



AAA Mediation.org™

**FN-4675 MN-4675 LN-4675, Esq.**

**White Plains, New York**



**Current Employer-Title** Welby, Brady & Greenblatt, LLP - Founder and Senior Counsel

**Profession** Arbitrator, Mediator, Attorney - Construction Law; Professional Civil Engineer

**Work History** Managing Partner, Welby Brady & Greenblatt LLP, 1996 – 2018, Senior Counsel 2018 - Present; Adjunct Professor (Civil Engineering), Manhattan College, 1980 – 1981 & 1999 – 2018; Partner, Welby & Welby, 1988 – 1995; Adjunct Professor of Law, Pace University School of Law, 2007 - 2017; Associate, Lewis & McKenna, 1987 – 1988; Associate, Tunstead Schecter & Torre, 1985 – 1987; Vice President, Sentrale Contracting Corp., 1977 – 1985; Engineer, Dames & Moore, 1976 – 1977; Project Engineer, United States Air Force, 1973 – 1976; Estimator and Field Superintendent, Sentrale Contracting Corp., 1971 – 1973.

**Experience** Entire legal practice devoted to construction law, representing general contractors, sub and specialty contractors, suppliers, manufacturers, owners, developers, public agencies, architects, engineers, designers, sureties and insurers engaged in public and private, commercial, heavy/highway, bridges, industrial, institutional, utilities and residential projects in arbitration, mediation, litigation and appeals. Handled disputes with claims valued to \$100 million involving delays, extra work, surety bonds, mechanics liens, change orders, breach of contract, defective work and code violations, and design professional negligence. Engineering and construction experience in excavation, foundation and site utility construction, geotechnical engineering, concrete, structural steel, dredging, building construction, civil works projects, heavy highway, etc. Have been an arbitrator with the AAA for 40 years and have presided over more than 100 construction arbitrations. Served as a sole arbitrator and as a member of a panel of three arbitrators. These arbitrations have ranged from small fast-track claims (under \$100k) to Large Complex Cases of up to \$100M

**Mediator Experience** Mediated 75 construction cases: including between private owners and contractors, between public owners and contractors, between contractors and sub-contractors, between owners and architects/engineers, between contractors and architects/engineers, between owners and construction managers, and between contractors and suppliers. These cases included building projects (commercial, institutional, multi-unit residential), pile foundations, highway construction, tank farms, school districts and colleges, a rural casino development, a cement plant, major water purification plant etc. Disputes ranged from over \$10 million to \$100 thousand or less. Member of the AAA Construction Mediation Master Panel.

<b>Representative Issues Handled as a Mediator</b>	Served as a mediator of claims that included: claims of malpractice by a design/builder against its architect/subcontractor on a variety of projects for the New York State City School Construction Authority; claims by a building owner against a contractor and engineer for the negligent design and construction of the foundation for a waterfront property; performance issues between a municipality and a public works contractor regarding the construction of a town swimming pool complex; negligence claims by a homeowner against an architect/construction manager regarding the renovation of an historic mansion; a performance dispute between a general contractor and homeowner; warranty disputes between a general building contractor and a national retail chain concerning the failure of performance of a roof system; the valuation of change orders; the interpretation of mechanical specifications for the capping of a land fill; an accounting between an owner and a construction manager on a \$60 million cost plus contract; a wrongful termination claim between a contractor and a fire district; the reasonableness of excess completion costs; delay claims.
<b>Mediator Style &amp; Process Preferences</b>	<p>Mediation is essential to the construction industry. Every project gives rise to disagreements that should be resolved fairly and efficiently. Experience has taught me that even the largest, most complicated and intractable disputes can be completely resolved, or substantially reduced in scope, in a day or two of mediation, under the proper circumstances.</p> <p>Those circumstances include the full participation by principals who are knowledgeable of the underlying facts and authorized to enter into binding settlement agreements.</p> <p>Attorneys who are successful in mediation know well their value to their clients as thoroughly prepared advocates, setting aside the litigation mode during the mediation conference. They are comfortable encouraging their clients to speak for themselves, after marshaling the facts and advising on the law.</p> <p>The mediator should always remember that every aspect of the process is voluntary and party-driven. The parties should be motivated by the mediator to move in the direction of settlement, each out of self-interest. The mediator should be both a facilitator and an evaluator. But evaluations must be fair and honest, not heavy-handed.</p> <p>Preparation is key to a successful mediation. The parties, their counsel and the mediator must be thoroughly familiar with the pertinent project documents, schedules, project financials, etc.</p> <p>It is the responsibility of the mediator to get everyone prepared for the unique opportunity to settle the dispute.</p>
<b>Education</b>	Pace University (JD-1985); Polytechnic Institute of New York (MS, Civil Engineering and Certificate, Construction Management-1981); New Mexico Highlands University (MA, Business Administration-1976); New York University (MS, Civil Engineering-1973); Manhattan College (BE, Civil Engineering-1971).
<b>Professional Licenses</b>	<p>Admitted to the Bar: Connecticut (1995), New York (1986); U.S. District Courts: District of Connecticut, Southern, Eastern, and Northern Districts of New York; U.S. Court of Appeals, Federal Circuit; U.S. Supreme Court.</p> <p>Registered Professional Civil Engineer: New York &amp; New Jersey (1976-inactive).</p>
<b>Professional Associations</b>	Fellow, Chartered Institute of Arbitrators; National Society of Professional Engineers; American Bar Association (Forum on the Construction Industry); New York State Bar Association; Construction Industry Council - General Counsel; International Mediation Institute (IMI) Certified Mediator; International Bar Association (Arbitration and Mediation).
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	New York City and Lower Hudson Valley.
<b>Mediation Rate</b>	\$550 Per Hour
<b>Languages</b>	English

**Citizenship**

United States of America

**Locale**

White Plains, NY

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.