



AAA Mediation.org™

**FN-2298266 MN-2298266 LN-2298266,  
Esq.**

**West Hartford, Connecticut**



**Current Employer-Title** Construction Dispute Solutions – Arbitrator, Mediator  
The Construction Institute, Inc. – Executive Director

**Profession** Attorney, Arbitrator, Mediator, Executive, General Contractor

**Work History** Attorney/Principal, Construction Dispute Solutions, 2011 – Present; Discovery Dispute Solutions, 2013 – 2016; Vice President – General Counsel, Greenwald Cassell Associates Inc., 1984 – 2015; Skadden Arps Slate Meagher & Flom, 1987 – 1992; Consulting Attorney/Associate, Spiegel & McDiarmid, 1981 – 1985.

**Experience** More than 35 years of experience as a lawyer and construction executive. Legal experience with construction contracts and disputes involving construction projects ranging from nuclear power plants to residential remodeling. Practical construction and business experience as CFO, vice president and general counsel for a major metropolitan Washington, DC residential design-build and general contracting firm, including all aspects of the construction business, from licensing and regulatory requirements to project design and estimating through contract drafting and signing, scheduling, production and job completion as well as extensive experience with subcontracts, financing, insurance and other aspects of construction law, corporate law and employment law. Experience in analysis and understanding of the interests of all players, including contractors, owners, architects, engineers, employees, subcontractors, suppliers, insurers and financing institutions. Conversant with AIA and Consensus contract documents, among others. Has represented minority owners in nuclear power plants evaluating problems of construction cost and schedule overruns in transactional, regulatory and litigation settings, and has represented general contractors and designers in a variety of settings on issues ranging from construction contract disputes to regulatory compliance, to copyright. Has litigated, written briefs and/or presented oral arguments before the US Supreme Court, the US Courts of Appeals, state appellate courts, and federal and state regulatory agencies. Acted as lead attorney in federal and state court and in numerous arbitration proceedings. Construction projects have ranged in value from \$100,000 to \$5 billion.

**Mediator Experience** Served as a mediator in a variety of construction (both private and public) and commercial disputes. Types of cases mediated include Construction, Commercial Contract, Employment, and Landlord

Tenant. Has represented contractors, design/build practitioners and owners as an attorney in multiple construction and commercial mediation cases. Served as motions conciliator in the Circuit Court of Fairfax County, Virginia, conciliating discovery motions in commercial contract, construction, personal injury and real estate cases. Current practice focuses on mediation, arbitration and dispute systems design in commercial and construction transactions and disputes.

## **Representative Issues Handled as a Mediator**

Most construction mediations have involved questions of contract interpretation, claims of defective or incomplete work, and payment disputes. Additional issues have included causation, termination for default and convenience, claims for delay, loss of productivity, acceleration, lost profit, unforeseen or changed conditions, allegations of defective plans and specifications, breach of warranties, and calculation of damages. Commercial mediations have included claims for breach of contract, including contracts for professional services. Other experience includes landlord tenant claims and employment claims.

## **Mediator Style & Process Preferences**

My approach is a practical one. I work actively with the parties to manage the dispute resolution process. I assist them in focusing the legal and factual issues and streamlining the exchange and presentation of information to make the process as well as the outcome as fair and cost-effective as possible. I facilitate opportunities for each party to educate the other concerning the the factual and legal issues underlying their claims. I work with the parties to identify nonlegal but important business considerations that often drive disputes and can provide the key to creative solutions in which both parties can be invested. I am able to assist each party to give their case a reality check and evaluate the strength of the legal and factual issues on which they have placed reliance coming into the mediation. I work with the parties and their attorneys to ensure that participants in the mediation are prepared for the process and able to make the best use of mediation sessions. My expectation is that the parties will enter into the mediation with a joint purpose; that is to work together to craft a workable resolution to their dispute.

## **Education**

Harvard Law School (JD, cum laude-1981); Brown University (Sc.B, magna cum laude-1978).

## **Professional Licenses**

Admitted to the Bar: Virginia (1992); U.S. Court of Appeals: District of Columbia Circuit (1981), Fifth Circuit (1983), Ninth Circuit (1984).  
Virginia Supreme Court Certified Mediator, GDC (2011 – 2015).

## **Professional Associations**

Current Leadership Positions: Industry Advisory Council to the Connecticut Department of Administrative Services (Construction Services, Member); Connecticut Mediation Association (Board Member); ABA Forum on Construction Law, Division 4 (Project Delivery and Construction Technology, Steering Committee); ABA Forum on Construction Law (Special Programs and Education Committee, Liaison); College of Commercial Arbitrators Legislative Committee.

Current memberships: Virginia State Bar Association (Construction Law Section, Virginia ADR Joint Committee); District of Columbia Bar Association; Connecticut Bar Association (ADR and Construction Committees), Connecticut Mediation Association, American Bar Association (Forum on the Construction Industry - Contract Documents and Dispute Avoidance and Resolutions Sections; Section of Dispute Resolution - Women in Dispute Resolution Committee.

## **Recent Publications & Speaking Engagements**

BIM, Blockchain and Smart Contracts – ABA Forum on Construction Law Plenary Session, Midwinter Meeting, January 23, 2020

Protocols for Best Practices in Project Communication – ABA Forum on Construction Law Luncheon Presentation, Midwinter Meeting, January 23, 2020

Shaping Tomorrow's Leaders of the AEC Industry, High Profile, December 23, 2019

Keynote Speaker, Bald Hill Builders Training Retreat, September 16, 2019

Developing a Culture of Communication – Guest Lecturer, Principles in Construction II, University of Connecticut School of Engineering, April 17, 2019

Technology in Construction Contracts: Current Best Practices and Future Challenges, Panelist – ABA Forum on Construction Law Webinar, December 13, 2018

Digital Due Diligence: Ensuring Your Construction Contract Doesn't Set You Up for Technology

Heartache, Panelist – ENR Webinar, February 7, 2018

The Future of the Design and Construction Industry: Construction Industry Conversations, Construction Institute (2018) co-editor

The 2017 A201 Deskbook, American Bar Association (2017) contributing author (Chapter 13)

"Transforming a Fractured Industry: Employing ADR Techniques to Improve Collaboration in the Construction Industry, New York Dispute Resolution Lawyer, " (N. Greenwald) NYSBA, Fall 2016, Vol. 9 , No. 3

Co-author, MEDIATING DISCOVERY DISPUTES: WHEN "MEET AND CONFER" ALONE IS NOT ENOUGH, Cardozo Journal of Conflict Resolution, Volume 17.2: Winter 2016

co-presenter, "Eat the Frog First: Using Damages as an Effective Tool for Dispute Resolution," presented at the 18th Annual Spring Conference of the ABA Dispute Resolution Section, April 7, 2016, NY, NY

"Convening the Mediation: What Can and Should Mediators Do When All Parties Haven't Yet Agreed to Mediate," Live Webinar for the American Arbitration Association, November 18, 2015

"Working Together to Harness the Power of Innovation and Collaboration: How to Transform a Fractured Industry," Keynote speech at "Building Smarter with Big Data," conference co-hosted by the Stanford Center for Integrated Facility Engineering (CIFE) and LKG Advisors LLC, November 9, 2015, Santa Clara, CA

"Practical Strategies for Effective Conflict Resolution: What Lawyers Need to Know About Using Dispute Resolution Methods and Drafting Dispute-Related Contract Clauses," panelist, a CLE presentation of the District of Columbia Bar Association, Washington, DC, October 13, 2015

Testimony before the National Institute of Building Sciences, "Cross-Industry Collaboration," September 25, 2015

"Mediation Convening and Intake Best Practices," presented at the 17th Annual Spring Conference of the ABA Dispute Resolution Section, April 15-18 2015, Seattle, WA

"Discovery in Arbitration," panelist, ABA Forum on Construction Law, Scottsdale, Arizona, January 29, 2015

"Mediating Discovery Disputes: When 'Meet and Confer' Alone is Not Enough" presented at the 16th Annual Spring Conference of the Dispute Resolution Section of the ABA, April 2-5, 2014, Miami, FL

"A Creative Proposal For Dispute Systems Design For Construction Projects Employing BIM" Journal of Legal Affairs and Dispute Resolution in Engineering and Construction, Greenwald, N. (2013)

"Preparing for the Prehearing Conference: The Top 5 Tips" Building Resolutions - News from the AAA Construction Division - September 2012 Issue.

**Locations Where Parties Will Not be Charged for Travel Expenses** Within 1.5 hour travel radius from West Hartford, CT.

**Mediation Rate** \$375 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** West Hartford, CT

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.