FN-4021161 MN-4021161 LN-4021161, Esq.

Bisbee, Arizona

Current Employer-Title	Retired Partner--Perkins Coie LLP
Profession	Arbitrator and Mediator (Construction; Commercial; Large Complex Cases)
Work History	Partner, Perkins Coie LLP, 2004 – 2022 (retired); Partner, Brown & Bain P.A., 1994 – 2004; Associate Attorney, Brown & Bain P.A., 1990 – 1994; Associate Attorney, Fabian & Clendenin, 1985 – 1989.
Experience	Has over 35 years of experience litigating complex commercial and construction disputes, covering a wide variety of transactions and issues, including breach of contract, real estate, construction, business torts, lender liability, attorneys' fee disputes, and product liability. Cases litigated generally involved multiple parties, complex legal and factual issues, and technical and financial experts. Over the years, served as a member and chair of Arizona State Bar and Arizona Supreme Court committees focused on improving the civil litigation process and discovery and case management procedures in Arizona. COMMERCIAL LITIGATION AND PRODUCT LIABILITY Experience litigating a wide range of complex commercial disputes, including litigation and arbitration matters arising out of real estate development agreements, licensing agreements, purchase and supply agreements, joint venture agreements, the sale of businesses, leasing arrangements, and other commercial and financial transactions. Product liability experience includes litigating disputes arising out of the development, licensing, sale and warranty of products and technologies, including claims for breach of warranty, strict product liability, breach of contract, and tort claims on a variety of theories, including negligent and fraudulent misrepresentation and omission. CONSTRUCTION AND REAL ESTATE LITIGATION Extensive experience in construction counseling and litigation, including the representation of developers, owners, contractors, building materials manufacturers, and other parties in disputes arising out of alleged defects in the design and construction of structures that include schools and other public facilities, pipelines, hotels, resorts and commercial and residential complexes. Construction practice has focused on complex, multi-party disputes that often involve challenging factual, legal, engineering, and technical issues. Construction practice included both plaintiff and defense work. Have represented public entities and other commercial building owners, as well as developers, contractors and building product manufacturers. Claims handled include warranty and defect claims; differing site condition claims; water intrusion/building envelope issues; curtain wall issues; soil settlement and expansion issues; delay claims; contract interpretation, payment and lien disputes; surety and performance bond claims; mechanic's lien disputes; claims arising out of guaranteed maximum price contracts, design-build and design-bid-build contracts, and construction management-at-risk contracts; insurance coverage disputes, among others.

Mediator Experience	Served as an appointed settlement judge and mediator as a Judge Pro Tem for the Arizona Superior Court for seven years, handling a wide variety of consumer, contract, business, and personal injury claims. Cases mediated include disputes arising out of commercial contracts, standard form and consumer contracts, partnership agreements, real estate transactions, trust agreements, franchise and licensing agreements, credit card, construction and remodeling agreements, loans, and other financial transactions. Also served as a mediator and settlement judge in personal injury and other tort claims. Have conducted numerous mediations through the American Arbitration Association and privately, including construction claims, licensing disputes, and other disputes arising out of construction projects and commercial transactions. Served on the Executive Council of the State Bar of Arizona's Alternative Dispute Resolution Section.
Representative Issues Handled as a Mediator	Issues mediated include disputes arising out of construction projects, including defect, delay, payment, change order, and lien claims; disputes arising out of guaranteed maximum price construction contracts; breach of contract disputes arising out of loan agreements, real property purchase and sale transactions, construction agreements, tuition agreements (including refund rights on cancellation), franchise agreements; claims arising out of the sale of businesses; partnership and joint venture disputes; collection claims; claims for defective construction; claims for faulty or defective machinery and equipment; breach of warranty claims; trust disputes; payment disputes. Consumer claims mediated include credit card debt, lender liability claims, and claims arising out of the sale of goods and services, including disputes involving standard form contracts. In personal injury claims served as a Judge Pro Tem settlement judge included automobile accidents, dog bites, injuries at a water park, slip and fall injuries on store premises.
Mediator Style & Process Preferences	My decades of experience as an advocate and retained counsel in traditional litigation proceedings taught me that litigation is a costly, time-consuming, and burdensome way to resolve disputes. Litigation is a path guaranteed to achieve an unpredictable outcome, and one that often results in no winners. The litigation process takes a huge toll on participants, both from the standpoint of attorneys' fees and costs, and also because of the time and attention required to pursue a litigation matter through trial. Business personnel involved in litigation are forced to spend time on non-productive tasks--such as gathering documents and appearing for depositions--which divert them from productively pursuing their organization's mission. Mediation provides an opportunity for businesses and individuals to achieve a sensible resolution to a dispute. The parties themselves control the outcome and can design a settlement that suits their individual and business needs. As a mediator, I am committed to working with the parties for as long as it takes to achieve a settlement. My role as a mediator includes understanding each party's settlement goals and priorities, setting a tone and framework for the mediation that encourages negotiation, and providing a neutral risk assessment where such an evaluation may help the parties better understand the pros and cons of settlement. A problem-solver by nature, I enjoy helping the parties identify creative solutions for their dispute. To ensure an effective mediation, I generally schedule a pre-mediation telephone call with counsel to obtain their input on potential obstacles to settlement and suggestions for increasing the likelihood of settlement at mediation.
Education	University of Utah, College of Law (Juris Doctor, Order of the Coif-1985; Executive Editor, Utah Law Review); Florida State University (B.S., summa cum laude-1981).
Professional Licenses	Admitted to the Bar: California (2004-inactive), Arizona (1990), Utah (1985-inactive); U.S. District Court: District of Utah, District of Arizona, Central and Eastern Districts of California; U.S. Court of Appeals: Federal Circuit; U.S. Supreme Court.
Professional Associations	Fellow of the American Bar Foundation. Received State Bar of Arizona's "Member of the Year" Award (2016). Listed in Best Lawyers in America: Commercial Litigation; Construction (2016-2024). Selected as a Southwest Super Lawyer in Business and Construction Litigation. Peer Review Rated AV Preeminent in Martindale-Hubbell. Member, State Bar of Arizona Civil Practice & Procedure Committee (2009 – 2022; Vice-Chair 2016 – 2018; Chair, 2018 – 2020). Member, State Bar of Arizona Committee on the Rules of Professional Conduct (2005 – 2013; Chair, 2011 – 2013; Vice-Chair 2009 – 2011). Member, Executive Council, State Bar of Arizona Alternative Dispute Resolution ("ADR") Section (2017 – 2019). Member and Workgroup Chair on the Arizona Supreme Court's Civil Justice Reform Committee (2016-2017). Member and Workgroup Chair on the Arizona Supreme Court's Task Force on the Arizona Rules of Civil Procedure (2014-2016). Member of the Arizona Supreme Court's Committee on the Rules Governing Professional Conduct and the Practice of Law (2014-2015).

Recent Publications & Speaking Engagements	"Important Changes to Arizona's Rule 11, Change of Judge Procedures, Rules on Judgments, and Trial Procedures," Co-Author (with Hon. Mark Moran), Arizona Attorney Magazine (December 2016); Editorial Board Chair and Contributing Author, Arizona Legal Ethics Handbook (Third Edition June 2015); Speaker, "Where the Rubber Meets the Road: How the 2017 and 2018 Civil Rules Changes are Impacting Litigation" (January 2019, State Bar of Arizona); Speaker, "The New Civil Rules: What Probate Practitioners Should Know" (Probate Section, AZ State Bar, October 2018); Speaker, "Not so Stranger Things: Becoming Acquainted with Arizona's New Civil Rules" (2018 Arizona State Bar Convention); Speaker, "Proportionality Takes Center Stage: The 2018 Revisions to the Arizona Rules of Civil Procedure" (March 2018 Scottsdale Bar Association; May 2018, Arizona Women Lawyer's Association); Speaker, "2018 Civil Practice & Procedure Symposium: Developing the Case--Disclosures/Discovery/Civil Justice Reform Amendments" (April 2018, State Bar of Arizona); Speaker, "Better, Faster, Cheaper: Case Management Reforms Coming to a Court Near You" (2017 CLE By the Sea, Coronado, CA); Speaker, "Meet the New Rules: The Restyled Arizona Rules of Civil Procedure" (2017 CLE By the Sea, Coronado, CA); Speaker, "Under New Management: Case-Management Reform Rule Changes" (2017 Arizona State Bar Convention, Tucson, Arizona); Speaker, "A Time of Change: The 2017 ARCP Revisions, and Proposals for 2018" (Arizona State Bar Midyear Rules CLE, January 2017); Speaker, "A Call to Reform," Arizona Judicial Counsel, Court Leadership Conference (Flagstaff, Arizona, October 2016); Speaker, "Where We're Going, We Still Need Rules," Program Co-Chair and Panelist (2016 Arizona State Bar Convention, Phoenix, Arizona); Editorial Board Chair and Contributing Author, Arizona Legal Ethics Handbook (3d Ed. 2015). Speaker, Proposed Amendments to Ariz. R. Civ. P. 56 on Summary Judgment (2011 State Bar Convention, Phoenix, Arizona); Panel Presenter and Co-Chair, Improving Your Legal Practice (State Bar of Arizona Leadership Institute, 2007-11); Panel Presenter, State Bar of Arizona Ethics Cafe (2009) Speaker, Construction Litigation in Arizona (2008 Lorman Education Seminar, Phoenix, Arizona); Speaker, Breaking the Mold: Recent Trends in Mold Litigation (2004 Building Industry Conference & Expo, Phoenix, Arizona).
Locations Where Parties Will Not be Charged for Travel Expenses	Parties will not be charged travel expense for proceedings in Cochise County, Arizona.
Mediation Rate	$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Bisbee, AZ

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.