



AAA Mediation.org™

**FN-26321 MN-26321 LN-26321, Esq.**

**Aventura, Florida**



**Current Employer-Title**

Law Office of Deborah Mastin, PLLC – Attorney, Arbitrator, Mediator, Dispute Board Panel Member  
University of Miami School of Architecture – Masters of Construction Management Program Instructor  
University of Florida Law School – Instructor in International Arbitration

**Profession**

Attorney, Arbitrator, Mediator, Dispute Board Panel member

**Work History**

Law Office of Deborah Mastin PLLC., 2013 – Present; Faculty, University of Miami School of Architecture Construction Management Program, 2019 – Present; Assistant County Attorney, Broward County Attorney's Office, 2011 – 2013; Assistant County Attorney, Miami-Dade County Attorney's Office, 1978 – 2011; Attorney, Becker & Poliakoff P.A., 1976 – 1977; Attorney, Legal Services of Greater Miami Inc., 1975 – 1976.

**Experience**

**CONSTRUCTION, DESIGN AND ENERGY:** Arbitrator for disputes arising from design, construction and development of heavy infrastructure projects including highways, bridges and drainage; residential and commercial real estate projects, schools, marinas, power plants, energy distribution; solid waste disposal; represented County in over \$7 billion in projects, including airport expansion at Miami International Airport, Fort Lauderdale-Hollywood International Airport and general aviation airports, performing arts centers, museums, office towers, marinas, transit and automated people mover facilities, chiller plants, roads and utilities, environmental remediation, hazardous material, hotel and commercial fit-out for retail and restaurants, including transactional work and litigation in state and Federal courts.

**GREEN AND SUSTAINABILITY:** Accredited LEED Green Associate 2011-2012, drafted contract provisions for LEED compliance on construction projects; Program Co-Chair, "Greening the Law," Florida Bar continuing legal education 2011, panelist COAA

**COMMERCIAL CONTRACTS:** Arbitrator in disputes involving government procurement and private commercial and landlord/tenant transactions, copyright infringement, power sales; represented government in commercial real estate leases as both landlord and tenant; vehicle and equipment acquisition and lease-purchases; procurement of billions of dollars of all manner of goods and services for local government including professional accounting and consulting services, and acquisition of heavy vehicles and aircraft, radio and communications equipment; music, theatrical

and artistic works and services

**UTILITY AND POWER:** arbitrator for multi-million dollar disputes regarding electric power plants and power sales; represented public owner in contract negotiations for electric cogeneration plant, construction of industrial chiller plants, microwave tower installation, installation of underground fuel lines, communications ductbanks and power lines

**INSURANCE AND SURETY:** Arbitrator and advocate in disputes involving payment and performance bonds, letters of credit, comprehensive general liability insurance, public liability insurance, builders' risk insurance, railroad liability coverage, owner-controlled insurance programs

**BUILDING CODE and LICENSURE:** Arbitrator in disputes involving alleged breach of building code or licensing statutes; represented local building department, office of code compliance, and construction trades qualifying board

**TECHNOLOGY, COMPUTER, TELECOMMUNICATIONS, DATA, INTERNET:** negotiated multi-million dollar software licenses for end-user, software escrow agreements, and filed applications for copyright and domain name registration

**BANKRUPTCY:** represented government creditor in Chapter 7 and 11 cases of debtors who were commercial tenants at airports and parks

**ENTERTAINMENT AND VISUAL ARTS:** former counsel to Miami-Dade Film Board, Miami-Dade Cultural Affairs Council, Miami-Dade Art in Public Places Trust, Center for the Fine Arts, Broward County Cultural Affairs Division; drafted contracts with visual and performance artists, with theatrical producers and musicians; Florida Bar Entertainment Art and Sports Law Section (former Chair, former Executive Council)

**GOVERNMENT:** as advocate addressed issues of municipal authority and sovereign immunity, False Claims, Small and Disadvantaged Business programs, Davis-Bacon and local minimum wage requirements, environmental compliance, local and federal procurement and grant requirements

**INTERNATIONAL:** member of arbitration tribunal in international disputes involving parties from Caribbean, Europe, Central America; represented public owner holding multi-million dollar contracts with international contractors (including Brazil, Spain, France, Germany and Japan); past president of Dispute Resolution Board Foundation, Region 1 (USA and Canada), experience with FIDIC contracts; Fellow, Chartered Institute of Arbitrators.

## **Mediator Experience**

Mediated disputes between or among public and private owners and contractors, commercial developers, homeowners, subcontractors, construction managers, architects and engineers, sureties and insurers, in a variety of combinations, and between a retail tenants and property managers and landlords, between purchasers and sellers. Mediated in federal and state court and administrative disputes. Disputes have ranged from under \$75,000 to over \$40 million. Disputes have involved two parties or multiple parties, including insurers and indemnitors, subcontractors and design subconsultants.

## **Representative Issues Handled as a Mediator**

Construction and design issues arising from claims of defective design, late contractor performance, over-billing, defective work, mold, unforeseen conditions, delay, acceleration, labor underpayment, and owner interference. Damages sought have included delay damages, including extended general conditions, loss of profit, loss of bonding capacity, loss of opportunity, idle time, acceleration, and inefficiencies, all requiring understanding of critical time impact analysis and precedence diagrams. Also mediated copyright/ trademark infringement matters.

## **Mediator Style & Process Preferences**

Mediation works most often when the process delivers respect and dignity to each of the parties. I am a strong advocate of mediation, both as a mediator and as an advocate. Mediation offers the parties a real opportunity to control the ultimate outcome of an unpleasant situation, to shape the ultimate resolution, and to avoid and manage the expense inherent in the dispute resolution process itself. I have found that a successful mediation process is based upon trust, respect, and information. An uninformed disputant will not be able to recognize the strengths and the weaknesses of its position; a knowledgeable and informed disputant and counsel will be able to better evaluate the disputants' options. The mediator can assist the parties to find mutual ground upon which to base their resolution, and can clarify past miscommunications between the parties, and can remove

obstacles that were preventing resolution. I prefer to convene a mediation conference after initial information gathering has occurred. It is my job as a mediator to assist the parties to assess the information, and to provide a safe environment to realistically evaluate the potential outcomes in order to find closure.

## **Education**

Northeastern University School of Law (JD-1975); Massachusetts Institute of Technology (Architecture and Planning SB-1972).

## **Professional Licenses**

Admitted to the Bar: Florida (1976), Massachusetts (1975); U.S. District Court: Southern District of Florida (1976); U.S. Court of Appeals, Eleventh Circuit (1981); U.S. Bankruptcy Court: Southern District of Florida (1994); U.S. Supreme Court (1988). Florida Board Certified Construction Law (2007); Florida Certified Circuit Court Mediator (1996); Florida Qualified Arbitrator (2008); LEED Green Associate (2011-2012).

## **Professional Associations**

College of Commercial Arbitrators (Fellow); American College of Construction Lawyers (Fellow); Chartered Institute of Arbitrators (Fellow and Tutor in International Arbitration); Dispute Board Federation (Fellow); Dispute Resolution Centre of Trinidad and Tobago; Florida Bar (Real Property, Probate and Trust Law Section, Construction ADR Committee Chair; Construction Law Institute (co-vice chair), Construction Law Certification Course (past Co-chair), Construction Committee; International Law Section; Entertainment, Art and Sports Law Section, Past Chair); American Bar Association (Dispute Resolution Section; Forum on Construction Law, past Governing Committee; Intellectual Property Law Section; Public Contracts Section; Business Law Section, International Law Section and Litigation Section); Dade County Bar Association; Dispute Review Board Foundation (Past President Region 1, USA and Canada); Chartered Institute of Arbitration North American Branch, Board of Directors; Miami International Arbitration Society, Board of Directors; Arbitral Women; International Institute of Conflict Prevention and Resolution (CPR) (Construction and Environmental Committees, Construction and Commercial Neutrals Panel member); International Chamber of Commerce (ICC); International Bar Association (IBA), International Construction Projects Committee; London Court of International Arbitration; ConsensusDocs Working Group (DRB Addendum Committee Vice-chair); Airport Council International-North America; International Bar Association; International Chamber of Commerce; Florida Association of Women Lawyers; National Association of Women Lawyers, University of Miami School of Architecture Construction Management Advisory Council; American Institute of Steel Construction; American Society of Civil Engineers; AIA, AGC

## **Recent Publications & Speaking Engagements**

Publications: ADR from the Owner's Perspective, "Construction ADR," published by ABA 2014; Co-author, International and Globalization, "Construction Subcontracting," published by ABA 2014; Co-author "Identifying Design and Construction Provisions Impacted by and Impacting on Desired Green Building Goals and Objectives, "Green Building and the Construction Lawyer," published by ABA 2014; Co-author, Chapter 1, "Construction Defects", published by ABA 2012; "Admissibility of Written Decisions of Non-Binding Dispute Board", The Australian ADR Reporter, bulletin of the Chartered Institute of Arbitrators Australia, 2012; "Green Issues in Real Property Development", FLORIDA BAR JOURNAL 2011; Co-author, "To Mediate or Not to Mediate," DISPUTE RESOLUTION JOURNAL, August 2007; "Damages in Construction Litigation," FLORIDA CIVIL PRACTICE DAMAGES, Florida Bar, 6th ed. 2005.; columnist on art law issues, ART CALENDER, September, October and November, 1996; co-author, "Limited Editions of Fine Arts Multiples," FLORIDA BAR JOURNAL, 1992; "Purchasing and Bidding Requirements and Challenges," Florida Bar Continuing Legal Education, Florida Bar Local Government Law Section and Tulane University, 1991.

Speaking Engagements: 2016 AAA Construction Conference, "Don't Get Burned - Effectively Hot Tubbing Experts;" Florida Bar Construction Law Institute 2016, "Introduction to the Art of Hot-Tubbing;" 2016 Florida Bar Advanced Construction Law Certification Review Course, "Construction ADR;" University of Miami Law School Guest Lecture 2016, "Construction ADR;" 2016 American College of Construction Lawyers, "A View From the Tribunal - Effective Advocacy in Arbitration;" 2015 American College of Construction Lawyers, "Effective Mediation Advocacy;" Panelist, "Construction ADR", Florida Bar Construction Law Certification Review Course, 2014; "Trains, Planes and Autos - Infrastructure Financing and Delivery," ABA Business Law Section 2014; "international Use of Dispute Boards," ABA Dispute Resolution Section Spring 2014; "Use of Dispute Boards in the USA and Internationally", Dispute Board Foundation Australia, 2012; Panelist, "Best Practices for Dispute Boards", DRBF Brussels, Belgium 2011; Panelist, "Dispute Boards as to Preserve Relationships", ABA Dispute Resolution Section 2012; Faculty, "International

Dispute Resolution", Kings College, London, UK 2011; Presenter, "Airport Council International/AGC Project Delivery Summit," 2011; Presenter, "COAA Spring Conference," 2011; Program Co-Chair, "Greening the Law," Florida Bar, 2011; Faculty, "Counseling Clients with Public Contracts," Florida Bar Construction Law Institute, 2011; Presenter, "AAAE Project Planning and Construction Conference," 2011; Faculty, "Green Disputes", AAA/ICDR Neutrals' Conference 2010; Panelist, "Dispute Resolution Boards in Public Construction," ABA Section of Public Contract Law, 2010; "How to Guarantee your Public Construction Project will Cost Lots More Than It Needs To," Miami-Dade League of Cities, 2010; "Beyond Bid Protests," Florida Bar Construction Law Institute, 2010; Panelist, "Cultural Differences between International and Domestic Arbitrations," AAA/ICDR, 2010; Presenter, "Effective Advocacy in Mediation," ABA Dispute Resolution Section, 2010; Faculty, "How to Manage a Dispute Review Board," Florida International University School of Law, 2009; Panelist, "DRB's - A Practitioner's View," AAA, 2009; Presenter, "How to Spoil a Perfectly Good DRB," DRB Foundation, 2009; "Bid Protests and Other Peculiarities of Public Construction," Florida Bar Construction Institute, 2009; "Construction Defects from a Public Owner's Perspective," ABA Construction Industry Forum, 2008; Presenter, "Best Practices in Arbitration," ABA Dispute Resolution Section, 2007; "Third Party Subpoenas," AAA Neutrals Workshop, Miami, FL, 2005; "Owner's Perspective on ADR - Arbitration, Mediation

<b>Mediation Rate</b>	\$600 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Aventura, FL

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.