



AAA Mediation.org™

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Orlando, Florida



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Current Employer-Title Hammond Law - Shareholder

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Profession Attorney, Arbitrator and Mediator, Commercial, Construction & Real Estate Disputes

Work History Partner, Wright, Fulford, Moorhead & Brown, 2010-2016; Law Offices of Denise Morris Hammond, 1997-2010; Partner, Fisher, Rushmer, Werrenrath, Wack & Dickson, 1984-1997; Associate, Burton L. Bruggeman, P.A., 1982-1984.

Experience Engaged in a commercial, construction and real estate litigation, arbitration and mediation practice for 30 years.

- *Commercial experience includes Contract issues, Real Estate and Mortgage transactions, UCC issues, FDUPTA, Securities, Banking, Land Use, Zoning, Environmental. Also, Brokerage issues, Condominium Development, Condominium Association Law and Representation, Insurance Coverage, Professional Liability, including Architects, Engineers, Geotechnical Professionals, Surveyors and Directors' and Officers' liability, Lien Law.
- *Construction, design defect experience representing architects and engineers, designers, owners, developers, public agencies, and sub and specialty contractors. Substantial experience with delay claims.
- *Involved in public and private industrial, institutional, hotel, multi-family and residential projects.
- *Specific experience includes power plants, performing arts centers, condominiums, waste water and sewage treatment facilities, bridges, roads, toll facilities, industrial projects, environmental, civil and site work issues.
- *Site construction, underground utilities, piping design and installation, plumbing, tile, roof (tile, shingle, built-up, etc.), stucco, IFAS, HVAC and cooling towers, electrical systems, structural steel, rebar design, material handling systems, pump design, drilled shafts, pile driving soil borings, geotechnical analysis, environmental.
- *Life and safety codes, fire codes, building codes, environmental regulation
- *Sick building, asbestos, mold and mildew remediation, sinkholes.
- *Bonding and surety issues, insurance coverage.

Representative Mega-Projects litigated or arbitrator both as an Advocate and an Arbitrator

City of Lakeland 364 Megawatt Coal-Fired Power Plant – Claims totaling more than \$67 Million. Represented Design Engineer on claims of eight separate alleged design defects, including cooling tower, coal handling system, limestone handling system, and circulating water system. Defense verdicts obtained in two separate months long Federal Court Jury Trials on three of the systems. Matter resolved thereafter.

City of Tampa Performing Arts Center – Represented the City of Tampa in litigation involving design defects and delay impacting the construction of the performing arts center. Claims exceeding \$30 million included geotechnical, structural and acoustical issues. Matter resolved favorably after discovery complete.

Interstate I-95 and I-295 interchange in Jacksonville, Florida. Represented Road Engineer in claim involving design defects and delay totaling \$20 Million. Firm obtained Final Summary Judgment in favor of Client after substantial discovery. Summary Judgment upheld on appeal to District Court; Supreme Court denied Certiorari.

Pine Castle Jeep Range - \$12 Million Claim against environmental engineer who performed a phase I ESA and did not discover unexploded, buried ordnance left on the aerial target training range from WWII. Obtained Final Summary Judgment on behalf of client and recovered all attorneys fees and costs.

Melbourne Beach Hilton Hotel – represented Architect on design defect and delay claims totaling \$16M. After two week jury trial, Architect recovered all outstanding design fees, defense verdict on owners claims, and prevailing party attorneys fees.

Henry Mayfield Elementary School: Represented Geotechnical Engineer in \$7 million claim by contractor for design defects and delay. Matter settled favorably after two weeks of trial.

Arbitrator/Chair: \$15 Million claim for costs and delay damages related to faulty welds on \$300M Co-Generation Power Plant. Proceeded through two weeks of final hearing and award.

Arbitrator/Chair: \$6 Million claim related to delays and extra costs due to negligent installation of fiber-optic cable for 60 miles of tollroads. Project valued at \$35 Million. Matter settled after three weeks of final hearing.

Arbitrator/Chair: \$12 Million claim on \$45 Million Dade

Mediator Experience

Has mediated more than fifty cases including claims between owner, contractor, designer and subcontractors. Special experience in delay claims and large construction defect claims.

Representative Issues Handled as a Mediator

As a mediator, has handled design and construction defects of all types including structural, electrical, HVAC, and civil, delay, acceleration and stacking of trades, deposit disputes, changed conditions, surveying, roofs, moisture penetration. Handled several cases involving compliance with the Americans with Disabilities Act in hotels and restaurants, claims for payment of extras, and pricing disputes. Has also handled fire and property damage claims, repair costs, loss of use, claims under payment and performance bonds, eminent domain, landlord/tenant, and partition actions.

Mediator Style & Process Preferences

In mediation, I enjoy working with the parties to evaluate the strengths and weaknesses of their case and the other party's case. Working with various evaluative techniques, we focus on assessing risk and opportunity as it relates to each element of damages and each legal theory. We work to provide the parties with objective criteria against which they can judge various settlement options.

It is critically important that the parties come prepared to negotiate. This includes a complete summary and evaluation of damages claimed, with backup materials where appropriate. This information should be exchanged prior to mediation conference.

Counsel are expected to prepare their clients prior to the mediation conference by discussing the strengths and weaknesses of their case and the likelihood of various outcomes after arbitration or trial.

Education	Stetson University (BS, with honors-1979); University of Florida (JD, with honors-1982).
Professional Licenses	Admitted to the Bar, Florida, 1982. Certified Circuit Court Mediator, Florida, 1995.
Professional Associations	American Bar Association (Forum Committee on the Construction Industry); Orange County Bar Association; Florida Bar (Real Property Section; Construction Law Committee), American Institute of Architects/Women in Architecture; National Association of Women in Construction.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>"Delay Claims," Florida Construction Law Manual, Florida Bar Continuing Legal Education, 1991.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>"The Intersection of Arbitration and the Courts," Advanced Circuit Court Judicial Conference, Orlando, 2018.</p> <p>"Developing Issues in Design and Construction Contracts," American Institute of Architects, Orlando Chapter, May 2014.</p> <p>"Construction Dispute Resolution," Advanced Construction Law Certification Review Course, Construction Law Committee, The Florida Bar, March 2013.</p> <p>"When Damages Aren't Enough - Alternative Remedies in Construction Cases," The American Bar Association Forum on the Construction Industry, Mid-Winter Meeting, January 2013, Naples, Florida.</p> <p>"Presenting the Schedule Analysis to the Finder of Fact from the Arbitrator's Point of View", Florida Bar Construction Law Institute, Orlando, Florida, April 2012.</p> <p>"The National Protocols - a Fresh Approach to Arbitration", Florida Bar Construction Law Institute, April 2011; "Five Best Practices for the Arbitration Final Hearing", Florida Bar Construction Law Committee, March 2011; Construction "Selecting the Right Arbitrator for your Case", American Arbitration Construction Conference, May 2009; "Use of Discovery and Evidence in Arbitration," AAA Neutrals Conference, Miami, May, 2006; Construction Forum Roundtable in Best ADR Practices, AAA National Forum on Conflict Management in the Construction Industry, Orlando, November 2004; "Shepardizing A.R. Moyer v. Graham - An Examination of the Current Status of A/E Liability to Contractors," Construction Contract Litigation XVIII Seminar, Florida Bar Continuing Legal Education, 1997; "Dealing with the New Federal Discovery Rules," Unlocking the Mysteries of Federal Court Seminar," Florida Bar Continuing Legal Education, 1994.</p>
Mediation Rate	\$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Orlando, FL

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.