



AAA Mediation.org™

FN-321 MN-321 LN-321, Esq.

Salt Lake City, Utah



Current Employer-Title	Babcock Scott & Babcock - Shareholder- President
Profession	Civil Engineer; Attorney - Construction Project Disputes and Claims Resolution
Work History	Shareholder, Babcock Scott & Babcock (formerly Walstad & Babcock P.C.), 1984-present; Partner, Walstad, Kasimer, Tansey & Ittig, 1982-84; Attorney, McMurray, McIntosh, Butler & Nielson, 1979-82.
Experience	<p>A Martindale-Hubbell A-V rated attorney with over 40 years of experience representing parties exclusively from the construction industry including owners, general contractors, subcontractors, suppliers, design professionals, sureties, and insurance companies. Experience in both public and private projects ranging in value to over \$100 million, including high-rise, shopping centers, industrial and manufacturing plants, natural gas pipelines, underground utilities, schools, power plants, resort condominiums, apartment complexes, hotels, highways, dams and large excavations, courthouses, and government installations. Disputes involve interpretation of plans and specifications, bidding issues, construction and design defect matters, change orders, differing site conditions, termination, delay, disruption, acceleration and payment, and performance bond claims. Recipient of the following awards: Outstanding Service to the Utah Construction Industry Award, Associated Builders and Contractors, Utah Chapter, 1994; Service to the Industry Award, Associated General Contractors, Utah Chapter, 1989.</p>
Mediator Experience	Mediated numerous construction industry disputes in commercial, industrial and residential projects.
Representative Issues Handled as a Mediator	Mediated numerous disputes in the construction industry including change orders, differing site conditions, design errors, delay damages, acceleration claims, defective work claims, payment disputes, scope of work issues, contract interpretation issues, termination issues, payment and performance bond issues, and bidding mistakes and scope of bid issues.
Mediator Style & Process Preferences	<p>My philosophy is to help the parties in their risk analysis of their position in the dispute. As a mediator I see my role as a sounding board and a reality to check to the parties in providing, if requested, another opinion about the strengths and weaknesses of their case. I am much more of an evaluative mediator rather than a facilitative mediator. I expect the parties to have made a reasonable evaluation of their case prior to coming to the mediation. The biggest stumbling block to a successful mediation is a lack of understanding of the facts so that the parties can work toward a</p>

resolution. When parties see the facts totally differently, the mediation process is much more lengthy and may need to be adjourned and reconvened after the parties have spent some more time understanding the facts.

Education	Brigham Young University (BS, Civil Engineering, magna cum laude-1976; JD, cum laude-1979)
Professional Licenses	Admitted to the Bar: Utah (1979); U.S. District Court, District of Utah (1979); U.S. Court of Appeals: Ninth (1979), Tenth (1979), and Federal (1994) Circuits; U.S. Court of Federal Claims (1979).
Professional Associations	Associated General Contractors (Utah Chapter, Legal Advisory Committee; Legislative Committee); Associated Builders and Contractors (Utah Chapter, Past Chapter Counsel; Legislative Committee); Surety Association of Utah; Construction Financial Managers Association (Board of Directors); American Society of Civil Engineers (Utah Chapter); National Society of Professional Engineers (Utah Chapter); American Bar Association (Forum Committee on Construction Industry; Public Contracts Section, Past Chair); Utah State Bar Association (Construction Law Section, Past Chair).
Recent Publications & Speaking Engagements	Co-author, HANDBOOK OF CONSTRUCTION LAW AND CLAIMS, 1999; co-author, UTAH CONSTRUCTION LAW, Federal Publications, 1991; co-author, CONSTRUCTION LAW AND CLAIMS FOR UTAH CONTRACTORS, 1988; co-author, PROTECTING YOUR MONEY, EVERYTHING YOU NEED TO KNOW ABOUT UTAH'S MECHANIC'S LIEN LAWS, 2nd ed., 1988, 3rd ed., 2003.
Mediation Rate	\$350 Per Hour
Languages	English
Citizenship	United States of America
Locale	Salt Lake City, UT

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.