



AAA Mediation.org™

**FN-4029957 MN-4029957 LN-4029957,  
Esq.**

Scottsdale, Arizona



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**Current Employer-Title** Sacks Tierney P.A. – Partner

**Panelist Video** <https://www.adr.org/videoresume?paramName=294113296>

**Profession** Attorney; Arbitrator, Mediator

**Work History** Partner, Sacks Tierney P.A., 2017 – Present; Shareholder, Nussbaum Gillis & Dinner, P.C., 2008 – 2017; Partner, Jaburg & Wilk P.C., 2005 – 2008; Partner, Ridenour Hienton, 1991 – 2005; Associate, Simon & Campbell P.C., 1986 – 1991.

**Experience** Represents owners, general contractors, subcontractors, material suppliers, rental equipment companies, manufacturers, architects and engineers in both public and private construction contract disputes relating to residential and commercial construction projects. Handled and litigated disputes relating to contract terms and conditions, change orders, defective construction, delay, termination, warranty, payment disputes, Miller and Little Miller Act claims, mechanic's liens, surety and license bond claims, prompt payment disputes, Arizona Registrar of Contractors disputes and Arizona Office of Administrative Hearings proceedings.

Litigated matters involving breaches of contracts, promissory notes, guarantees, security agreements, business loan agreements, operating agreements, buy-sell agreements, company dissolution disputes among partners, shareholders, members and other business principals, personal and real property liens and foreclosure, open-account, pre-judgment writs of replevin, garnishment and attachment, post-judgment garnishment, levy, execution, charging orders, fraudulent conveyance/transfers.

Handled transactions and litigation regarding real estate purchase and sale agreements, commercial leases, residential and commercial foreclosures, title and other insurance disputes, landlord/tenant, eviction, easements and boundary disputes.

Bankruptcy related experience includes litigating matters involving relief from the automatic stay, assumption or rejection of leases, non-dischargeability litigation under Sections 523 and 727, objections to proofs of claim, contested confirmation hearings, reclamation, avoidance and preference claims.

## **Mediator Experience**

Mediated cases among city government, private individuals, corporations, limited liability companies and non-profit associations including claims involving construction payment disputes, construction/design defects, breach of contract, business ownership and valuation issues, wrongful termination, breach of fiduciary duties and escrow agreements, promissory notes and guarantees, real property, purchase and sale disputes, condemnation valuation issues, boundary and homeowner association disputes, breach of software licensing agreement, and insurance coverage, liability, damages and indemnity/contribution issues.

## **Representative Issues Handled as a Mediator**

Served as mediator in claims involving monetary, construction and ownership disputes. Cases regarding construction of a processing plant, renovation of a condominium, renovation of a parking garage for a high rise condominium complex, renovation of a commercial high rise office building into apartments, construction of a commercial parking structure, residential and commercial construction defect and non-payment claims, business assets in the equine industry; breach of contract and wrongful termination; breach of contract and fiduciary duties relating to escrow accounts. Dispute regarding international packaging and shipping company; condemnation action by the local government of private property; boundary and homeowner association dispute; homeowner association assessment dispute, defamation, tortious interference with prospective contractual relations; breach of software licensing agreement; business and ownership dispute in the residential home care industry; residential real estate partition action and insurance coverage, liability, damages, indemnity/contribution issues; construction of a nutraceutical processing plant; renovation of a condominium; renovation of a parking garage for a high rise condominium complex; renovation of a commercial high rise office building into apartments.

## **Mediator Style & Process Preferences**

Pre-mediation preparation by the mediator is vital to a successful resolution. I first meet separately with the parties to confirm an accurate understanding of the facts and issues in dispute. I am then able to use my facilitative and evaluative skills to assist the parties toward achieving an acceptable resolution. Commercial cases frequently require creative skills involving both monetary and non-monetary solutions. Typical mediations involve facilitating private caucuses with a pro-active approach and style designed and adapted to the unique circumstances to address each of the party's strengths and weaknesses while discussing potential outcomes and the risks and costs associated with each potential outcome. My strategy is not to merely shuttle offers back and forth, but rather to urge the parties to realistically examine potential outcomes and the range of acceptability of the potential outcomes while encouraging the parties to continually think regarding where they might be willing to move toward to achieve a monetary or non-monetary solution.

## **Education**

University of Nebraska – Lincoln (JD-1986; BA-1982).

## **Professional Licenses**

Admitted to the Bar: Arizona (1987), Nebraska (1988-inactive); U.S. District Court: District of Arizona (1987); U.S. Court of Appeals, Ninth Circuit (1995); U.S. Supreme Court (1996).

## **Professional Associations**

National Academy of Distinguished Neutrals-Arizona Chapter (2021); State Bar of Arizona - Construction, Alternative Dispute Resolution Section (Member of Executive Council, (Immediate Past Chair 2021) and Bankruptcy Section; American Bar Association - Forum on Construction Law - Division 7, Insurance, Surety and Liens (Steering Committee Member and Marketing and Membership Standing Committees Member); Division 1, Alternative Dispute Resolution; Maricopa County Bar Association (Construction Law Section); Scottsdale Bar Association; Arizona Builders Alliance (Associate Member); American Subcontractors Association of Arizona (Associate Member); Credit Management Association (Affiliate Member); SAE-Phoenix Alumni, Inc. (area alumni association of Sigma Alpha Epsilon Fraternity (Director inception to date: President 2024).

## **Locations Where Parties Will Not be Charged for Travel Expenses**

Metropolitan Phoenix and Tucson, Arizona

## **Mediation Rate**

\$525 Per Hour

<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Scottsdale, 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.