



AAA Mediation.org™

FN-4215131 MN-4215131 LN-4215131, III, Esq.

Jacksonville, Florida



Profession

Attorney

Work History

Sole Practitioner, Fred J. Lotterhos III, 2022 – Present; Associate, Holland & Knight LLP, 1979-1986; Partner, Holland & Knight LLP, 1986– 2022.

Experience

After retirement from Holland & Knight, have focused practice on alternative dispute resolution. Prior to retirement, practiced in the areas of construction litigation, construction contract drafting, and real property disputes. Clients have included owners, developers, lenders, railroads, design-build contractors, contractors, engineers, suppliers, and manufacturers.

Has experience with residential construction includes condominiums, apartments, nursing homes, and single family homes. Experience with commercial construction includes data centers, office buildings, mixed-use facilities, shopping centers, hotels, food service facilities, restaurants, healthcare facilities, warehouses, cold storage facilities, sports facilities including a baseball stadium and an international speedway, distribution centers, parking facilities, and recreational facilities. Industrial and heavy construction experience includes railroad facilities including terminal, track, and bridge work; airport construction; port facilities including crane and asphalt issues; manufacturing facilities including gypsum wall board, industrial vehicles, and wood pellets; and an electric generation facility. Has represented manufacturers or suppliers of concrete, roof tile, fiberglass mat gypsum sheathing, resin products, doors and decking.

In general, experience includes matters involving construction defects and design defects, delay claims, payment issues, contract interpretation, lien disputes, licensing issues, and intellectual property issues. Specific areas of experience include water intrusion and building envelope issues, including roofs, scuppers, windows, sliding doors, stucco, siding, coatings, caulking, and sealants; structural issues including post-tension slab issues, CMU reinforcement issues, railings, stairs, roof trusses, wind load issues, and structural coatings and corrosion issues; life safety issues including fire sprinklers and fire stopping; and issues involving other building systems including HVAC systems, automated parking garage software, conveyor systems, commercial coolers and freezers, insulation, elevators, hot water heaters, and various lighting, electrical and plumbing issues. Real property dispute experience includes issues of entitlements under and compliance with developments of regional impact (DRI), boundary disputes, easement disputes, disputes involving

covenants and restrictions, disputes involving purchase and sale or buy/sell agreements, beach vending disputes, zoning issues, sovereignty land issues, mining disputes, and disputes under oil and gas exploration agreements.

In addition, has experience with a wide array of commercial and consumer issues. These include securities fraud, non-competition clauses, trade secrets, antitrust, unfair and deceptive trade practices, lender liability, mortgage foreclosures, insurance coverage disputes, will contests, breach of fiduciary duty, patent and trademark infringement, partnership and shareholder disputes, sales tax disputes, civil theft, consumer fraud, commercial fraud, indemnity, breach of contract, U.C.C. warranties, contractual warranties, home warranties, product warranties, motor vehicle sales and warranties, residential real estate purchase and sale contracts, commercial and mixed-use real estate purchase and sale contracts, residential and commercial leases, disputes involving computers, computer systems, and computer software, condominium disputes, homeowner and condominium association covenants and restrictions disputes, Americans With Disabilities Act cases, advertising, defamation, disputes over cutting of trees, disputes involving fences and gates, disputes over mineral rights, flooding of property, noise complaints, product defects, medical malpractice, motor vehicle accidents, and other personal injury.

Mediator Experience	Mediation experience includes construction claims, including defect claims, lien claims, payment claims, breach of contract claims, and delay claims, on residential and commercial projects; breach of fiduciary duty of a trustee; legal malpractice; insurance coverage dispute between carriers in a construction case; and commodity futures trading fraud.
Representative Issues Handled as a Mediator	Issues mediated include construction payment, lien, delay, breach of contract, and defect claims; breach of fiduciary duty claims against a trustee with regard to administration of a charitable trust; legal malpractice claims relating to advice to a charitable trust; insurance coverage dispute between two successive carriers for a contractor over which carrier had coverage; commodity futures trading fraud claim involving the sale of commodity futures contracts and precious metals.
Mediator Style & Process Preferences	My mediation philosophy is to use my 38+ years of experience handling complex construction and business litigation and arbitration to assist the parties in finding an acceptable resolution for their dispute. My practice is to explore the legal and factual issues with the parties to help each party see clearly the strengths and weakness of its case, the cost of continuing litigation or arbitration, the potential case outcomes, and a path to resolution. I listen carefully to the parties, treat the parties and counsel with respect, and attempt to set a tone of businesslike cordiality in the mediation. I will offer creative solutions when they present themselves, but I do not interfere with the parties' negotiating strategy. I expect the parties to provide me with the information I need to understand the dispute, to treat the mediation process and rules with respect, and to treat each other with civility.
Education	Florida State University College of Law (JD-1979); University of Mississippi (BA-1976).
Professional Licenses	Admitted to the Bar: Florida, 1979.
Professional Associations	American Bar Association Florida Bar Association Jacksonville Bar Association Federal Bar Association, Jacksonville Chapter.
Mediation Rate	\$400 Per Hour
Languages	English
Citizenship	United States of America
Locale	Jacksonville, FL

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.