



AAA Mediation.org™

FN-28628 MN-28628 LN-28628, Esq.

Pittsburgh, Pennsylvania

Current Employer-Title Eckert Seamans Cherin & Mellott, LLC - Member
Chief Executive Officer

Professional Summary A detailed list of major professional work in the area of construction and commercial law and alternate dispute resolution experience may be found in my online bio.

Profession Attorney

Work History Partner/Associate (Chief Executive Officer), Eckert Seamans Cherin & Mellott, LLC, 1987-Present.

Experience Practice covers a broad range of civil litigation, with emphasis on construction law and commercial and contract disputes. Eighty percent of practice is devoted to construction law, handling both public and private projects (commercial, heavy/highway, industrial, institutional, and residential); claims at issue range from \$25,000 to \$20 million. Handled all types of claims including delay, impact, loss of productivity, differing site conditions, defective work, extra cost, architectural and engineering errors and omissions and overcharges, and default. Representing private owners, public agencies, developers, prime contractors, subcontractors, design professionals, equipment manufacturers and suppliers, and sureties. Representative projects include hydroelectric plants, hotels, casinos, steel mills, bridges and highways, hospitals, office buildings, schools, laboratories, greenhouses, gas transmission facilities, water plants, sewer plants, airports, stadiums, factories and process facilities, and environmental remediation sites. Substantial design build, fast track, EPC and turn key project experience.

Handled numerous commercial cases involving diverse areas such as supply contracts, professional baseball, banking, franchises, and RICO.

Mediator Experience Routinely involved for over 30 years as an advocate representing parties in mediation proceedings across the United States in over 200 such mediations as an advocate. Have served as the mediator in over 100 mediations over the last seven years while still maintaining an active litigation practice. Many of those mediations involved multiple parties, up to 14 parties including owners, contractors, subcontractors, architects, engineers and sureties) and multiple days due to the complexity. Mediated cases run the gamut of projects including schools, colleges, baseball fields, water and waste water plants, dormitories, assisted living homes, pipeline projects, air force bases, structural steel, baseball fields, retirement villages, coal mines, churches, steel mills, forge presses, power plants, bridges, engineering fee disputes, surety disputes, parking garages, roofing systems, retaining walls and bus garages and commercial cases such as shareholder and partnership disputes and all forms of breach of contract cases.

Representative Issues Handled as a Mediator Mediated cases have involved the entire range of issues commonly litigated in construction disputes including claims for extra work, defective specifications, delays, impacts, inefficiencies, errors and omissions by professionals, differing site conditions, defective work, contract interpretation disputes, payment and performance bond disputes and fee disputes. Mediated commercial cases involving shareholder and partnership disputes and all types of breach of contract cases. Mediated numerous multi-party disputes involving upwards of 14 parties.

| | |
|---|---|
| Mediator Style & Process Preferences | I receive and study the material in advance of the mediation and call counsel several days prior to the mediation in order to start the discussions and make sure the issues have been identified and the parties have exchanged the necessary information. At the mediation, I utilize my experience in the construction field and as an experienced commercial trial attorney and litigator to cause the parties to critically evaluate their arguments and the potential upsides and downsides. I work hard to develop a rapport with the decision makers as well as counsel. At an appropriate point in the mediation, I will then pivot the discussion to potential settlement terms and aggressively work the parties in order to find a common ground of resolution. I do not quit. I have a lot of repeat users which I take as a testament to my style and philosophy. |
| Education | University of Notre Dame (JD-1987); Dickinson College (BA, Political Science/History-1984). |
| Professional Licenses | Admitted to the Bar: Pennsylvania (1987), West Virginia (2008); U.S. District Court: Western District of Pennsylvania (1987), Southern District of West Virginia (2008); U.S. Court of Appeals: Third Circuit (1996), Fourth Circuit (2002); U.S. Supreme Court (2005). |
| Professional Associations | Pennsylvania Bar Association (Alternate Dispute Resolution); Allegheny County Bar Association (Construction Law Practice Group). |
| Recent Publications & Speaking Engagements | Representative matters include: "An ADR Primer for General Counsel," GC MID-ATLANTIC MAGAZINE, July 2007; "A Primer on the Basics of Construction Law," LEGAL STRATEGIES FOR THE CONSTRUCTION INDUSTRY, Aspatore Books, 2005; Recorded Speech on ADR, Alternative Dispute Resolution Conference, Reed Logic, 2005; speaker, AAA Roundtable on Complex Construction Arbitration, November 2004; numerous continuing legal education and firm publication articles on construction law and alternate dispute resolution issues. Complete listing of articles and speaking engagements on line at www.eckertseamans.com . |
| Mediation Rate | \$495 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Pittsburgh, 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.