



AAA Mediation.org™

**FN-2373615 MN-2373615 LN-2373615,  
Esq.**

Cincinnati, Ohio



**Current Employer-Title** Robbins, Kelly, Patterson & Tucker, LPA - Partner/Shareholder

**Professional Summary** Is a partner and shareholder at Robbins, Kelly, Patterson & Tucker. Practice areas include construction and business law, assisting individuals and businesses with construction issues and commercial disputes ranging from small collection matters to large multi-party complex litigation and arbitration cases. Provides Construction Arbitration & Mediation Services as a Qualified Neutral for American Arbitration Association as a mediator and an arbitrator since 2011. Has presided on over 60 arbitrations and a multitude of mediations, involving straight forward disputes as well as complex, multiparty and panel required arbitrations.

**Profession** Attorney, Arbitrator, Mediator

**Work History** Attorney/Shareholder, Robbins Kelly Patterson & Tucker LPA, 2008 – Present; Manager/Owner, ORCAH Construction LLC, 2010 – 2015; Attorney, Benjamin Yocum & Heather LLC, 2001 – 2008; Attorney, Lerner Sampson & Rothfuss LPA, 2000 – 2001; Land Acquisition, Ikodomi Construction LLC, 1998; Construction Project Manager, Fifth Third Bank Corp., 1994 – 1997; Residential Designer, Meyer Builders/Douglas Homes, 1993 – 1994; Manager/Owner, New Home Concepts, 1992 – 1993.

**Experience** Legal practice with focus in construction industry representing contractors, sub-contractors, suppliers, architects, and owners on residential, commercial, and public projects. Prepare construction claims, performance, and payment bond claims. Represent clients in cases ranging from small collection matters to large multi-party complex representative cases. Experience with prosecution and defense of claims including, breaches of contract, failure to perform in workman-like-manner, Prompt Pay Act violations, enforcement of mechanic's lien rights (private and public), Ohio EPA claims, Consumer Sales Practices Act violations, fraud, breaches of fiduciary duties, and various other civil claims. Counsel clients on construction and service contracts, lease agreements for personal and real property.

Represent clients in intra-company owner/shareholder disputes and maintains a general business counseling practice and a business litigation practice. Counsel clients on construction and service contracts and on lease and financing agreements for personal and real property. Advise clients on

credit and collection matters, including credit applications, terms of credit, collection actions, and FDCPA issues. Advise clients on issues arising from their homeowners' or condominium owners' associations.

Recent and significant construction dispute representation includes:

- Electric contractor in litigation for claim in excess of \$300,000.00 and steel supplier and erector for claim in excess of \$200,000.00 resulting from non-payment involving Southwestern Ohio school district construction project;
- Prime contractor for claim in excess of \$1.5 million in Article 8 dispute resolution process with a central Ohio college;
- Prime contractor in defense of subcontractor claims in excess of \$1.2 million on an Ohio college project;
- Ohio EPA qualified waste water treatment consultant-contractor in defense of an indemnification claim in excess of \$1 million by owner of large trailer park home property located in Central Ohio resulting from Ohio EPA claim against owner;
- Broker for prosecution of Realtor's Broker's Lien claim in excess of \$170,000.00 for procuring tenants for Cincinnati area failed retail construction project;
- Equipment and material suppliers on multitude of lease, rental, and account collections ranging from \$5,000.00 to \$150,000.00, which necessarily involve mechanic's liens and contract claims;
- Home owners on defense of sub-contractor and supplier claims in excess of \$100,000.00 on a home construction project valued in excess of \$800,000.00;
- Contractor on claim against homeowner for failure to pay and wrongful termination of construction of new home in excess of \$800,000.00;
- Electrical contractor in Northern Kentucky retail development project for prosecution of mechanic's lien for non-payment of claim in excess of \$120,000.00;
- Contractor in defense of prevailing wage complaint in an undetermined amount filed by Southwestern Ohio based trade association;
- Architect on defense of claims presented by residential builder for defective design;
- Architect for lien claim in Indiana development for City of Lawrenceburg;
- Developer in Southern Ohio residential development for defense of lien claim by excavator and prosecution of claims against excavator in excess of \$1 million;
- Purchasers against a seller regarding purchase of interest of a regional SBA Small Business Investment Corporation, where the seller's claims were disposed of through summary judgment, clearing the ownership interest of the investor purchasers resulting in distributions from the SBIC investment free and clear in excess of \$2,000,000;
- Demolition Contractor on State funded Brown Field project for claims against Owner in excess of \$750,000; and
- A framing contractor for a multi-building HUD project for a claim in excess of \$200,000 for unpaid work.

### **Mediator Experience**

Mediation of matters through American Arbitration Association. Extensive mediation experience as a volunteer mediator through the Hamilton County ADR program that serves Ohio's Hamilton County Court system. Cases involve construction, contract, tort, personal injury, wage claims, and property disputes.

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

Experience with issues involving construction claims, including breaches of contract, mechanic's liens, back charges, defective work, warranty claims; personal injury claims, including automobile accidents, dog bite liability, slip and fall; employer/employee claims, including failure to pay state wages, state tax liability, workers compensation claims; property disputes, including boundary line issues, trespass, damage to real property.

### **Mediator Style & Process Preferences**

Mediation is a confidential and voluntary process by which parties can elect to resolve their dispute. The mediator is a facilitator of communication between the parties. The mediator must be fair, impartial, and flexible in addressing the parties' needs throughout the mediation process. The mediator is responsible for the implementation of the process, but the parties determine the outcome.

I typically begin the mediation process using facilitative tools to encourage communication and gain valuable information regarding party concerns, areas of disagreement, and areas of consensus. As mediation progresses, I engage in evaluative mediation process encouraging the parties to think critically regarding their own positions, the other party's position and likely outcomes if not resolved in mediation.

<b>Technology Proficiency</b>	Zoom Microsoft Teams
<b>Education</b>	Salmon P. Chase College of Law (JD-2000); The Union Institute (BS, Urban Studies and Affairs, President's Medal for Academic Excellence-1996); Cincinnati State Technical and Community College (AAS, cum laude, Civil Engineering, Architecture-1992).
<b>Professional Licenses</b>	Admitted to the Bar: Ohio (2000), Kentucky (2008); U.S. District Court: Southern District of Ohio (2002), Eastern District of Kentucky (2008).
<b>Professional Associations</b>	Cincinnati Bar Association (Construction Law Committee); Ohio State Bar Association; Northern Kentucky Bar Association (Construction Law Committee; Public Contracting and Construction Law Committee); National Association of Credit Management; Allied Construction Industries; American Subcontractors Association.
<b>Recent Publications &amp; Speaking Engagements</b>	<p>PUBLICATIONS:</p> <p>Manual of Credit and Commercial Laws, Attorney Reviewer for Ohio Mechanics Lien and Public Construction Bonds, (National Association of Credit Management, Volume III, Construction Issues) 2012 through 2023 Editions;</p> <p>"Workplace Investigations in Kentucky," NORTHERN KENTUCKY LAW REVIEW, Kentucky Law Issue, 27 N. KY. REV. 201, 2000; Various articles in local trade publications and e-newsletters.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>"Ohio and Kentucky Mechanic's Liens Processes," NACM, 2024</p> <p>"Ohio and Kentucky Mechanic's Liens Processes," NACM, 2022</p> <p>"Ohio and Kentucky Mechanic's Liens Processes," Allied Construction Industries, 2021</p> <p>"Ohio, Kentucky, and Indiana Mechanic's Lien Processes," Allied Construction Industries, 2020</p> <p>"Ohio and Kentucky Mechanic's Lien Processes," Allied Construction Industries, 2019</p> <p>Adjunct Faculty, Cincinnati State Technical and Community College, 2012 - 2015</p> <p>"Construction Lien Law," Lorman Education Services, 2014</p> <p>"Fundamentals of Construction Contracts," Lorman Education Services, 2014</p> <p>"Legal Seminar for Credit Professionals," NACM, 2013</p> <p>"Ohio and Kentucky Mechanic's Lien Processes," Allied Construction Industries, 2013</p> <p>"Construction Lien Law," Lorman Education Services, 2010</p> <p>"Mechanic's Lien &amp; Bond Claim Processes," NACM, 2006, 2008</p> <p>"DBE/MBE Qualifications," local law group, 2007</p> <p>"Bond Claims and Mechanic's Liens Processes," Lorman Education Services, 2004, 2006</p> <p>"Mechanic's Lien Process," American Society of Heating, Refrigerating &amp; Air-Conditioning Engineers, 2002</p> <p>"Mechanic's Lien Process," Allied Construction Industries, 2001</p>
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Hamilton County, Ohio Campbell County, Kentucky
<b>Mediation Rate</b>	\$365 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Cincinnati, OH

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.