



AAA Mediation.org™

FN-4714 MN-4714 LN-4714, Esq.

Syracuse, New York



Current Employer-Title Melvin & Melvin, PLLC – Partner

Profession Attorney, Arbitrator, Mediator

Work History Partner, Melvin & Melvin PLLC, 1973 – Present; Special Assistant Attorney General, State of New York, 1971 – 1973; Confidential Law Assistant to Hon. Louis M. Greenblott, Appellate Division Third Judicial Department, 1969 – 1971.

Experience Approximately 40 years of construction practice including representation of public and private owners, contractors, subcontractors, trade suppliers, sureties, and construction industry factor. Representation includes all aspects of construction process from preparation of contract documents, providing advice during the construction process and arbitration and litigation of claims. Claim litigation has included prosecuting and defending public bids and bidding issues; extra work claims, delay and disruption claims, unforeseen conditions and faulty design claims. Provided advice and litigation services regarding contract drafting and rights, mechanic's lien rights, payment bonds, trust fund statutes, risk management and claims including those for delay, disruption and change order work. In addition to representation of clients in matters of vertical construction, has represented or is presently representing clients in cases involving underground pipeline construction in New York State Supreme Court, United States District Court for the Northern and Western District of New York including two cases with claims in the ten million dollar range, US District Court for the District of Vermont with over ten million dollars in dispute as well as a New Jersey claim involving environmental subsurface work and remediation of over three million dollars in an arbitration before the former Chief Judge of the New Jersey Supreme Court. Has represented and advised clients in the preparation of lien documents, provision of transactional advice and in litigation. Provided counsel to a major construction factor in claims in approximately a dozen states. Also litigated intellectual property claims including the taking of numerous depositions under a commission issued by the High Court of New Zealand involving rubber chemistry and claimed proprietary machinery design. Commercial experience also involves litigation of million dollar plus claims in derivative actions, officer liability claims and accounting, as well as alter ego and piercing of corporate veil issues. Criminal Law - Served two years as a New York State Assistant Attorney General with the New York State Organized Crime Task Force and as a Special Assistant Attorney General.

Mediator Experience Served as mediator in approximately, at least 13 cases. Disputes involved construction claims, contract claims, and property damage claims, and on matters involving entities such as a school

district, railroad and large power plant owner.

Representative Issues Handled as a Mediator	Contract claims and defenses between owner and contractor, liquidated damages, common law damages, property damage and insurance claims, and interpretation of contract documents. One mediation involved competing claims and counterclaims in construction litigation having a total value of approximately \$13 million in dispute.
Mediator Style & Process Preferences	Mediation is the process by which business judgment and economic realities are brought to bear upon legal issues. Very few disputes need to be fully litigated, and those that do should ordinarily be capable of resolution after reasonable exchange of information or discovery. Timely utilization of mediation to accomplish that result saves the parties incalculable dollars in legal expense and lost executive time. It permits each party to walk away with a result they can live with and which they helped fashion themselves. Mediation should be flexible to accommodate the needs of the parties and the specifics of the case. Each party is to be listened to carefully, with respect, and given full consideration by the mediator and the opposing party.
Education	Syracuse University (JD, magna cum laude-1969); Colgate University (AB-1966).
Professional Licenses	Admitted to the Bar: New York (1970); U.S. District Court: Northern (1974), Southern (1975) and Western (1979) Districts of New York.
Professional Associations	American Bar Association; New York State Bar Association; Onondaga County Bar Association; ADR in the Courts Committee of the NYSBA, Commercial & Federal Litigation, Dispute Resolution, and Torts Insurance & Compensation Law Sections of the NYSBA, Environment Energy and Resources and Litigation Sections of the ABA, and the ABA Forum on Construction Law; and NDNY Federal Court Bar Association. Also a member of the US Green Building Council Upstate New York Chapter, Litigation Counsel of America, and Charter Fellow Construction Lawyers Society of America.
Recent Publications & Speaking Engagements	<p>Lectured over 20 years in virtually all areas of construction law including: general construction law (including contract rights, mechanic's liens, bond claims and construction trust funds), design defects, construction management, change orders, architect and engineering in New York, building codes, municipal contractors, construction litigation and arbitration/mediation. Presented at an estimated 50 lectures to over 1,000 owners, contractors, design professionals, sureties, and suppliers in Syracuse, Rochester, Albany, Buffalo, and Philadelphia. Also presented at programs involving issues in green building and renewable energy in 2009 and 2010.</p> <p>November 2017-Construction Lawyers Society of America- Yale Club, New York City "Construction Litigation Alternatives & Surprises".</p> <p>November 2018- Construction Lawyers Society of America- Harvard Club, New York City "Construction Projects, Environment and Well-being with Profits".</p>
Mediation Rate	\$300 Per Hour
Languages	English
Citizenship	United States of America
Locale	Syracuse, 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.

