



AAA Mediation.org™

**FN-4045843 MN-4045843 LN-4045843,
Esq.**

Phoenix, Arizona



Current Employer-Title Righi Fitch Law Group – Owner

Profession Attorney, Arbitrator, Mediator

Work History Owner, Righi Fitch Law Group 2009-Present; Shareholder, Turley Swan Childers Righi & Torrens, 1998-2009; Attorney, Broening Oberg Woods Wilson & Cass, 1996-1998; Deputy County Attorney, Maricopa County, 1992-1996.

Experience Over 20 years of experience with insurance coverage including a wide array of commercial coverage products such as CGL, OCIP, CCIP, WRAP and E&O policies and project specific coverages. Experience includes pursuit of insurance coverage for clients through primary, excess and additional insurance policies, as well as providing coverage opinions to clients and insurance carriers. Many years of experience handling bad faith insurance litigation, and managing allocated shares amongst insurance carriers in multi-party construction defect litigation. Sophisticated level of experience with insurance policy interpretation and coverage issues.

Handled hundreds of litigation matters in the prosecution and defense of product liability and defect claims involving a wide variety of products including automobile and truck tires, seatbelts, window and door assemblies in commercial and residential construction, stucco assemblies, concrete materials, plumbing fixtures, piping, gaskets and valves, porcelain tanks, fire sprinklers, fire suppression systems and liquids, electrical equipment, generators, natural gas supply piping, batteries, surgical instruments, MRI, ventilation equipment, air filtration systems, electric toothbrushes, and light fixtures. Tried multiple product liability cases to verdict including indemnity claims pursuant to the Arizona Product Liability Statute. Extensive experience handling class action and multi-party claims relating to pipe failures, concrete materials and chemical/physical attack of sulfates on concrete.

Handled more than 50 litigation matters on behalf of license professionals of all types including attorneys, dentists, doctors, engineers, architects, general contractors, real estate agents, real estate brokers and insurance agents involving standard of care issues. Advise clients on contract interpretation, and the evaluation of standard of care of the practice in which they are involved in the context of litigation.

Began career as a prosecutor at the Maricopa County Attorney's Office in 1992. Tried more than 40 criminal cases to jury verdict. Began career as a civil litigator in 1996. Tried 24 civil cases to jury verdict on a wide variety of issues including personal injury, professional liability, products liability, breach of contract, indemnity, fraud, misrepresentation, bad faith, property damage and construction defect. Seven of the last eight jury trials involved complex construction issues and resulted in verdicts favorable to the client. Trial experience includes numerous bench trials, short trials, and over 100 arbitrations as an advocate, including more than 20 AAA hearings involving a wide variety of construction, contract, warranty, indemnity, personal injury, professional standard of care, design defect and product liability issues.

Mediator Experience

Handled over 100 settlement conferences on a wide variety of civil litigation matters as a Judge Pro Tempore of the Maricopa County Superior Court since 2004. Approximately one fourth of the settlement conferences handled as a Judge Pro Tempore involved three or more parties. Over the past two years, mediated several cases as a privately retained mediator in the construction defect and personal injury markets. Served on the Supreme Court of Arizona Attorney Disciplinary Commission as a mediator in attorney disciplinary matters initiated by the State Bar of Arizona. Conducted several mock mediations as the mediator and/or panel moderator on behalf of Perrin Conferences, MC Consultants Annual CD Conference, and Themis Advocates Group.

Representative Issues Handled as a Mediator

Issues have ranged the gamut of civil litigation: personal injury, roadway, trucking, land use, zoning, enforcement of CC&Rs, real estate disputes, partnership disputes, commercial disputes, contract disputes, insurance coverage, water rights, construction defect, breach of contract, professional liability, insurance bad faith, consequential damages, contract interpretation, statutory interpretation and standard of care of professionals.

Mediator Style & Process Preferences

There is no single approach to mediation – each mediation setting is unique, and so I approach each mediation differently, depending on the type of case, the amount of discovery that has been performed, and the personalities involved. Parties mediate cases for different reasons. The obvious goal is to resolve the case, but there are other reasons to mediate in the event a case cannot be resolved for one reason or another. My method is to explore each side of the case with each participant in separate caucuses to ensure that the strengths and weaknesses of each side are examined, and the goals of each party are fully understood. I believe that an effective mediator must be able to listen to the parties and to empathize with them. If some workable level of trust cannot be established, mediation is less likely to be successful. I take a friendly, firm, fair approach to mediation, and I rely on my experience as a trial lawyer to break stalemates when necessary.

Education

Capital University Law School (JD-1992); Miami University (BS-1989).

Professional Licenses

Admitted to the Bar: Colorado (2020), New Mexico (2018), Utah (2018), Hawaii (2018), Arizona (1993), Ohio (1992); US District Court: District of Arizona (2001), District of Utah (2018), District of Hawaii (2018); US Court of Appeals: 9th Circuit (2001).

Recent Publications & Speaking Engagements

Publications: "Arizona Tort Law Handbook, Construction Defect Chapter," Published by the State Bar of Arizona, 2014; "The Case For ADR," Published in the Inaugural Issue of Claims and Litigation Management Alliance Magazine.

Selected speaking engagements: State Bar of Arizona – Engineering Liability - Practicalities and Pitfalls, 2011; Breaking Bad Habits – ADR Concepts in Litigation, 2012; MC Consultants National CD Conference - The Current State of the Indemnity Provision in Arizona, 2012; Themis Advocates Group Annual Conference – Effective ADR in Construction Defect Cases, 2013; Arizona Insurance Claims Association – Collaborative Litigation, 2013; Claims and Litigation Management Alliance – Making Mediation More Effective, 2013; MC Consultants Phoenix CD Seminar – ADR Strategies in Construction Defect Litigation, 2015; Themis Advocates Group – Mediation Do's and Don'ts, 2016; Vela Insurance Presentation – Arbitration vs. Litigation – Goodness or Badness, 2016; Themis Advocates Group – Mock Trial Presentation, 2016; Claims and Litigation Management Alliance – Construction Contracts for Claims Professionals, 2016 - 2020; Claims and Litigation Management Alliance – Consent Judgments and Bad Faith Set Up, 2016 – 2020; Perrin Conferences – Ethical Duties in Construction Defect Cases, 2016; Themis Advocates Group – Mock Mediation, 2017; State Bar of Arizona – Arizona College of Trial Advocacy – Instructor, 2017; Perrin Conferences – An Update on Complex Construction Cases – A Multi-State and Risk Industry Perspective, 2017; Themis Advocates Group – Strategies in Construction Defect Cases, 2018; West

Coast Casualty Conferences – Risk Transfer Alphabet Soup – A Twelve Year Lookback on Legislative Tinkering with Anti-Indemnity Statutes, 2018; Righi Fitch Law Group Pod Cast – Implications of the Revised Arizona Purchaser Dwelling Act and Comparative Indemnity Statutes, 2019; Themis Advocates Group – Mock Mediation, 2019; Perrin Conferences – Pre-Litigation Right to Repair Statutes and Indemnity from Both Sides of the Aisle, 2019; Themis Advocates Group – Litigating and Arbitrating in the Wild, Wild West, 2020; Themis Advocates Group, Virtual Mediation in the New Normal, 2021.

Mediation Rate	\$350 Per Hour
Languages	English
Citizenship	United States of America
Locale	Phoenix, 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.