



AAA Mediation.org™

FN-26028 MN-26028 LN-26028, Esq.

San Francisco, California

Current Employer-Title Arbitrator-Mediator

Profession Neutral-Construction, Real Estate, Commercial Litigation

Work History Shareholder, Rogers Joseph O'Donnell, 2009-2021; Partner, Richardson & Welhelmy, 2004-2009; Partner, Field Richardson & Welhelmy, 1996-2003; Partner/Associate, Field Baker & Richardson, 1992-1996; Associate, Stark Wells Rahl Field & Schwartz, 1988-1992; Associate, Gibbons Lees Schaefer & Edrington, 1986-1988.

Experience Thirty-six years' experience emphasizing construction, real estate and general business litigation.

Experienced with public works infrastructure including highways, tunnels and bridges, schools, hospitals, and jails, in addition to private work including warehouses, golf courses, pipelines, power plants, solar and big box retail. Recent experience in disputes arising from the construction of memory care facilities.

Represented public and private owners, architects, engineers, contractors, subcontractors and suppliers. Represented national, regional and local contractors in litigation and in arbitration and mediation. Represents engineers in professional negligence claims. Specific experience in the representation of construction suppliers including plumbing and electrical materials. Extensive experience in retail, big box and commercial construction. Projects range in value from \$50,000 to over one billion dollars.

Represented clients in disputes involving excavation, grading and paving, soils and compaction, underground utilities, above ground and underground fuel storage tanks, foundations, asphalt and concrete paving, windows, curtain walls and exterior metal panels, framing, seismic upgrades and repairs, MEP including high voltage and low voltage electrical, heating, ventilation, air conditioning, and fire sprinklers as well as waterproofing and roofing. Represented design professionals of all types including architects, geotechnical and structural engineers,

Experienced in matters of scheduling, delays, impact, consequential damages and liquidated damages.

Real property disputes including misrepresentation and nondisclosure claims, title, easement and lot line disputes and commercial leasing.

Mediator Experience 250 disputes mediated for the Superior Court and under AAA Rules.

Representative Issues Handled as a Mediator Construction scheduling and scope of work disputes. Disputes arising from work performed without permits or plans, failure to follow plans or to obtain inspections; construction defects and delays; partnership disputes; loss of business and property damage from police shooting; dispute over sale of race car; multiple restraining order cases. Landlord tenant disputes.

Mediator Style & Process I am a strong proponent of mediation. I believe that mediation allows parties to control the resolution of their dispute and avoid the uncertainty and expense of trial or arbitration. I am of the

Preferences	opinion that mediators should serve as facilitators but I am not afraid to express my opinion when I think a party or their attorney is being unreasonable or has misvaluated the facts or law. I make it a practice to call counsel in advance of the mediation session to develop an understanding of the dispute, the procedural posture of the case and any unusual barriers to settlement. I follow up with counsel in the event the dispute is not resolved on the day of the mediation. I am proactive in developing mutually agreed plans to exchange information that may be needed in order for additional mediation efforts to be successful.
Education	University of San Francisco School of Law (JD-1985); University of California at Berkeley (BA, Political Science-1979).
Professional Licenses	Admitted to the Bar: California, 1986.
Professional Associations	Bar Association of San Francisco, ADR Section The Mediation Society Construction Lawyers Society of America.
Recent Publications & Speaking Engagements	"Dealing with Difficult Counsel, Parties and Witnesses in Arbitration" AAA Roundtable 2023; "Dispelling the Eight Myths of Arbitration" Construction Lawyers Society of America, 2020, The Alternative Dispute Resolution Guide, Chapters 3 and 12, Thomson-Reuters Publishing (2022); "Issues in Construction Mediation", LexVid 2014; "Arbitration for Litigators", California State Bar Annual Meeting, 2013; Speaker, "Pitfalls of the Subcontractor Listing Law", ACCE, February 2013; Author, Contractor Claims Where Public Agency Fails to Disclose Material Information, California Constructor, March 2011; Co-author, "Attorneys' Fees in Construction Disputes," Legal Brief, Associated General Contractors; Consultant, CEB California Mechanic's Liens and related Construction Remedies, 3rd Edition; Speaker, "Environmental Issues for Contractors"; Speaker, "Payment Remedies for Contractors"; Speaker, "Law for Design Professionals in California"; Speaker, "California Construction Law for Architects, Engineers & Contractors" and "Immunity for Public Agencies".
Mediation Rate	\$6,500 Per Day
Languages	English
Citizenship	United States of America
Locale	San Francisco, CA

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.