



AAA Mediation.org™

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Pittsburgh, Pennsylvania



Current Employer-Title John H. Perkins, Mediator, Arbitrator, Attorney

Profession Attorney, Arbitrator, Mediator

Work History John H. Perkins, Mediator, Arbitrator, Attorney, 2004-present; Partner, Perkins Schildnecht, 1988-03; Vice President/General Counsel, Dravo Energy Resources, 1986-88; Senior Counsel, Dravo Corporation, 1984-88; Contracts Manager/Counsel, Parsons, Brinkerhoff - Gibbs & Hill, 1980-84; General Counsel/Secretary, Babcock Contractors, Inc., 1978-80; Sole Practitioner, Private Practice, 1974-78.

Experience Twenty-five years of experience working exclusively with engineering and construction companies representing owners, contractors, subcontractors, and vendors with over twenty years of experience as an arbitrator and mediator. Significant experience in both the private and public sector, dealing with a wide variety of issues including delay and impact claims, technology transfer, project financing, taxes, change in conditions, performance guarantees, and insurance. Extensive experiences both as trial counsel and case management for both plaintiffs and defendants in state and federal court and in both mediation and arbitration.

Mediator Experience Over fifteen years of mediation experience. Handled in excess of three hundred mediations covering a wide variety of issues. Worked with Hon. David W. Murphy and Justus ADR Services, 2001-2006 on a wide range of mediation matters several of which were well in excess of a million dollars. Many of the mediations were in the commercial/construction area involving contract disputes, construction delay claims, changed conditions, inefficiencies, and scheduling. Many of the mediations were multi-party disputes. About one third of the mediations involved various tort claims, and other mediation cases were commercial matters involving issues such as franchises, business practices, intellectual property (trademarks/patents/licenses) and employment.

Representative Issues Handled as a Mediator Mediated many commercial cases involving such as contract disputes, patent infringements, termination of a franchise for an auto dealership, termination of health goods supplier and breakup of a family business. In the torts area, has mediated cases involving product liability, auto accidents, and medical malpractice. In the construction area, has mediated claims involving delay damages, failure to perform, owner interference, design errors, contract interpretation, insurance coverage, labor disputes, force majeure determinations, fraudulent representation, performance guarantees and

bonding.

Mediator Style & Process Preferences

A mediator is a neutral party responsible for assisting disputing parties by facilitating a resolution of the dispute. A primary step in having a successful mediation is to have responsible individuals with settlement authority prepared to work in good faith present at the mediation. A first step in fulfilling the mediator's responsibility is getting the parties to understand each other's position and their reasons for taking their positions. To facilitate that goal, the mediator needs to control the communication between the parties in order to clarify issues and eliminate misunderstandings. The mediators should work to minimize the emotional responses, identify real areas of agreement and disagreement and work with the parties to explore solutions and possible compromises to deal with the disagreements. Where there are significant disagreements on factual issues the mediator needs to work with the parties to determine if there are reasonable means to determine the real facts. The mediator should work with the parties to gain a sense of the problems they might encounter, and possible outcome, if they decide to proceed with litigation. This may sometimes be accomplished by having the parties work their way through a decision tree considering the major hurdles that need to be dealt with in prosecuting a case. The mediator should also work with the parties to help them understand their (BATNA) best alternative to a negotiated settlement.

Education

University of Pittsburgh (BA-1969); Duquesne University (JD-1973).

Professional Licenses

Admitted to the Bar: Pennsylvania, 1973; U.S. District Court, Western District of Pennsylvania, 1973; U. S. Patent and Trademark Office; U. S. Supreme Court, 1976. Certified Mediator, Superior Court of North Carolina.

Professional Associations

Allegheny County (Pittsburgh) Bar Association (Alternative Dispute Resolution Committee), former Chair; Construction Law Committee, Civil Litigation Section; Mediation Counsel of Western Pennsylvania (Board Member); American Arbitration Association, Arbitrator, Mediator, Complex Case Panel; mediator, arbitrator and early neutral evaluator, U.S. District Court, western District of PA.; Certified Mediator, North Carolina Superior Court: formerly - American Bar Association, Forum on Construction and Alternative Dispute Resolution Bar Association (Forum on the Construction Industry, Civil Litigation, Alternative Disputes Section); Pennsylvania Bar Association (Dispute Resolution Committee), Federal Court for the Western District of Pennsylvania Patent Rules Committee.

Recent Publications & Speaking Engagements

"A BETTER WAY, RESOLVING CONTRACT DISPUTES THROUGH MEDIATION" Pittsburgh Engineer, winter 2001; "THE ALPHABET SOUP OF INTELLECTUAL PROPERTY (IP) AND ALTERNATIVE DISPUTE RESOLUTION (ADR)" Intellectual Property News, Oct 2009; "LEGAL HANDBOOK FOR PROJECT MANAGERS ON COMPLEX COMMERCIAL PROJECTS" Duquesne University Program 2007.

SPEAKING ENGAGEMENTS: "Construction Disputes" Builders Association of Western Pennsylvania, February 2001; ADR and Construction, various presentations on contract management and contract disputes for clients in the private and public sector for Construction Education Services, Mediation, PBI ADR Institute, March 2007; Pennsylvania Bar Association, October 2006; "Advocacy in Mediation" Duquesne Law School Schillo Lecture Series March 2009; Mediation, ACBA(Allegheny county Bar Association) Bench Bar Conference; Roadmap to ADR 2010; ACBA Construction Law Section, September 2010; Pennsylvania Bar Institute, Mediating Intellectual Property disputes. Mediation Counsel of Western Pennsylvania Mediation Commercial Disputes, January 2013.

Mediation Rate

\$250 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.