



AAA Mediation.org™

**FN-4128872 MN-4128872 LN-4128872,  
Esq.**

San Antonio, Texas

**Current Employer-Title** Jordan Foster Construction, LLC - General Counsel

**Profession** Attorney, General Contractor

**Work History** General Counsel, Jordan Foster Construction LLC, 2011 - Present; Senior Counsel, Cokinis Bosien & Young, 2009 - 2011; Partner, Curry, McSwain & McKendrick, 2003 - 2009; Associate, Prichard Hawkins & Young, 2001 - 2002.

**Experience** Engaged in construction law for over 18+ years. Extensive experience representing general contractors in contract negotiations with Owners, Lenders, Subcontractors and Design Professionals. Trial, mediation and arbitration experience including prosecuting and defending claims mainly on behalf of general contractors and insurers (occasionally, owners, subcontractors and suppliers) in construction related disputes, including payment claims, wrongful termination claims, lien and bond claims, construction and design defect claims, warranty claims, acceleration and delay claims, cardinal order change claims and environmental (mold) and hazardous materials claims on projects such as hotels, office buildings, schools, condominiums, high-rise, senior housing, multi-family, rapid transit as well as a variety of public infrastructure projects. Primary practice in Texas, but has handled construction disputes for projects located in Arkansas, Florida, New Mexico and Oklahoma.

**Mediator Experience** Has been involved in numerous arbitrations and mediations (greater than 75) administered by AAA as well as self-administered proceedings involving owners, insurance carriers, subcontractors, suppliers, governmental entities, vendors and former employees. Claim size has ranged from several thousand dollars to multi-million dollars and includes claims such as: lien and bond claims; contract interpretation claims, indemnity claims; payment disputes; design and construction defects claims arising out of multi-family construction, commercial construction (hotels, schools, condominiums, commercial office buildings, senior living; and city, county and state infrastructure projects); wrongful termination claims either on a construction project or employee related; delay and acceleration claims; and warranty claims.

**Mediator Style & Process Preferences** The mediation process is unique in that it is the only opportunity in the dispute process for the parties themselves to decide how to resolve their differences. Mediation is the framework for the parties to reach a common ground for resolving their dispute. The decision making authority is not vested in an arbitrator or arbitrators, a mediator, a judge or a jury, but the mediating parties. The mediator's role is to listen to the parties and help them each take a more objective look at the problem at hand and focus on their respective interests rather than their positions. The mediator does this by asking probing questions and having the parties consider the dispute from the other side. The mediator's goal is to get the parties out of the legal system and back to their day jobs, i.e., to save the parties time and money.

Prior to each mediation, the mediator attempts to learn all about the dispute prior to the mediation. Mediation summaries, which are strictly confidential, and any supporting documentation are requested from the parties prior to the mediation. At the mediation, party decision making is respected, the mediator only shares its views of the respective parties' position as a neutral when

requested or when it appears that it will assist with resolution. All request for confidentiality are respected and never cease working towards resolution of the dispute. The mediator's role is to allow the process to work and prevent the parties from ending the mediation prematurely so that the parties' expectation of settlement is achieved.

<b>Education</b>	University of Texas School of Law (JD - 1994); Georgetown University (BSLA - 1989).
<b>Professional Licenses</b>	Admitted to the Bar, Texas (1996); U.S. District Court: Western District of Texas; U.S. Court of Appeals: Fifth Circuit.
<b>Professional Associations</b>	State Bar of Texas (Construction Law & Corporate Counsel Sections); San Antonio Bar Association; Association of Corporate Counsel.
<b>Recent Publications &amp; Speaking Engagements</b>	Subcontract Indemnity Clauses Post HB 2093 (2012) Contracting Best Practices (2013) Managing The Risk Of Subcontractor Default (2014) Key Subcontract Terms (2014) 29th Annual Construction Law Conference (State Bar of Texas Construction Law Section): Insights From In-House Counsel Panel Speaker (2016) Veritas Women's Legal Forum Panel Speaker - Why, How & Who General Counsel Hire (2017) St. Mary's School of Law: Speed Dating With In-House Counsel (2017) Construction Superconference: Guarding the Gate: The Contractor's Obligations in Presenting Pass-Through Claims (2017) AAA Construction Conference: Techniques for Managing the Growing Complexities of Construction Disputes - "Don't Forget the Damages - You Can't Win on Entitlement Alone" Panel Speaker (2019) Texas Civil Justice League: Construction Law and Risk Management Panel Speaker (2019) Construction Superconference: Fighting on Multiple Fronts Panel Speaker (2019).
<b>Mediation Rate</b>	\$2,500 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	San Antonio, TX

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.