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Philadelphia, Pennsylvania



Current Employer-Title Cozen O'Connor - Construction Practice Chair

Profession Attorney

Work History Shareholder, Cozen O'Connor, 2017 - Present, Chair, Construction Practice Group; Partner/Attorney, Pepper, Hamilton, 1973-2017; Chairman Emeritus, Construction Practice, Chairman, Construction Practice Group, 2000-2014; Co-Chairman, Construction Practice Group, 1999-2000; Member, Executive Committee, 1997-2003 (Vice Chairman, 1999-2000); Member, Compensation Committee, 1993-1996 and 1998-1999 (Chairman, 1993-1996).

Experience 100% of practice devoted to construction law matters, primarily representing owners, developers, and architects, engineers, designers, suppliers, manufacturers and sureties/insurers involving public and private commercial, heavy/highway, industrial, institutional and residential projects. Litigated major construction related disputes in almost every type of forum (arbitration, jury trial, bench trial, state and federal courts, federal and state administrative agencies, mini-trial, mediation proceedings, and international arbitration), throughout the United States and abroad (more than half the trial work at domestic and international arbitrations). Also provides advice on construction related problems to contractors, owners and developers including contract administration; overseeing the workout of various defaults and sureties; contract documentation and dispute resolution.

SUBJECT MATTER EXPERIENCE:

As lead counsel, has litigated the following issues in court and at arbitration:
Construction failures regarding: Coatings, Concrete, Curtain-Wall Systems, Electrical Systems, Glass, Mechanical Systems, Steel, Stucco, Soils, Subsurface Subsidence, Waterproof Systems, Delay and Disruption, Construction Termination, Termination for Convenience, Wrongful Termination, Scope of Work Disputes.
Equipment/System Performance failures regarding: Chemical Plants, Environmental Projects, Manufacturing Facilities, Refineries, Water and Sewage Treatment Facilities.

As lead counsel, has litigated in court and at arbitration the following types of construction projects: Casinos, Chemical Processing Plants, Colleges and University Projects, Convention Centers, High-rise Towers, Hospitals and Medical Campuses, Hotels, Manufacturing Facilities, Oil and Gas Pipelines, Oil Refineries, Parking Garages, Power Plants, Processing Plants, Rail Systems, Research

Laboratories, Roads, Highways and Bridges, Water and Sewage Treatment Facilities.

Mediator Experience

Served as a mediator at the requests of the parties and counsel in several major disputes.

One matter involved multiple payment and quality of work issues between a high-end developer and a major health care provider. Literally scores of issues were resolved to the satisfaction of the parties.

Another matter involved a dispute between a designer and owner regarding alleged deficiencies in a HVAC system. All matters were resolved pursuant to a detailed written opinion issued at the request of the parties.

Most recently served as a mediator of a multi-party claim by a community college vs. an architect and four sub-consultant designers, for multiple alleged design deficiencies.

On behalf of clients, has participated in more than forty successful mediations, many involving more than \$20 million, and as much as \$400 million in disputes.

Representative Issues Handled as a Mediator

1. Design deficiencies.
2. Construction failures.
3. Delay and disruption on construction projects.
4. Concrete issues.
5. HVAC issues.
6. Electrical issues.
7. Unforeseen subsurface conditions.
8. Inspection issues.
9. Payment issues.

Mediator Style & Process Preferences

My approach to the parties and the process is one of respect. Respect for the parties, the lawyers and the process. I emphasize to the parties that my role is to facilitate their negotiation and that they own the process, not me. I am likely to ask each person in attendance to commit to everyone to make every personal effort to try and make the process work. I stress that I will likely spend most of my time listening. My personal style, given my background in trying these cases, is to question a party toward a resolution.

At the same time, the parties for whom I mediate are almost always very aware of my background in litigating substantial construction cases. More often than I like, the parties want my opinion on the merits of the various contentions. I will resist making any of these judgments until I think we are at a point where my solicited opinion will help resolve the matter.

As long as the parties are willing to work at resolution, I will be available to them.

Education

Susquehanna University (BA, Political Science-1970); Dickinson School of Law (JD 1973, magna cum laude)

Professional Licenses

Admitted to the Bar: Pennsylvania, 1973

Professional Associations

American Bar Association (Forum Committee on Construction Industry; Claims and Disputes Procedures Subcommittee; Fidelity and Surety Section); Pennsylvania Bar Association (Committee on Public Contract Law); American College of Trial Lawyers (Fellow); Advisory Board, Construction SuperConference.

Recent Publications & Speaking Engagements

Construction Litigation (Ed. I), published by the PLI (Editor & Author) 1980; Construction Litigation (Ed. II), published by the PLI (Editor and Author) 1992; Handling Construction Risk, published by the PLI, 2000; Termination of Contracts for Contractors, published by the PLI, 2001,

2002, 2003; Termination; A Primer on CPM for Lawyers, published by the PLI, 2004, 2005; Delays and Disruption; A Primer on CPM for Lawyers, published by the PLI, 2006, 2007; Construction Law Handbook, by Aspen Law & Business (Contributor: "Construction Failures"), 1999; Construction Business Form Book, by Aspen Publishers (Contributor: "Forms We Advocate When Representing the Contractor"), 2004; Construction Business Handbook, Aspen Publications (Contributor "Construction Failures"), 2004; Moisture Control in Buildings, ASTM (Contributor: "Legal Considerations and Dispute Resolution: The Water-Related Construction Failure), 1994; Moisture Control in Building 2d Ed., ASTM (Contributor: "Legal Considerations and Dispute Resolution: The Water-Related Construction Failure"), 2009; Pennsylvania Construction Law, Federal Publications Inc., (+/- 1990); Hazardous Waste Disposal and Underground Construction Law, published by John Wiley & Son., Inc., 2003.

Mediation Rate	\$750 Per Hour
Languages	English
Citizenship	United States of America
Locale	Philadelphia, PA

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.