



AAA Mediation.org™

**FN-5073582 MN-5073582 LN-5073582,
Esq.**

Pittsburgh, Pennsylvania



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| Current Employer-Title | Babst Calland Clements and Zomnir, P.C. – Shareholder and General Counsel |
| Profession | Attorney, Arbitrator, Mediator, Special Discovery Master |
| Work History | Shareholder, Babst Calland Clements and Zomnir, P.C., 1994 - Present; Shareholder/Associate, Buchanan Ingersoll & Rooney, P.C., 1982 - 1994. |
| Experience | <p>Over 40 years as a civil trial attorney concentrated in commercial, environmental, natural resources and oil and gas law. Areas of commercial experience include commercial contracts, asset and equity purchase agreements, corporate governance disputes, statutory claims, trade secret disputes and insurance coverage disputes. Environmental and Natural Resource experience includes CERCLA, RCRA, Natural Resource Damages and contamination claims. More recent experience in oil and gas disputes in the Appalachian Region. Extensive litigation experience in both federal and state courts.</p> <p>Martindale Hubbell rating, “AV”; listed in The Best Lawyers of America for Commercial Litigation (since 2006); Litigation – Environmental (since 2011); Bet the Company Litigation (since 2015).</p> |
| Mediator Experience | <p>Experienced mediator with more than 20 years of active mediation experience and practice. Have handled in excess of 1,000 mediations covering all types of commercial litigation, disputes involving environmental contamination, remediation and property damage, insurance coverage disputes, professional negligence claims involving architects, engineers, physicians and attorneys, insurance coverage disputes and oil and gas disputes in the Appalachian Region.</p> <p>A significant number of commercial, oil and gas and insurance coverage mediations have involved more than two parties. The amounts in dispute have ranged from \$100,000 to \$100 million. Mediations have involved cases filed in Federal and state courts in Pennsylvania, Ohio, West Virginia, New York, New Jersey, Michigan and Indiana.</p> <p>Certified as a Mediator and Early Neutral Evaluator in the U.S. District Court for the Western District of Pennsylvania as part of that Court’s ADR program.</p> |
| Representative Issues | Among the issues addressed as a mediator in commercial disputes are the following: stock and asset |

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| Handled as a Mediator | <p>purchase agreement disputes, closely-held business disputes among owners, supply and sales agreement breach disputes, trade secret and Lanham Act disputes, intentional interference with business or contractual relations claims, unfair competition and commercial defamation claims, stock and equity valuation claims, officer and director breach of fiduciary duty claims, copyright infringement claims, joint venture disputes.</p> <p>Insurance coverage mediation experience includes GCL policies, property damage and business interruption coverage, Director's and Officer's coverage and environmental and toxic tort coverage disputes. Professional liability mediation experience includes claims involving architects, attorneys, medical professionals and engineers and construction professionals. Finally, oil and gas and natural resources mediation experience includes mineral right lease disputes, production cost disputes, royalty payment disputes and purchase and sale disputes.</p> |
| Mediator Style & Process Preferences | <p>My mediation process typically begins with a pre-mediation conference via Zoom or conference call with counsel for all the parties. The purpose of the call is to discuss and obtain consensus on the exchange of additional information between the parties that will better facilitate the mediation process. It also allows counsel to become more comfortable with me as the mediator and to address any disputes regarding format, attendance or information exchange. I prefer the submission of confidential mediation statements so that each party can be candid with me regarding their position and can educate me regarding any barriers or roadblocks to settlement that may exist whether factual, legal, practical or emotional.</p> <p>I also invite counsel to schedule a short pre-mediation Zoom or Teams conference with me and their client representative if counsel believes it would be helpful in making their client more comfortable with the process. I typically do not allow presentations by any of the parties although I do like to begin each session with a joint gathering at which I simply introduce myself and discuss the benefits of the mediation process and the logistics of the day.</p> <p>I have been described as "pleasantly persistent" in my mediation approach and I believe that description accurately captures my approach to mediation. In highly technical cases, I have also encouraged and permitted parties to include their experts in the mediation session.</p> |
| Technology Proficiency | <p>Significant experience in conducting arbitration hearings and mediations using online platforms such as Zoom.</p> <p>Willing to receive all submissions and evidence in electronic format. Extensive experience with all forms of electronic evidence presentation.</p> |
| Education | Duke University School of Law (J.D. – 1982); University of Notre Dame (B.A. – 1979). |
| Professional Licenses | Admitted to the Bar: Pennsylvania (1982), West Virginia (1991); U.S. District Court: Western District of Pennsylvania (1982), Northern and Southern Districts of West Virginia (1991); U.S. Courts of Appeals: Third (1984) and Fifth (1990) Circuits; U.S. Supreme Court (1989). |
| Professional Associations | American Bar Association (Dispute Resolution, Environmental and Natural Resources and Litigation Sections); Pennsylvania Bar Association (Litigation, Environmental and Dispute Resolution Sections); Judicial Evaluation Commission (former member); Allegheny County Bar Association (Board of Governors, Civil Litigation Chair); Allegheny County Academy of Trial Lawyers. |
| Recent Publications & Speaking Engagements | Speaker at the Pennsylvania Bar Association Environmental Law Forum and for various professional organizations on topics of professionalism, dispute resolution and trial practice. |
| Mediation Rate | \$500 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Pittsburgh, PA |

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.