



AAA Mediation.org™

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Columbus, Ohio



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Current Employer-Title Independent Arbitrator and Mediator

Panelist Video <https://www.adr.org/videoresume?paramName=297703071>

Profession Trial Attorney, Arbitrator, Mediator

Work History Private Arbitrator/Mediator, 2024-Present; Partner, Porter, Wright, Morris & Arthur LLP, 1986-2024; Partner, Alexander, Ebinger, Holschuh, Fisher & McAlister, 1974-1986.

Experience Civil trial lawyer, arbitrator, and mediator with more than 48 years of experience. A broad-based construction law practice representing project owners, contractors, architects, and engineers from construction contracting, to project management and oversight, to the resolution of claims and disputes on residential, commercial, and industrial projects. Also regularly represent parties in negotiating and resolving disputes concerning the acquisition of leasehold, easement, and purchase of real estate interests.

Representation of electric and natural gas public utilities in energy contracting and real estate acquisition for 30+ years. Representations includes: (1) the acquisition of easements, leases, and rights of way for electric generation and transmission lines and natural gas and petroleum products distribution pipelines, (2) the enforcement and resolution of disputes concerning easements, leases, and rights of way for electric transmission lines and natural gas and petroleum products distribution piping, and (3) negotiation, enforcement, and resolution of disputes concerning contracts for the purchase of coal for coal-fired electric generation facilities, contracts and leases for the drilling, production, and distribution of natural gas and petroleum products, and similar such energy procurement contracts.

Representation of public utilities, corporations, and private landowners in appropriation and eminent domain proceedings and actions for the acquisition and enforcement of easements, leases, rights of way, and other such real estate property interests and the negotiation and resolution of claims and disputes over environmental issues and remediation projects.

Balance of practice is a broad-based commercial law practice representing businesses and

individuals in a broad and wide manner of commercial business disputes.

Since April 2024, have retired from the active practice of law and am engaged now solely as an arbitrator or mediator on selected cases and matters.

Mediator Experience

Experience as a mediator has come in two general areas: have served as a mediator for the American Arbitration Association to mediate consumer, commercial, real estate, and construction disputes based on 42 years of trial experience. These engagements run the gamut from the mediation of individual consumer claims, real estate, commercial disputes, to significant construction project disputes, both public and private.

In addition to private and AAA mediation experience, has also served on the "Blue Ribbon" panel of mediators for the United States District Court, Southern District of Ohio, Eastern Division, since 1990. In that capacity, have been assigned more than 100 cases over the years to mediate for the Judges of the District Court. These mediations can involve any dispute brought to the United States District Court, including personal injury claims, civil rights claims, and a broad range of commercial and construction disputes.

Representative Issues Handled as a Mediator

Mediation experience has been very broad-based from individual consumer claims, general commercial and real estate disputes, to significant construction disputes. In construction mediations, has mediated virtually every type of construction claim, including claims by contractors for additional compensation for changed or additional work, claims for impact, delay, interference, or lack of efficiency on a construction project, and claims for lost home office overhead. For project owners has mediated claims for costs related to completing project work and repairing alleged defective work and claims for direct and consequential damages related to alleged project delays.

Mediator Style & Process Preferences

If a claim can be settled, I believe I can settle it. The biggest obstacle to any settlement is often not the mediator, but the parties' desire to "win" the mediation by dictating one-sided and unrealistic settlement terms. Initially, I work with the parties to facilitate their own discussions about the resolution of their own dispute. I do not attempt to "order" a settlement. As the talks proceed, however, if I see that the parties would benefit from a stronger approach, I am always prepared to use my 42 years of trial practice experience to engage in more frank discussions about the strengths and weaknesses of their positions and the risks and costs of going forward versus the benefits of a mutually-agreed negotiated conclusion. I am also constantly on guard for possible solutions that the parties may not have recognized, always thinking, as they say, "outside the box" to attempt to reach a compromise solution. In sum, my philosophy, initially, is to work with the parties to facilitate their talks to give the parties every opportunity to negotiate their own settlement. But, if those efforts fail, I then use my many years of courtroom and ADR experience with a more aggressive approach to make sure that all avenues are fully understood and explored in every effort to arrive at an agreed conclusion to the parties' dispute.

Education

Ohio State University (BA-1971; JD-1974).

Professional Licenses

Admitted to the Bar: Ohio (1974); U.S. District Court: District of Ohio (1974); U.S. Court of Appeals: Sixth Circuit (1976).

Professional Associations

American Bar Association (Section of Dispute Resolution); Ohio State Bar Association; Ohio State Bar Foundation (Fellow).

Recent Publications & Speaking Engagements

Frequent publications and lectures on construction and commercial law issues and the strategies and practices for arbitration and mediation, including: Course planner and moderator for the annual "Ohio Construction Law Forum," Ohio State Bar Association, 2004 - 2015; "Ohio Construction Law Annual Update," Webcast, Ohio State Bar Association, 2013 - 2015; "Construction Law for Public Projects," Foxmoor Continuing Education, Aug. 2016; "Eminent Domain - Trial Strategies," National Business Institute, December 2014; "Litigation and Enforcement of Mechanics' Liens," Lorman Education Services, September 2014; "Construction Contracting," HalfMoon Education, Inc., 2013; "Resolving Disputes - Court, Arbitration, and Mediation," Lorman Education Services, 2011; "Arbitration vs. Litigation Where Do You Want to Resolve Your Commercial Dispute," Panel Discussion, Annual Trends in Litigation Seminar, Porter Wright, 2010; "Project Management - Handling Project Delays, Disruptions and Changes," National Business Institute, 2009; "Overcoming Common Construction Problems," National Business Institute, 2009; "Resolving Construction Disputes," HalfMoon LLC, 2008; "Construction Lien Law," Lorman Education

Services, 2007.

Mediation Rate

\$295 Per Hour

Languages

English

Citizenship

United States of America

Locale

Columbus, 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.