



AAA Mediation.org™

FN-8212 MN-8212 LN-8212, Esq.

Scottsdale, Arizona



Current Employer-Title Radix Professional Services, LLC Partner

Profession Attorney

Work History Partner, Radix Law, PLC, 2017 - Present; Partner, Alvarez & Gilbert, 1997-2017; Partner, Warner, Alvarez & Gilbert, 1996-1997; Partner, Warner & Alvarez, 1991-1996; Partner, Warner, Alvarez, McCarthy & Palmer, 1986-1991; Associate, Warner & McCauley, 1980-86; Associate, Milne & Rotundo, 1976-1979.

Experience Over 46 years of experience as a civil trial lawyer with emphasis on construction, commercial, business, real estate litigation and transactions, tort litigation, personal injury (plaintiff and defense), and consumer law.

Handled a wide variety of matters, including: business disputes arising from commercial and construction breach of contract claims; construction defects; covenants not to compete; breach of fiduciary duty; theft of trade secrets; anti-piracy; unfair competition; business buy-sell agreements; company dissolutions; disputes among partners, shareholders, members and other business principals of various entities; real estate and construction disputes arising from all types of construction projects; real estate purchase and sale agreements; commercial and residential leases; residential and commercial foreclosures; bankruptcy issues; consumer fraud; property damage and bodily injury.

Represented owners, architects, engineers, general contractors, subcontractors, and material suppliers involving breach of contract, construction defects, performance delay, lien and bond claims, collections, and Registrar of Contractors issues.

Arizona counsel for a national home builder, handling matters relating to construction (including Registrar of Contractor issues), construction financing, loan security (including mortgages and deeds of trusts), and foreclosures. Arizona counsel for two international roofing materials manufacturers handling matters involving contracts, collections, materials defects, specifications, bidding and bid protests, bond and lien claims, licensing, materials application, and public project procurement issues.

Also, has served as a private mediator in a variety of cases since the late 1990s.

Mediator Experience	Mediated cases involving construction, trusts and estate, real estate, business, and contract disputes. The cases have ranged from under \$50,000 to high six figures.
Representative Issues Handled as a Mediator	Construction disputes involving monies owed and defects (workmanship and materials). Real Estate dispute involving easements and title. Business disputes involving buy/sell agreements and ownership issues.
Mediator Style & Process Preferences	Mediation is a process. How it flows depends upon the parties, the attorneys representing those parties, and the issues. There is a great deal of psychology involved. So, a mediator must be flexible. My general approach to each mediation is to be thoroughly prepared, to keep an open mind and not pre-judge, and to understand not only each party's point of view but also the reasoning behind the position a party may take. Emotions, fatigue, different levels of risk assessment/tolerance, unreasonable expectations, communication issues, process mistakes all may play a role in the dispute resolution process. I do ask that the parties prepare mediation memoranda and, unless the parties agree otherwise, the memoranda will be confidential. I also ask questions and will provide my opinion when asked or when I believe it will help resolve the matter. Recognizing how many cases have an emotional component, I often ask the parties to view any decisions they will make as business decisions. My goal is to bring the parties as close together as possible. I further insist that the persons with authority to settle be present, preferably in person. When caucusing, I will keep discussions confidential unless I am told otherwise. I make it clear that, as a mediator, my intent and purpose are to serve the needs of the parties.
Education	Albany Law School (JD-1975); Allegheny College (BA-1972).
Professional Licenses	Admitted to the Bar: New York (1976), Arizona (1980); U.S. District Court: Northern (1976) and Southern (2010) Districts of New York, District of Arizona (1980); U.S. Court of Appeals: Ninth Circuit (1981), District of North Dakota (2010).
Professional Associations	American Bar Association; New York State Bar Association; State Bar of Arizona; American College of Barristers (Senior Counsel); Maricopa County Bar Association (Construction Law Section); Maricopa County Bar Foundation; Arizona Trial Lawyers Association; American Association for Justice (formerly the Association of Trial Lawyers of America); Scottsdale Bar Association; Youth Partners Foundation; City of Scottsdale Judicial Appointments Advisory Board.
Mediation Rate	\$450 Per Hour
Languages	English
Citizenship	United States of America
Locale	Scottsdale, AZ

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.