address the needs of all parties; b) by making the attorneys for each party a full partner in the mediation process without abdicating any role of advocacy or legal representation; c) by giving each principal an opportunity to hear and understand the position of the other side, without the obligation of accepting or agreeing with that position; by inference this gives the principals an opportunity to assess the strengths and weaknesses of their own positions, and reflect on the risk associated with continuing the litigation process; d) by establishing and maintaining an environment that focuses on problem solving by working with the parties and their attorneys to develop creative, yet practical options that are acceptable to the parties, but might not be available if the matter is resolved by a judge, or through trial; facilitating working sessions in a conference room setting involving the project level staff or both sides, exchanging information and establishing a foundation for the executives to negotiate a settlement; e) by giving the principals an opportunity, if appropriate, to preserve or minimize the damage to any established or prospective business relationship that may exist between them.

As a former business executive, an engineer, a construction attorney and a trained Neutral, I am comfortable with complicated business or technical subject matter and can therefore quickly grasp the issues and lead the mediation process as a Business Case exercise. A great deal of my success as a Mediator is attributed to my role as a problem solver, finding the creative option or strategy that leads to settlement. All of this starts with the Pre-Hearing Conferences discussed above under Multi-Party Dispute Resolution Experience.

Technology Proficiency

Regularly use the Zoom video conference platform to conduct Preliminary Hearings, interim Status Conferences as well as formal evidentiary Hearings. Willing to conduct In-Person Hearings.

Advanced user in Zoom video conferencing as well as Microsoft Teams. Proficient in all Microsoft 365 applications including Word, Excel, PowerPoint and Teams as well as cloud-based sharing services, e.g. Dropbox, OneDrive. All use standard encryption with set expiration dates and custom passwords.

Education

University of Detroit Mercy (JD-1976); Northwestern University (MS, Civil Engineering-1973); University of Detroit Mercy (BS, Mechanical Engineering-1972).

Professional Licenses

Admitted to the Bar: Michigan, 1977; U.S. District Court: Eastern District of Michigan.

Former LEED Accredited Professional (Leadership in Energy and Environmental Design) by U.S. Green Building Council. Licensed Residential Builder, State of Michigan.

Professional Associations

State Bar of Michigan (Alternate Dispute Resolution Section; Business Law Section, Insurance and Indemnity Law Section, Litigation Section; Information Technology Section); Detroit Metropolitan Bar Association (Alternate Dispute Resolution Committee, Past Chairman); Macomb County Bar Association (Civil Practice Committee, Past co-chair, ADR subcommittee; Labor & Employment

Law Committee; Permanent Neutral on Labor & Employment Law Case Evaluation Panel); Engineering Society of Detroit (Alternative Dispute Resolution Committee), Former member, U.S. Green Building Council, Detroit Regional Chapter, Commercial Real Estate Committee; Former Licensed Residential Builder, State of Michigan; Professional Resolution Experts of Michigan (Panel of Experts); Design Build Institute of America (Former member, Board of Directors, Michigan Chapter).

Recent Publications & Speaking Engagements

Publications:

Chapter Author, “Negotiation and Settlement” published in the treatise on Michigan Civil Procedure (Institute for Continuing Legal Education), 2nd ed., 2012-2023;

Presenter, webinar on “Use of Written Witness Statements in Commercial Arbitration”, State Bar of Michigan, ADR Section, February 21, 2023;

ADR SpotLight: “Confidently Eliminate the Need for Depositions in Arbitration Using Written Witness Statements”, Oakland County Legal News, August, 2023;

ADR SpotLight: An Emerging Trend to Replace Direct Testimony with Written Narrative Witness Statements in Commercial Arbitration, Oakland County Legal News, October 2022;

ADR Spotlight: A Flexible Protocol for Pre-Suit and Early Stage Mediation in Business Disputes, Oakland County Legal News 2019;

ADR SpotLight: Improving Outcomes in Mediation with use of Pre-Hearing Conferences in Business Court Cases, Oakland County Legal News 2016;

Publications in Dispute Resolution Journal, Green Building: Trend or Megatrend?, May-October 2010.

Speaking Engagements:

Symposium Panel member, Engineering Society of Detroit, Michigan Green Enterprise Zone: Legal Risk Mitigation section;

Speaker, Advanced Mediation Training, Michigan State University, College of Law, Alternative Dispute Resolution Program;

Adjunct Lecturer, Wayne State University, Engineering and Construction Law. Faculty, SCAO Advanced Mediation Training in Med-Arb.

Locations Where Parties Will Not be Charged for Travel Expenses

No travel charges or expenses for Hearings within Southeast Michigan.

Mediation Rate

\$550 Per Hour

Languages

English

Citizenship

United States of America

Locale

Grosse Pointe Park, 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.