



AAA Mediation.org™

FN-6674 MN-6674 LN-6674, Esq.

Cleveland, Ohio



[View Video](#)

Current Employer-Title Wachter Kurant, LLC - Member

Panelist Video <https://www.adr.org/videoresume?paramName=297704365>

Profession Attorney

Work History Member, Wachter Kurant, LLC (formerly known as Conway, Marken & Mays), 2004-present; Partner, Mays, Karberg & Wachter, 1984-2004; Council Member, City of Beachwood, 1999-2015; Beachwood, Ohio Planning & Zoning Commission, 1997-1998; Associate, A.R. Mays & Associates, 1977-1983.

Experience Over 35 years as a civil trial lawyer. Primarily engaged in the litigation of the above law specialties. Sixty percent of practice in construction and real estate law, primarily representing owners, developers, general contractors, sub and specialty contractors, lenders, suppliers, manufacturers, architects, engineers and designers. Projects include private, commercial and residential buildings. Experience in public and private sector projects; commercial, retail and residential construction issues; acquisition; subdivision matters; leasehold issues; boundary disputes; mechanic's lien and foreclosures. As city council member served as representative to planning and zoning commission, chair of finance committee of the council, and chair of legal committee.

Recipient of the AAA Distinguished Service Award - the Construction Gavel, 2003. Designated as AAA Master Mediator - 2015

Mediator Experience Has served as a mediator in more than 250 cases. The majority involved construction issues, primarily in disputes between owners and general contractors. Has also mediated matters involving owners and design professionals and disputes between general and subcontractors. Has assisted governmental entities, such as city and county government in resolving construction disputes, primarily with general contractors. Other matters mediated would be categorized as business disputes. These have included actions among shareholders, partners and similar disputes among business owners. Has also served as a business mediator for the Cuyahoga County Common Pleas Court. Generally referred by the court to matters involving the business disputes described above as well as pending actions involving titles to real property, lien priorities and similar issues.

Representative Issues Handled as a Mediator	Most construction cases have involved issues concerning defective construction, punch list items, change order disputes, delay damages and claims for consequential damages. In business disputes, has worked cases involving dissolution and division of property among business owners, e.g., partners, shareholders, or LLC members. Has also mediated claims by suppliers against retail and wholesale vendors.
Mediator Style & Process Preferences	<p>As a trial lawyer for nearly 40 years, I have prepared hundreds of cases for trial or some other form of fact-finding. The time and resources involved are substantial and have increased each year. Despite all the discovery, witness interviews and witness preparation, nearly 90% of all cases settled "on the courthouse steps." It seems that the parties are so often caught up in the process of preparation for trial, that they have lost their view of the interests that drove them to litigate. In other words, since the dispute began, the principals have not had an opportunity to sit across the table and really discuss the dispute and try to come to a resolution.</p> <p>I view mediation as an opportunity for the parties to take a step away from litigation process and focus on the problem and possible resolution. I generally prefer to have the parties work together toward a resolution as long as it is fruitful, before meeting with each side. Frequently, getting the parties together, away from depositions and pre-trials, gives the parties an opportunity to listen to both views of the dispute. Only after exhausting that approach do I ask the parties to separate for purposes of formulating proposals for resolution. Frequently, parties who are serious about ending the dispute are capable of reaching agreement before exchanging proposals in the traditional "caucus" method. I view the caucus sessions as an opportunity for the parties to "try out" various proposals. At that point I can be more evaluative, and interject my view of the strengths and weaknesses of the positions promoted. By doing so, I try to reproduce the pressure of the "courthouse steps," but hopefully long before the resources have been utilized to actually get to trial.</p> <p>I expect parties to come to the table with sincere plans to put the dispute to rest and to stop the loss of time, money and manpower through a resolution that they control, rather than one that is imposed on them. To do that, however, parties have to be prepared to compromise and retreat from hard positions they may have taken previously. My role, in that case, is to encourage trust in my knowledge of the field and my experience of what actually happens in the courtroom. I am never more frustrated than when I learn that the parties at the table have little authority to resolve the matter, or, worse, no inclination to resolve it.</p> <p>I find mediation to be among the most rewarding parts of my practice. I frequently read opposing position statements and go into the session with little hope of resolving the problem, only to find that there is a creative solution available that helps bring the parties closer together and ultimately to a resolution of the dispute.</p>
Education	University of Michigan (AB-1972; AM-1973); American University (JD, cum laude-1976).
Professional Licenses	Admitted to the Bar: Ohio (1977), Maryland (1982); U.S. District Court: Northern (1977) and Southern (2004) Districts of Ohio; U.S. Court of Appeals: Sixth Circuit (1979); U.S. Supreme Court (1992).
Professional Associations	Ohio State Bar Association; Cleveland Metropolitan Bar Association (ADR Section, Chair 2012-present).
Recent Publications & Speaking Engagements	<p>"Issues in ADR Discovery?... But This is Arbitration," CLEVELAND METROPOLITAN BAR JOURNAL, September 2009.</p> <p>"Zooming Your Way to Successful Mediation" - Co-panelist/presenter to mediators on ODR - video-conference mediation, May 2020.</p>
Mediation Rate	\$250 Per Hour
Languages	English
Citizenship	United States of America
Locale	Cleveland, OH

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.