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New York, New York



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Current Employer-Title Offit Kurman, Principal, Chair of the New York Construction Law Practice

Panelist Video <https://www.adr.org/videoresume?paramName=941707492>

Work History Principal and Chair of NY Construction Practice, Offit Kurman, P.A., 2018- Present; Partner, Menaker & Herrmann, 1984 – 2018; Partner, McGarrah & Heard, 1980 – 1984; Associate, Hughes Hubbard & Reed, 1974 – 1980; Law Clerk to Hon. Sterry R. Waterman and Harold R. Medina, U.S. Court of Appeals Second Circuit, 1973 – 1974; Adjunct Professor, Columbia Graduate School of Architecture, Planning, and Preservation, 2016-Present; Visiting Professor, Pratt Institute, 2022-Present.

Experience Focus on construction law, representing architects, contractors, engineers, interior designers, developers and owners. Experience with drafting and negotiating agreements for all parties to a construction project. Counsel clients on claims involving mediation, arbitration and litigation. Advise as outside counsel on general business matters including corporate structure, shareholder and operating agreements and employment matters.

Mediator Experience Member, Panel of Mediators for the American Arbitration Association and the Supreme Court, New York County, Commercial Division.
Served as a mediator in more than 80 cases.

Representative Issues Handled as a Mediator Claims have involved disputes between owners and general contractors; contractors and subcontractors; and owners, contractors and architects/engineers. Claims have involved: failure by general contractors to perform; subcontractor non-performance; claims for change order work; improper design by architects and engineers; and claims by owners for delay damages against contractors; claims by owners against architects and engineers for improper facade restoration design and waterproofing details; claims by an architect for additional services due to project delay; claims by a business owner against its landlord for damages arising out of landlord's building renovation. Cases have ranged in value from several hundred thousand to multi-million dollar claims.

Mediator Style & Process Preferences	<p>The mediation process offers the parties the opportunity to not only make a choice as to how a matter can be resolved, but affords the parties an opportunity to express their views on all aspects of the dispute in question in a somewhat relaxed atmosphere. This, in turn, often helps the parties focus on what is necessary to resolve a matter. As a mediator, I endeavor to give the parties a full opportunity to explore their positions, and I believe it is appropriate for the mediator to challenge each party so that each party will have its claims put to the test in an environment where there is no ultimate decision maker. I therefore encourage participation by the parties and discourage attorneys from acting as they might before a judge or a jury. I do look to counsel to advise their clients of the legal issues which the mediator may address. I also believe that mediation can be effective even if no resolution of the entire matter is possible. Particularly in construction, where there are often multiple issues, the parties may be able to resolve some, but not all, of their claims in a mediation.</p>
Education	Columbia University (JD, Harlan Fiske Stone Scholar-1973); Yale University (BA, History-1968).
Professional Licenses	Admitted to the Bar: New York (1974); U.S. District Court: Southern and Eastern Districts of New York (1975); U.S. Court of Appeals: Second Circuit (1975).
Professional Associations	<p>New York City Bar Association; New York State Bar Association; American Bar Association.</p> <p>Fellow, Construction Lawyers Society of America; New York City College of Technology Executive Council on Design Education and Engagement; Member; New York Chapter, Advisory Board, Society of Design Administrators, Chair; New York Building Congress, Member; Panel of Mediators, American Arbitration Association; Member; Panel of Mediators, Commercial Division of the New York Supreme Court; Member; Board of Directors, Sir John Soane's Museum Foundation, Former Board Member; Broadway Mall Association, Chair of the Board; Community Board 7, Manhattan, Former Board Member.</p>
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>Author "Law for Architects: What You Need to Know" published by W.W. Norton in 2012.</p> <p>Author "Legal Dimension of Practice and Regulatory Agencies' Role in Control of Design and Practice of Architecture: Managing Risks and Liabilities for Architects chapter," The Routledge Companion for Architecture Design and Practice</p> <p>Author "The Pitfalls of Scope Creep," Architectural Record, January 2012.</p> <p>SEAKING ENGAGEMENTS:</p> <p>"Understanding Issues in Construction Administration," Half Moon Education, (Speaker);</p> <p>"Managing Risk: What You Need to Know," Architect Lady Networking Group (Speaker);</p> <p>"Managing Risk: What You Need to Know." LA.IDEA/AIADC (Speaker); "Art of Negotiation," National Council of Architectural Registration Boards Scholars in Professional Practice Conference in San Luis Obispo, California (Speaker); "Expanding Business Ownership," Brick & Wonder Roundtable (Panel Member); "10 Provisions Every Owner Architect Agreement Should Include," EntreArchitect (Speaker); "Insurance and Indemnification: Two Critical Issues in Contract Negotiation," Maryland Construction Network's Legal Resource Group (Presenter); "Critical Legal Issues Every Small Firm Architect Needs to Know," EntreArchitect (Speaker); "Design Professional Agreements in Light of COVID-19: what Changes Should be Considered?" ACEC Virtual Construction Business Practice Committee Meeting (Speaker); "Starting Your Own Firm: Challenges, Risks, and Rewards," AIA Tri-State Convention - Albany, New York (Speaker); "Owner-Architect Agreement: Selection and Negotiation of Key Issues at Contract Document Practicum," sponsored by ABC Keystone/AIA PA (Presenter); Design Firm Management in the Gig Economy, New York Build 2019 Expo (Speaker); "Design Firm Management in the Gig Economy," AIA New York State Small Firm Symposium in Rochester and Happaug, New York (Speaker); "Risk Management," National Council of Architectural Registration Boards Scholars in Professional Practice Conference in Washington D.C. (Speaker); "Managing Risk for Architects," Brooklyn AIA Custom Residential Architects Network Knowledge Community Seminar (Presenter); "Transitions: Considerations When the Design Professional is Replaced" and "Avoiding Pitfalls When Doing a Condominium Development," Design Professionals Symposium, sponsored by the Marquis Agency (Panel Member); "Avoiding the Perfect Storm (Minimize Risk During the Design and Construction Process," Power Up Your Practice AIA Continuing Education System Course (Panel Member); "Controlling Risk for Architects," Institute of Classical Architecture & Art (Co-Presenter with John Rusk, Rusk Renovations Inc.); "Eugene J. Mackey Jr. lecture," Sam Fox School of Design & Visual Arts at Washington University in St. Louis co-sponsored by the School of Law (Lecturer); "Managing Risk When Negotiating an Agreement with Your Client," Annual Society for Design</p>

Administration Symposium in Nashville, Tennessee (Speaker); "Book Talk: Law for Architects: What You Need to Know," American Institute of Architects - New York, San Francisco, and Los Angeles chapters (Presenter); "Risk Management," New York State AIA Convention (Panel Member); "Managing Risk for Design Professionals," Construction Specifications Institute, Los Angeles Chapter (Presenter); Professional Liability and Management Issues for New Consultants," sponsored by the Professional Practice Committee of the American Institute of Architects, New York Chapter (Panel Member); Numerous Programs (Risk Management, Contract Negotiation, Ownership transition, and Dispute Resolution), New York Chapter of the American Institute of Architects (Panel Member); Has taught Professional Practice classes at City College, University of Pennsylvania, Parsons, the New School for Design, Pratt Institute, New York Institute of Technology, Tulane University, Boston Architecture School and Howard University.

Mediation Rate	\$390 Per Hour
Languages	English, Spanish
Citizenship	United States of America
Locale	New York, NY

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.