



AAA Mediation.org™

**FN-2893368 MN-2893368 LN-2893368,
Esq.**

Austin, Texas



Current Employer-Title Law Office of Jason C. Spencer

Profession Arbitrator, Mediator, Umpire, Attorney

Work History Attorney, Law Office of Jason C. Spencer, 2017 - Present; Executive Vice President, Journeyman Construction, 2015-2017; Shareholder, Andrews Myers P.C., 2013-2015; Shareholder, Ford Nassen, 2002-2013; Attorney, Law Office of Jason C. Spencer, 1994-2001.

Experience Practiced in the area of construction law since 1994, now focusing on arbitration and mediation. Experience in the litigation and arbitration of construction disputes involving construction defects, contract disputes, mechanics liens and bond claims. Litigated and arbitrated complex construction disputes before judges, arbitrators and juries involving commercial buildings, highways, rail projects, condominiums, water and wastewater treatment plants, schools and industrial projects. Extensive experience litigating and arbitrating disputes concerning underground utilities, site work and paving defects. Also has experience litigating and arbitrating complex delay claims and is familiar with schedule analysis and methodology. Extensive construction defect experience and understands commercial general liability insurance issues related to same.

Certified by the U. S. Green Building Council as a LEED® (Leadership in Energy and Environmental Design) Green Associate and handles cases related to the sustainable "green" components of LEED projects. Has published articles and presented seminar papers and continuing legal education seminars on a variety of construction law subjects.

Presently serves as a AAA Umpire in the Neutral Umpire Program to Resolve Insurance Appraisal Disputes.

Mediator Experience Conducted many mediations since the 90's with law practice now focused on ADR. Mediating construction disputes is a major part of law practice. Since 1994, have also mediated hundreds of cases as a party participant.

Representative Issues Handled as a Mediator Construction defects, insurance issues, delay claims, water intrusion / mold, homeowners association disputes, mechanic's lien and payment bond claims (private and public), OSHA matters,

construction accidents, breach of contract, warranty claims, road and bridge disputes, water and wastewater treatment plant disputes, construction disputes with cities and counties, TxDOT claims.

Mediator Style & Process Preferences	I have an evaluative mediation style. Evaluative mediation is a style of mediation that was developed out of court-mandated mediation and is a process that is patterned after the typical settlements held by judges. A mediator who practices evaluative mediation helps the parties in conflict arrive at a resolution by showing them the weaknesses in their case and evaluating what a judge or jury would be likely to decide if the case were brought to litigation. Focusing on legal rights of the parties instead of “fairness”, as an evaluative mediator I will likely meet with each party and their attorney in separate meetings. The process of evaluative mediation usually involves a point-by-point evaluation of cost vs. benefits in deciding to pursue legal action in a case, and because of this, most evaluative mediators are attorneys like myself.
Technology Proficiency	Proficient in conducting multi-party mediations and arbitrations via the Zoom platform.
Education	St. Mary's University School of Law (JD-1993); University of Innsbruck's Institute on World Legal Problems in Innsbruck, Austria (1992); The University of Texas at Austin (BA, Political Science-1990).
Professional Licenses	Admitted to the Bar: Texas (1994). Board Certified, Construction Law - Texas Board of Legal Specialization); Certified U.S. Green Building Council as LEED (Leadership in Energy and Environmental Design) Associate.
Professional Associations	State Bar of Texas (Construction Law Section; Council Member; Foundation Member; Pattern Jury Charge Committee); Associated General Contractors - Austin (Legal Affairs Committee, Chairman); Austin Bar (Past Board Member; Construction Law Section, Past Chair, Vice Chair, and Treasurer); American Bar Association (Forum on the Construction Industry; Litigation Section); College of the State Bar; State Lien Law Reform Committee (2012 – 2015).
Recent Publications & Speaking Engagements	<p>Lien Law Reform Historical Perspective and Why It’s Time To Overhaul Texas Lien Statutes, presented to the Texas Board of Directors of the Associated Builders and Contractors annual meeting, Austin, Texas 2013</p> <p>Leedigation Green Building and Construction Disputes, published in the Construction Law Journal, official publication of the Construction Law Section of the State Bar of Texas, Vol. 9, No. 2, 2012</p> <p>The Twelve Important Construction Contract Clauses When Drafting and Negotiating, presented at World of Concrete, Las Vegas, Nevada, 2012</p> <p>Green and Sustainable Building and LEED Certification: Best Drafting Practices, presented at The University of Texas School of Law 2011 Construction Law Conference, Dallas, Texas 2011</p> <p>New Green Pitfalls in Old Design Contracts Managing Architect Risks on LEED Projects, presented to The American Institute of Architects (AIA) 2011 Summer Conference, Austin, Texas 2011</p> <p>Contract Risks on LEED Green Construction Projects, published by Greater Austin Contractor & Engineers Association, Austin, 2011</p> <p>New Green Pitfalls In Your Old Construction Contracts, presented at the 24th Annual Construction Law Conference of the State Bar of Texas, San Antonio, 2011</p> <p>Construction Management Seminar, presented at Lorman Seminar, Austin Texas, 2010</p> <p>Contractor Risks on LEED and Green Construction Projects, published by Engineering News Record, Texas & Louisiana, 2010</p> <p>New Green Pitfalls In Old Construction Contracts Green Building, presented to AGC National Convention, Orlando, Florida, 2010</p> <p>Contracting Risks LEED Green Building, presented to Construction Law Section of the Austin Bar Association, Austin, Texas 2010</p>

Texas Lien and Public Payment Bond Claims, presented to Associated General Contractors - Texas Building Branch, Austin, Texas, 2009

AGC Industry Issues Panel, panel member at Associated General Contractors conference discussing economic and legal impacts to the construction industry, Austin, Texas, 2009

The New Contingent Payment Law, analysis of new Texas pay if paid law presented to various trade organizations 2007-2008

The Dirty Dozen Important Construction Contract Clauses, presented at World of Concrete, Las Vegas, Nevada, 2008

AGC Contingent Payment Law Manual, co-author with other construction attorneys from around the state on statewide publication, 2007

Texas Lien and Public Payment Bond Claims, presented twice to Associated General Contractors - Texas Building Branch, Austin, Texas, 2005

Construction Lien Law In Texas, presented at Lien Law Seminar, San Antonio, Texas, 2005

Manufacturers Products Liability Under the New Rule Published in the Environmental Law Update; also presented to the Southwestern Brick Institute, Ft. Worth, Texas, 2004

Bill Analysis of HB 4: Contractors Products Liability Under the New Rule, Published in the Texas Aggregate Contractors Association Magazine, 2004

Litigation of Mechanics Liens, presented at Lorman Lien Law Seminar, Austin Texas, 2003, 2006, 2007

2003 Legislative Update: Construction Law Presented at Seminars, Austin Texas & San Antonio Texas, 2003

Defending the Mold Claim, presented at Lorman Seminar, San Antonio, 2003

Big Changes Hammered In Construction Law by the Texas Legislature Published in the Environmental Law Update, 2003

Implied Warranties in Residential and Commercial Construction: Humber to Centex. What's Next? Published in the Environmental Law Update, 2003

Homeowner Litigation: Claims Against the Builder, presented to Travis County Construction Law Section, 1999

Section 8(f) Under The Deklewa Rules: Are Representatives Elections Really Not Feasible in the Construction Industry? St. Mary's School of Law, 1993.

Locations Where Parties Will Not be Charged for Travel Expenses

Within 50 miles of Austin Texas. Proficient at conducting mediations via the Zoom platform.

Mediation Rate

\$3,200 Per Day

Languages

English

Citizenship

United States of America

Locale

Austin, TX

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.