



AAA Mediation.org™

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Wilmington, North Carolina

Current Employer-Title Hamlet & Associates PLLC - Of Counsel

Profession Attorney

Work History Of Counsel, Hamlet & Associates PLLC, 2012 - Present; Williams Mullen P.A., 2007 – 2012; Crosley McIntosh Prior & Collier PLLC, 1993 – 2007.

Experience Practice involves construction law and construction defect litigation. Representative projects include schools, power plants, health care facilities, student housing, residential apartments, hospitals, office buildings, transportation facilities, manufacturing and industrial facilities, roadway excavation and construction. Claims and disputes related to design/build, multi-prime, acceleration and delay, site conditions, termination, contractor default, contract interpretation and performance, change orders, design, and workmanship problems. Clients include private commercial and residential owners, local governments, prime contractors, public authorities, subcontractors, construction managers and design professionals.

Over 20 years of experience litigating and arbitrating all types of construction, commercial, and business disputes.

Business litigation experience includes disputes between partners over ownership and fiduciary duties, as well as corporate minority shareholder rights disputes.

Commercial litigation experience includes litigation and arbitration related to alleged breaches of sales and non-sales contracts, warranty claims, and enforcement of covenants not to compete.

Product liability experience includes defense of manufacturers in major class actions and litigation related to claims of defective installation of construction materials.

Mediator Experience As a North Carolina certified Superior Court Mediator from 2009-Present, averaged 25 mediations per year. Mediations and arbitrations have included all varieties of business disputes, with emphasis on construction disputes, including owner/contractor, owner/architect, contractor/architect, contractor/subcontractor. Disputes involve all types of projects including commercial, institutional, and residential. Arbitration experience also includes automobile accidents and complex business torts. The issues in mediated construction cases have ranged from product defects and installation errors to alleged design errors and changed site conditions resulting in delays. Mediated several dozen commercial disputes including business ownership issues, business torts and unfair trade practice claims.

Representative Issues Handled as a Mediator Construction cases have included the following issues: design and construction responsibilities and liability; water intrusion; design errors and omissions; bid discrepancies and bid mistakes; personal injuries and insurance coverage (GL and Builders' Risk); delay claims; acceleration and mismanagement claims; wrongful termination claims; and various commercial and real estate disputes.

Commercial and business cases mediated include disputed accounting of partnership and minority shareholder interests and breach of contract cases.

Mediator Style & Process Preferences In my view, the mediator's job is to be committed to keeping a conference going until the parties either reach a written settlement or to at a minimum make sure that every proposal that either party wishes to make has been revealed and communicated to the other party or parties. I do not to impose my opinions or recommendations on the parties, but I do encourage the parties to objectively evaluate their alternatives to a negotiated settlement including trial or arbitration, and to seriously consider every option presented by the other parties in the conference. To assist in reaching a settlement, I have to get the parties to engage in a dialogue about the issues and the alternatives to litigation. I also have to listen carefully to the parties and be able to communicate their position to the other parties.

I find that a thorough understanding of the negotiation and mediation process is as important as the substantive knowledge of the mediator. The best lawyers have a very good understanding of the strengths and weaknesses of their case and often simply need guidance with the negotiation process.

Education Norman Adrian Wiggins School of Law at Campbell University (JD); Wake Forest University (BA)

Professional Licenses Admitted to the Bar: North Carolina (1993), South Carolina, (2005).

Professional Associations Fifth Judicial District Bar, Past President; New Hanover County Bar Association; North Carolina Association of Defense Attorneys, Chair of the Construction Section; North Carolina Bar Association, Construction Law Section Council Member; North Carolina Dispute Resolution Commission, Certified Member; Associated Builders and Contractors of the Carolinas, Member and prior Government Affairs, Committee Member; Wilmington Cape Fear Homebuilders Association, Member.

Recent Publications & Speaking Engagements "The Kaleel Conundrum: Unsettled Questions Raised by Kaleel Builders, Inc. v. Ashby, 161 N.C. App. 34, 587, S.E.2d 470 (2003)," co-author with H. Mark Hamlet, W. Walter Rapp, and Jessica C. Tyndall: North Carolina Association of Defense Attorneys' 37th Annual Meeting and Seminar, June 12-15, 2014.

Mediation Rate \$375 Per Hour

Languages English

Citizenship United States of America

Locale Wilmington, NC

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.