



AAA Mediation.org™

**FN-2694280 MN-2694280 LN-2694280,
Esq.**

Middletown, Connecticut

Current Employer-Title Di Gioia Berger, LLC - Partner

Profession Attorney, Arbitrator, Mediator

Work History Partner, Di Gioia Berger LLC, 2022 - present; Partner, McElroy, Deutsch, Mulvaney & Carpenter, LLP, 2010 - 2022; Partner/Associate, Pepe & Hazard LLP, 1997 - 2010; Associate, Garcia & Milas, 1994 - 1997.

Experience Mediator and arbitrator in proceedings involving a range of business disputes including complex design and construction issues. As an advocate, representation of contractors, subcontractors, construction managers, designers and owners in all manner of disputes and transactions arising in the design and construction industry. Representative projects include public and private laboratories, convention centers, hospitals, university facilities, power plants, water pumping stations, highways, bridges, science center, government office buildings, retail, schools and hotels. Prepares, prosecutes and defends claims on large and complex private and public construction projects. Prepares, prosecutes and defends claims against surety bonds, including payment and performance bonds. Prepares, prosecutes and defends against mechanic's lien on large and complex construction projects. Prosecution and defense of bidding disputes on public construction projects. Prosecution and defense of wrongful termination claims brought by contractors and design professionals. Prosecution and defense of condominium defect cases and other claims under the Common Interest Ownership Act. Preparation and review of contract documents for projects of all sizes, including many projects exceeding \$50 million. Prosecuted administrative proceeding before various boards and agencies. As an advocate, successfully litigated several complex design and construction disputes in state and federal courts. As an advocate, successfully arbitrated several complex design and construction disputes under the American Arbitration Association Construction Rules. As an advocate, successfully mediated several complex design and construction disputes. Appellate practice before the Connecticut Supreme Court, Connecticut Appellate Court and Federal Circuit Court. Between 1987 and 1991, held mechanical engineering positions in areas of plumbing, heating ventilation and air conditioning and manufacturing.

Mediator Experience Large value construction mediations involving contract disputes and design and construction defect claims.

Representative Issues Handled as a Mediator Commercial, residential and consumer civil disputes. Complex construction and design disputes involving various issues including breach of contract, delay, design and/or construction defect. Condominium disputes arising under the Common Interest Ownership Act. Disputes arising under the Home Improvement Act. Attorney fee disputes.

Mediator Style & Process Preferences Mediation is an opportunity for the parties to conclude their dispute in a manner that benefits all parties.

Through frank and confidential discussions with the parties, a mediator can help the parties identify opportunities for resolution which are superior to the outcome that would likely result from formal

dispute resolution in arbitration or litigation.

My approach is primarily to facilitate and encourage the parties' efforts to resolve their disputes through a discussion of their objectives and circumstances. With the agreement of the parties, I will confidentially evaluate issues within the scope of my experience when it is likely to promote a reasonable settlement.

Education	Clarkson University (BS, Mechanical Engineering-1987); University of Connecticut (JD-1994).
Professional Licenses	Admitted to the Bar: Connecticut, 1994; New York, 1995; Massachusetts, 2009; New Hampshire, 2013; Vermont, 2017; U.S. District Court: District of Connecticut, 1995; Southern District of New York, 2010; District of Massachusetts, 2012; District of New Hampshire, 2014; Western District of Wisconsin, 2014; U.S. Court of Appeals, Second Circuit, 1996; U.S. Court of Federal Claims, 2004.
Professional Associations	American Bar Association, Forum on the Construction Industry; Connecticut Bar Association, Construction Section Executive Committee and ADR Section Executive Committee.
Recent Publications & Speaking Engagements	<ul style="list-style-type: none">- A Practical Guide to Arbitration in Connecticut (Speaker)(2019)(Connecticut Bar Association);- Fifty State Construction Lien and Bond Law, (Book - Author of Connecticut Chapter and supplements)(1998-2022)(Aspen Publishers);- State-by-State Guide to Architect, Engineer, and Contractor Licensing (Book - Author of Connecticut Chapter and supplements)(1998-2022)(Aspen Publishers);- State by State Guide to Construction Contracts and Claims(Book - Author of Connecticut Chapter)(2005-2022)(Aspen Publishing);- Practical Steps to a Comprehensive Ethics Program (Article - July 28, 2008)(Engineering News Record);- Connecticut Construction Guidelines (Book - Contributing Author)(2011)(Connecticut Building Congress and American Institute of Architects Connecticut);- Construction Law Update (Program Moderator)(2010)(Connecticut Bar Association Construction Section).
Locations Where Parties Will Not be Charged for Travel Expenses	No travel fees within New Haven to Hartford (I-91) corridor.
Mediation Rate	\$250 Per Hour
Languages	English
Citizenship	United States of America
Locale	Middletown, CT

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.