



AAA Mediation.org™

**FN-2452446 MN-2452446 LN-2452446,
Esq.**

Chicago (Wilmette), Illinois



Current Employer-Title Shapiro Dispute Resolution LLC - Owner

Profession Arbitrator and Mediator

Work History Owner, Shapiro Dispute Resolution LLC, 2021 - Present; Partner, Chair Construction Law Practice Group, Barnes & Thornburg LLP, 2007 - 2020; Partner, Chair of Construction Law Group, Sachnoff & Weaver, 1986 - 2007; Associate, Jenner & Block, 1984 - 1986; Associate, Weinberg & Green, 1982 - 1984.

Experience Chicago-based national arbitrator and mediator. Serves on the American Arbitration Association's National Roster of Neutrals for large, complex cases, including in particular matters involving construction, insurance and commercial disputes. Regularly travels to provide mediation and arbitration services throughout the United States, and also provides ADR services virtually via Zoom and other remote meeting platforms. As a mediator, will consider and utilize Guided Choice Mediation principles and techniques when it is appropriate and helpful to resolving the parties' dispute.

Construction and Commercial Claims: More than 37 years of experience resolving construction disputes and commercial claims, including 23 years as the leader of construction law practice groups at nationally prominent law firms. Has handled and resolved virtually every kind of claim or dispute that can arise out of a construction project.

Insurance Experience: Well known for in-depth knowledge about construction related insurance issues and disputes. Published articles are cited and quoted in numerous court decisions, including several state supreme court cases. Knowledge base includes commercial general liability (CGL) (including "wrap" insurance products), builder's risk, professional liability and first-party property insurance.

Fellow, American College of Construction Attorneys (2012 to present; Board of Governors 2024 to present)

Inaugural Fellow, American College of Coverage Counsel (2015-present)

"Band One" Construction Attorney - Chambers USA (2014-2021)

Mediator Experience

Recently served as mediator in disputes arising out of industrial, commercial, medical and larger condo, apartment and mixed-use projects located in Illinois, Colorado, West Virginia, Virginia, Ohio, Georgia and Minnesota. Claims ranged from \$5 million to more than \$50 million, and one matter (successfully resolved) involved 14 different parties. Also recently served as arbitrator and mediator in disputes involving first party property insurance coverage claims with values exceeding \$20 million.

Recent matters included:

\$40 million 14-party dispute arising out of the construction and design of a luxury apartment development near Cleveland, Ohio. Case involved complex construction claims and numerous related insurance coverage disputes. Successful global resolution of all claims obtained at conclusion of two day in-person mediation.

\$30 million dispute between owner and terminated replacement general contractor for methanol production facility being relocated from Rio de Janerio to West Virginia. Complex claims included delay, extra work, over-billing and wrongful termination.

\$37 million construction claim and surety dispute involving 8 parties, several liability insurance carriers and a surety arising out of the engineering, procurement and construction of a natural gas liquefaction facility and related terminal upgrades at a project located in Georgia. Two in-person mediations held in Atlanta.

\$40 million dispute between owner and general contractor arising out of the construction of a chemical plant in West Virginia. Claims included termination, delay, disruption, liquidated damages and excessive billing under T&M contract. In-person mediation held in Charleston, W. Va. and included "hybrid" virtual appearances by foreign representatives.

\$35 million dispute arising out of the construction and design of a luxury apartment development in Minnesota. Claims included construction and related liability insurance disputes, as well as separate first-party builder's risk insurance claims and disputes. All construction and insurance claims were successfully resolved during a year long mediation process that included two in person mediations in Minneapolis.

\$20 million first party insurance dispute between Chicago hotel owner and insurer arising out of alleged business interruption and extended period of indemnity loss caused by civil unrest and property damage that closed the hotel during the pandemic. All claims successfully resolved through in-person mediation.

\$10 million construction dispute arising out of the construction of a mixed use/commercial - residential condominium building located in Chicago. Successful resolution of complex claims among all eight parties obtained using an in-person and "hybrid" Zoom mediation process, as well as extended post-mediation negotiations with parties and "wrap" insurance carrier.

\$36 million dispute arising out of the construction of a luxury high rise mixed-use commercial/residential condominium tower in Chicago. Successful resolution of Phase I claims between Condominium Association and Developer obtained at Phase I mediation conducted via Zoom. Phase II claims, including alleged defects in stone wall and entire glass clad exterior façade, successfully resolved at in-person mediation in Chicago attended by eight parties and several insurance companies, including the "wrap" insurance carrier for the project.

\$2 million construction claim and counterclaim between general contractor and door supplier in connection with construction of high end hotel in Chicago. Successful resolution at in-person mediation.

Representative Issues Handled as a Mediator

Commercial construction projects (including refineries, chemical plants, fabrication facilities and warehouses).

Residential construction projects (including low rise condominium buildings, high rise

condominium towers, apartment buildings).

Construction defect claims including those arising out of windows, exterior façades, stone, masonry, roofing, carpentry, plumbing, HVAC, concrete, foundations, and soil conditions.

Design defect/professional liability claims including those arising out of architectural design, structural engineering, and project management.

Construction project business claims including those arising out of delay, disruption, acceleration, liquidated damages, waiver of consequential damages, the appropriate measure of damages, flow-down clauses, guarantee, warranty, indemnity and UCC.

Insurance claims and issues including those arising out of commercial general liability (CGL) policies, “wrap” insurance policies, first party property insurance and professional liability coverage.

Mediator Style & Process Preferences	My goal at every mediation is to provide a dispute resolution process that enables the parties engage in informed and realistic risk assessment and the opportunity to negotiate a reasoned and reasonable settlement. I collaborate with counsel at the start of the engagement to develop and implement an appropriate mediation process specifically for their dispute. This includes a discussion about the kinds of pre-mediation information exchanges that can be helpful to the parties’ risk assessment and potential resolution. I also usually conduct pre-mediation Zoom conferences with each party’s counsel and key client representatives. I conduct mediations in-person and via Zoom (including multi-party mediations). I also use a “hybrid” process where some participants appear in person and some appear remotely. Whatever the format, I actively participate at the mediation as both a facilitative and, when appropriate, evaluative mediator to help the parties negotiate resolution.
Technology Proficiency	Fully proficient with Zoom and other remote meeting platforms. Routinely handles arbitrations and mediations in person and via Zoom, including matters where some participants appear in person and some participants appear remotely.
Education	George Washington University - The National Law Center (JD-1982); Washington University in St. Louis (BA-1978).
Professional Licenses	Admitted to the Bar: Illinois (1982), Maryland (1982-inactive); US District Court: Northern District of Illinois (1984), Trial Bar Northern District of Illinois (1984); US Court of Appeals: 7th Circuit (1985).
Professional Associations	American College of Construction Lawyers; ABA Forum on the Construction Industry; Society of Illinois Construction Attorneys (Past President); American College of Coverage Counsel, ABA Insurance Coverage Litigation Committee.
Recent Publications & Speaking Engagements	Numerous articles and lectures regarding arbitration, mediation, construction claims and how best to resolve disputes short of trial. Also, numerous articles and lectures about insurance coverage in the construction claim context. Articles have been cited and quoted by courts throughout the United States, including several state supreme courts. (For a more complete list, please see https://www.shapiroadr.com/thought-leadership .)
Locations Where Parties Will Not be Charged for Travel Expenses	No travel charge for arbitrations in the continental United States No charge - Zoom/Virtual Hearings
Mediation Rate	\$5,500 Per Day
Languages	English
Citizenship	United States of America
Locale	Chicago (Wilmette), IL

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.