



AAA Mediation.org™

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New York, New York



Current Employer-Title Duane Morris, LLP - Partner

Profession Attorney

Work History Partner, Duane Morris, LLP, 2008-present; Partner, Construction and Government Contracts Practice Group, Thelen Reid Brown Raysman & Steiner LLP (formerly Brown, Raysman, Millstein, Felder & Steiner, LLP), 2006-08; Founding and Senior Partner, Ross & Cohen, LLP, 1978-05; Partner/Associate, M. Carl Levine, Morgulas & Foreman, 1964-78.

Experience Over 45 years as a civil trial lawyer specializing in construction and government contract law including suretyship and professional malpractice matters for architects, engineers and their insurers. Majority practice in construction law, primarily representing contractors, subcontractors, owners, suppliers (public and private), architects, engineers and sureties involved in private and public projects ranging in value to \$1 billion (90%). Handles disputes relating to default and convenience terminations, differing site conditions, change orders, design defects, personal injury and property damage claims arising from surety bond, insurance and other issues associated with construction projects. Government contract experience includes representing public owners, sub and specialty contractors in the matters referred to above, including bond disputes and contests with local, state and federal agencies. Experience with BIM related contract issues, disputes and design/build matters. Experience as an advocate involving power plant (design) and refinery (turnaround) construction issues.

Mediator Experience Within the past 10 years, has mediated disputes between public owners and contractors (several in excess of 10 million dollars), disputes between general contractors and private owners (including several in excess of 15 million dollars), and claims between trade contractors and owners in excess of two million dollars. Has also mediated claims between owners, sureties and contractors concerning performance bond claims and disputes between bond claimants (subcontractors and suppliers) and sureties. During the same period, mediated smaller disputes among owners, general contractors, subcontractors and design professionals.

Representative Issues Handled as a Mediator The construction cases and/or design profession-related cases have included the following issues: delay damages, defective work, design errors, claims for extra work and surety issues including those related to cost of completion as well as other affirmative surety defenses.

Mediator Style & Process Preferences	My approach to mediation is to primarily act as a facilitator, although the initial approach often taken by the parties is to request an evaluative role. While I recognize the importance of evaluative techniques, I generally try to avoid evaluation unless it appears to be the only road away from impasse. My expectation of the parties requires diligent preparation and equally important, the attendance of senior (not previously involved) personnel. When those expectations are met, success can be fairly well predicted.
Education	Cornell University (BA-1961); New York University (LLB-1964).
Professional Licenses	Admitted to the Bar: New York (1964); U.S. District Court: Southern (1966) and Eastern (1966) Districts of New York; U.S. Court of Appeals: Second (1983), First (1984) and Federal (1984) Circuits; U.S. Claims Court (1984).
Professional Associations	New York City Bar Association; New York State Bar Association (Torts, Insurance and Compensation Law Section; Construction and Surety Law Division); American Bar Association (Forum Committee on Construction; Public Contract Law Section).
Recent Publications & Speaking Engagements	Faculty, "Using ADR in Construction Disputes," New York County Lawyers Association, 2011.
Mediation Rate	\$850 Per Hour
Languages	English
Citizenship	United States of America
Locale	New York, 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.