



AAA Mediation.org™

**FN-2508140 MN-2508140 LN-2508140,  
Esq.**

Newark, New Jersey

**Current Employer-Title** Gibbons P.C.-Director

**Profession** Attorney

**Work History** Counsel, Gibbons P.C., 1999 - Present; Summer Associate, Hannoch Weisman, 1998 - 1998.

**Experience** Legal career is concentrated in construction litigation and construction counseling representing public and private owners, developers, contractors and subcontractors in their capacity as plaintiffs and defendants. Successfully litigated and arbitrated multi-party matters involving a variety of construction contract claims, including design and construction defects, delays, liens, bonds, change orders, payment disputes and damage limitation provisions. Claim amounts have ranged from the lower six figures to upwards of \$10 million.

Significant experience negotiating and drafting contracts for projects involving labs, academic centers, medical institutions, public schools, laboratory facilities, hi-rise office buildings, energy facilities and building additions of varying sizes. Notable contracts include: design and construction agreements for a \$225 million addition to a major Tri-State area medical center; architect and engineer agreements for a new tri-state area Medical School; template AIA master services agreement for a leading American manufacturer of commercial and consumer products; and public private agreements for large scale public transportation projects.

Frequent lecturer on topics such as AIA agreements, Public Private Contracts and Unit Pricing. Adjunct professor at Montclair State University and guest speaker at Rutgers School of Law-Newark.

**Mediator Experience** Mediated in a wide array of business disputes, including: breach of contract, construction liens, change orders, consumer fraud, payment disputes, and construction defects.

Total Number of Cases Mediated: Approximately 25

References:

Richard A. Vrhovc, Esq., Phone: (973) 779-2001, Email: ttpv3093@msn.com

Steven W. Wells, Esq., Phone: (716) 983-4750, Email: steve@wellspc.com

Richard S. Mazawey, Esq., Phone: (973) 777-6401, Email: richard@mazlawfirm.com

Matthew Lakind, Esq., Phone: (201) 343-1100, Email: mlakind@tesseractcohen.com

Robert J. MacPherson, Esq., Phone: (908) 489-3518, Email: rmacpherson@cokinoslaw.com

Years of Experience as a Mediator: 10

**Representative Issues** Breach of contract - Scope of termination for cause provision; what damages constitute

<b>Handled as a Mediator</b>	<p>consequential damages; recovery for delay; interpretation of scope of work</p> <p>Construction liens - Definition of lien fund; timeliness of lien</p> <p>Consumer fraud - Warranty and repair obligations of car dealership</p> <p>Payment disputes - Pay when paid provisions, paid if paid provisions</p> <p>Construction defects - Allocation of liability between contractor and its subcontractors.</p>
<b>Mediator Style &amp; Process Preferences</b>	<p>My principal role as the mediator is to facilitate communication between the parties to help them reach a fair and voluntary resolution. I encourage the parties to raise all issues and to explore options that are "outside the box". I stress to the parties that unlike in litigation, through mediation they control the outcome of their case. I expect the parties to be prepared and active in the negotiations, even if represented by counsel, stressing that the mediation is confidential and my role is that of a neutral. If the parties reach a resolution, I ask the parties to reduce the core terms to a signed writing before concluding the mediation.</p>
<b>Education</b>	<p>Rutgers School of Law, Newark (JD, order of the coif-1999); Montclair State University (BA, Political Science, magna cum laude-1996).</p>
<b>Professional Licenses</b>	<p>Admitted to the Bar: New York (2000), New Jersey (1999); U.S. District Court: District of New Jersey (1999), Eastern and Southern Districts of New York (2005).</p>
<b>Professional Associations</b>	<p>American Bar Association New Jersey State Bar Association Professional Women in Construction.</p>
<b>Recent Publications &amp; Speaking Engagements</b>	<p>Publications:</p> <ul style="list-style-type: none"> <li>-Governor Murphy Signs Executive Order Number 142 Allowing Resumption of Non-Essential Construction, Curbside Pick-Up from Non-Essential Retail Stores, and Gatherings in Vehicles, Gibbons P.C. Business Litigation Alert, May 20, 2020</li> <li>-Recent NJ Appellate Division Decisions Leave Lien Claimants '0 and 2', New Jersey Law Journal, April 27, 2020</li> <li>-Governor Murphy Signs Executive Order Number 122 to Cease All Non-Essential Construction Projects and Impose Additional Mitigation Requirements, Gibbons P.C. Business Litigation Alert, April 14, 2020</li> <li>-Construction Law Update: Case Law and Legislation Affecting the Construction Industry, ABA Forum on the Construction Industry, 2015-2016, 2014-2015, 2013-2014, 2011-2012.</li> <li>-Missed the Starting Gun? Application of the Statute of Repose in Construction and Defective Product Cases, Gibbons P.C. Business Litigation Alert, Lisa Lombardo, Robert J. MacPherson, June 03, 2015.</li> <li>-Update from the Courts: Lost Profits Considered Direct Rather Than Consequential Damages by New York Court of Appeals Under Construction, the Newsletter of the ABA Forum on the Construction Industry September 2014.</li> <li>-New York State's Design Build Statute May Pave the Way for Public Private Partnerships, Gibbons P.C. Business Litigation Alert, Lisa Lombardo, Robert J. MacPherson, May 01, 2013.</li> </ul> <p>Speaking Engagements:</p> <ul style="list-style-type: none"> <li>-Lorman Education Services Webinar, "Is the Price Really Right? A Look at Unit Price Contracts", March 24, 2021 and October 9, 2018</li> <li>-Gibbons Academy, "'Arbitration Rules and Procedures' Not An Oxymoron", August 20, 2020</li> <li>-Lorman Education Services Webinar, "Contract Provisions Subcontractors Need to Know About", February 24, 2020</li> <li>-American Arbitration Association, "Seeking Efficiency and Economy in Arbitration: The Attorneys Role," October 18, 2018</li> <li>-Lorman Education Services Webinar, "Identifying Troublesome Contract Clauses and Their Solutions," January 30, 2017.</li> <li>-Lorman Education Services Webinar, "The ABC's of PPPs - A Primer on Public Private Contracts," April 27, 2016, August 20, 2014 and February 19, 2014.</li> <li>-Session Coordinator, ABA Construction Industry Fall Meeting, "Nuts and Bolts of a Public Private Partnership," September 26, 2013.</li> </ul>

-Design Build Institute of America, "P3 Projects and Design Build - What You Need to Know and How to Strengthen Your Position," Rochester, NY, April 18, 2013.  
-Associated General Contractors of New York State, "P3: Potential, Profit or Pitfall - What You Need to Know," Saratoga Springs, NY, December 5, 2012.

<b>Mediation Rate</b>	\$515 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Newark, NJ

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.