



AAA Mediation.org™

FN-3339 MN-3339 LN-3339, Esq.

Clayton, Missouri



Current Employer-Title Dennis Bolazina, Attorney at Law; Bolazina, Design and Construction Consultants - Principal

Professional Summary Have devoted professional life to all aspects of the design and construction industry. Beginning with experience as an architect with a keen interest in construction delivery methods and transitioning to the law related to the industry. Intricately involved in practices and associations that serve to better the industry, with both the American Institute of Architects (AIA) and the Association of General Contractors (AGC). Have developed an appreciation and understanding for the distinct roles of each party to the industry. The legal background has focused on the rights, responsibilities, and liabilities of all parties in the industry, and the types of damages that can accrue from those liabilities. Dispute resolution has been the natural cu

Profession Architect; Attorney - Design and Construction, Real Estate Development, Project Management, Owner's Representative, Construction Cost Audits

Work History Principal, Bolazina Architects and Consultants, 1972 – Present; Attorney, Sole Practitioner, 1984 – Present; Architect, McMahon Architects, 1971 – 1975.

Experience Professional experience as an architect and attorney in all phases of architecture, real estate development, construction and real estate transactions. Architectural design and legal services for all phases of design and construction delivery of projects that include hotels, hospitals, office buildings, churches, residential condominiums, senior housing, commercial retail and industrial, educational buildings, recreation buildings, multifamily, custom homes, builder homes, additions and defect repairs. Design and consulting experience with high rise projects that include office buildings, hotels, apartments and residential condominiums. Experience as an expert witness, construction manager and owners' representative. Expert assignments include high rise buildings, Casinos, Hotels, and other commercial projects, multi-family and single family buildings. Attorney for Owners, Contractors, Developers and Design Professionals in the areas of agreements for design and construction and counsel for construction disputes. Experience with Mine Subsidence Claims, ADA, and LEED projects and agreements. Consultant to insurance companies such as Home Owners Warranty, Home Builders Warranty, Residential Warranty Corporation. Consultant to equity partners in \$100 million plus developments. Consultant to Owners for preparation of professional design services agreements and construction contract agreements for projects that involve Cost-Plus and GMP construction contracts and audits. Consultant to attorneys regarding building defects and standard of care for architectural services and contractor workmanship. Services rendered as Initial

Decision Maker, Project Neutral and independent Fact Finder. Consultant and Ownership Board Member on residential condominium projects. Consultant to real estate landlords and tenants regarding commercial leases, BOMA standards and calculation of usable/rentable areas. Clients include AIG Global Real Estate, Omni Hotels, Thomson Reuters and Google. Assisted in the drafting of many AIA form documents, including Insurance, Bonds, Design-Build, Construction Management, Design Management and Owner/Contractor Agreements. Consumer case experiences with telephone bills, equipment leasing, private school contracts, and credit cards.

Mediator Experience

Primary experience as Mediator in the fields of architectural design, professional consultant services and construction delivery, from preliminary design services through warranty services at the completion of construction. Experience with broad range of design and construction delivery contracts, including forms produced by AIA, DBIA, AGC, EJCDC and GSA. Delivery types include Fast-Track, Design-Build, and Performance Design. Handled multi-party disputes, primarily involving general contractors and several subcontractors along with their insurance carriers. Familiarity with various Teams agreements and Joint Ventures, including Public-Private Partnerships. Mediations include disputes concerning the full range of design and construction delivery contracts, including bond and insurance contracts. Appointed to the first mediation panel for the U.S. District Court, Eastern District of Missouri. Arbitrator in several multi-million-dollar disputes involving multiple parties. Case topics for dispute resolution include the issues of copyright, delay, force majeure, acceleration damages, Eickley formula, hazardous materials, work compression, workmanship, standard of care for design, mine subsidence, bonding company liability, and design defects. Building types in dispute resolution include a courthouse building, a Power Generation Station, U.S. Army projects, recreational buildings, public schools, hotels, office buildings, retail projects, high rise condominiums, multi-family, parking garages and federal financed housing projects. Specialize in Contractor/Subcontractor disputes. Also handle small commercial and residential disputes, including foundation defects and repairs, landscaping, and site work issues. Arbitrator for more than 20 HOW residential defect disputes concerning workmanship complaints and structural defects. Former arbitrator for St. Louis Metropolitan Real Estate Board, MOBAR Ethics Committee. Member of the AAA Construction Arbitration Master Panel, International Panel and the Large Complex Case Panel. Member of the American Arbitration Association's National Construction Dispute Resolution Committee.

Representative Issues Handled as a Mediator

Record of successful mediations involving owner/contractor, owner/design professional and contractor/subcontractor disputes. In the last five years, success rate is over 80%. Past mediations included federal agencies, State agencies, school districts, and commercial parties. Issues include: architectural standard of care, interpretation of AIA and manuscript contracts, contractor defective work and workmanship, change orders, unforeseen conditions, acceleration and delay damages, eichleay claims, consequential damages and waivers, construction cost auditing, warranty, indemnification clauses, BOMA standards, warranty claims, sale contracts and other service contracts, highway paving specifications, painting specifications, delay, extra work, unforeseen conditions, asbestos, and EIFS. Settled several real estate sales contract disputes and several general contractor/subcontractor disputes.

Mediator Style & Process Preferences

Mediation should take advantage of the mediator's background in design and construction delivery, and the practice of architecture and the law in the fields of design and construction. My experience in all aspects of design, construction and real estate transactions compresses the time required to frame the arguments and understand the claims. The more successful mediations utilize the mediator's background to test standard of care, workmanship and the interpretation of the design and construction agreements. My approach is primarily to facilitate, but have often been asked to evaluate claims, which I will do upon agreement of the parties. I look for opportunities to be creative in finding resolutions and attempt to create an atmosphere of mutual gains bargaining. Mediation is an opportunity for the parties to either reach an agreement or to better understand the risks of failing to resolve the agreement before trial.

Technology Proficiency

Proficiency with video conference formats, including Zoom, Team and other collaboration software. Have three-years' experience conducting both arbitration and mediation hearings using video formats. Experience with Drop Box and other media storage and download formats. Have accessed Project Management programs and use Microsoft programs for Excel, Power Point, and Access. Utilize digital payroll and accounting systems. Prior user of Auto-CAD and continuing use of Auto-CAD reader programs. Use AIA on-line documents software for drafting contracts and AAA web-based case filing and tracking systems.

Education	St. Louis University (JD-1984); Washington University (MA, Architecture-1970; BS, Architecture-1968).
Professional Licenses	Admitted to the Bar: Missouri, 1984. Licensed Architect: Illinois, Missouri. Licensed Real Estate Broker, Missouri 1972.
Professional Associations	Member of the American Institute of Architects and served 11-years on the National AIA Documents Committee, Task Group Chairman and Past member of Management Group and present liaison to the Committee; Serving on AIA-AGC Joint Council National Committee, Board Member of AIAMO, Counsel to AIAMO for legislative and practice matters; member American Arbitration Association National Construction Dispute Resolution Committee (NCDRC); American Institute of Architects, St. Louis Chapter, Board 2020, President-Elect 2023; American Bar Association; Missouri Bar Association; Commissioner, Town & Country Planning and Zoning Commission.
Recent Publications & Speaking Engagements	Lecturer for AIA and Lorman on AIA contracts. Speaker for AIA Chapter events.
Locations Where Parties Will Not be Charged for Travel Expenses	St. Louis Metropolitan Area.
Mediation Rate	\$315 Per Hour
Languages	English
Citizenship	United States of America
Locale	Clayton, MO

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.