



AAA Mediation.org™

FN-709 MN-709 LN-709, Esq.

Los Angeles, California



Current Employer-Title Full-time Construction ADR Neutral

Profession Arbitrator, Mediator, Project Neutral, Private Judge, Construction Law and ADR Expert Witness, Author, Speaker

Work History Full-time Construction ADR Neutral, 2000 – Present; Adjunct Professor of Construction Management & Technology – Graduate Program in Real Estate Development (MRED), University of Southern California, 1988 – 2008; Attorney & Partner, Sonnenschein Nath & Rosenthal, 1994 – 1999; Attorney & Partner, Pillsbury Madison & Sutro, 1987 – 1994; Attorney & Partner, Wickwire Gavin & Gibbs, 1984 – 1987; Associate Attorney, Shapiro & Maguire, 1979 – 1984.

Experience Exclusively engaged in Construction ADR Practice since 2000.

Former Chair of Construction Law Departments at Sonnenschein Nath & Rosenthal (now Dentons--the largest law firm in the world) and Pillsbury Madison & Sutro (now international firm Pillsbury Winthrop).

Represented owners, developers, public agencies, general contractors, subcontractors, suppliers, and lenders. Handled breach of construction contracts, mechanic's lien foreclosures, and stop notices. Specialized in claims and contracts valued in excess of \$1 million. Nationally recognized expert on the drafting and negotiation of major construction documents.

Mediator Experience All mediation work has dealt with construction disputes. Private projects have included office buildings, shopping centers, condominiums, apartments, single-family homes, churches, theme parks, resorts/hotels, and stadiums. Public projects have included port improvements, airports, schools, community centers, infrastructure projects, military bases, and convention centers. Particular experience in insurance coverage issues related to design/construction defect claims and allocation of defense costs and indemnity obligations among multiple carriers. Claim values in construction mediation cases have ranged between \$25,000 and \$50,000,000.

Representative Issues Handled as a Mediator Mediated virtually every conceivable type of construction claim, including design and construction defect claims, extra work and delay claims, mechanic's liens, stop notices, bidding disputes, construction failures, landslides, and complex insurance coverage disputes.

Mediator Style & Process Preferences	<p>Primary approach is facilitative--to help the parties themselves find a way to settle their construction dispute.</p> <p>However, because of many years of experience, I provide my evaluation of merits and settlement issues when appropriate.</p> <p>Major part of philosophy is to never, ever give up on settling a case--to commit the parties at the outset that they will keep talking until they can find a resolution that they both can live with, and then to make sure the parties never stop talking. This approach has been very successful over the years--many cases that appeared hopeless at one point or another eventually are settled.</p> <p>Key philosophy is that any case that goes to mediation is in mediation to settle--and to constantly be working with the parties on any and every approach that could move us closer to resolution. My attitude is that I want the parties to know that I will not let them stop working on settling the case until it is, in fact, settled.</p>
Education	University of California, Hastings College of the Law (JD, Law Review, Associate Executive Editor, Hastings Law Journal-1979); University of California, Berkeley (AB, Highest Honors, Phi Beta Kappa-1976).
Professional Licenses	Admitted to the Bar: California, 1979; U.S. District Court: District of California, 1979; U.S. Supreme Court, 1979.
Professional Associations	<p>American Bar Association (ABA Forum Committee on Construction)</p> <p>California State Bar (California Lawyers Association, CLA Construction Law Subsection)</p> <p>Los Angeles County Bar Association (LACBA Real Property Section, LACBA Construction Law Subsection)</p> <p>American Arbitration Association</p> <p>California Public Works Construction Arbitration</p> <p>California Dispute Resolution Council (CDRC)</p> <p>Construction Law Study Group.</p>
Recent Publications & Speaking Engagements	<p>Publications: Over 50 publications on Construction Law and Construction ADR topics.</p> <p>Speaking Engagements: American Bar Association, ABA Forum on Construction, California State Bar, Los Angeles County Bar Association, American Arbitration Association, USC, UCLA, Practising Law Institute, and many, many other organizations.</p>
Mediation Rate	\$7,500 Per Day
Languages	English
Citizenship	United States of America
Locale	Los Angeles, CA

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.