



AAA Mediation.org™

FN-9749 MN-9749 LN-9749, Esq.

Saddle River, New Jersey



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Current Employer-Title Cokinos | Young- Principal

Panelist Video <https://www.adr.org/videoresume?paramName=272765948>

Profession Attorney - Construction Contracts, Dispute Resolution

Work History Principal, Cokinos | Young, 2021 – Present; Director, Gibbons P.C., 2008 – 2021; Partner, Thelen LLP, 2005 – 2008; Associate and Partner, Postner & Rubin, 1982 – 2005; In-house Counsel, T.J. McGlone Co. Inc., 1981 – 1982.

Experience Practicing construction law exclusively for some 40 years. Approximately 70% of practice is resolution of disputes related to construction projects through negotiation, litigation, arbitration, mediation or other forms of ADR and 30% is drafting and negotiating contracts related to construction projects. Over 35 years' experience as an arbitrator and mediator. Have represented owners, developers, general contractors, construction managers, subcontractors, specialty contractors and subcontractors (electrical, marine, heavy civil and underground construction), suppliers, design professionals and surety companies. Experience with State and local government contracts, Public Private Partnerships (P3), and private work.

Projects include infrastructure (rail and light rail, roads and bridges, water and waste water and regulated utilities), schools, health care, retail, office buildings, power generation (co-generation, steam, gas, coal, solar, bio-fuels, wind and hydro), industrial facilities (manufacturing and process plants), sports facilities and residential (multi-family and single family, including high-end luxury housing).

Taught ADR and Construction Law at Rutgers Law School, Newark, New Jersey.

Mediator Experience Served as a AAA mediator since 1990, handling primarily construction disputes. Member of the AAA Master Mediator Panel

Has experience with commercial and public construction, both building and heavy civil projects.

Has experience with disputes involving traditional and alternative energy, including coal, gas, solar, wind, biomass and hydro-power.

Handled multi-party construction disputes involving owners (public and private) developers, contractors, designers, trade contractors, insurance companies and surety companies. Have co-mediated several matters; experience using neutral experts retained to assist the mediator.

Has also been on the panel of court appointed mediators of the US District Court for the Southern District of New York since its inception in the early 1990s and has handled tax, commercial, real estate, employment, copyright, discrimination, insurance and personal injury disputes.

For over 10 years, served as a volunteer mediator in the Tinton Falls, New Jersey Municipal court meditating disputes involving trespass, assault, domestic issues, labor picketing, loud music, barking dogs, noisy upstairs neighbors and home improvement claims.

Helped to develop the mediation training program for the New Jersey Superior Court annexed mediation program. Acted as a mediator in that program since its inception through 2008.

Representative Issues Handled as a Mediator

Construction cases mediated have involved delays, acceleration, extra work, wrongful termination, cost to complete, rights of completing surety company, costs recoverable under GMP contract, audit rights, warranty claims, design defects, illegal contracts, fraud, bad faith, default, rights of subcontractors, limitations of liability clauses, multi-prime contractors, among others.

Mediator Style & Process Preferences

The mediation process belongs to the parties. My role is to keep the parties focused on talking to each other and/or exploring options for resolution that will facilitate continued discussion. I will offer my observations on the positions taken by a party in a private caucus, as well as my views on settlement offers and how such offers may be perceived by the other party. In multi-party cases I will attempt to identify shared interests among various parties and how those shared interests could be leveraged to work to an outcome acceptable to all.

Education

Seton Hall University (JD-1980); Monmouth University (BA, Sociology-1975); Brookdale Community College (AA-1972).

Professional Licenses

Admitted to the Bar: New Jersey (1980), New York (1983); U.S. District Court: District of New Jersey (1980), Southern (1983) and Eastern (1983) Districts of New York; U.S. Court of Federal Claims (1989); U.S. Supreme Court (1987).

Professional Associations

Fellow, American College of Construction Lawyers (Member Board of Governors 2017-2020); American Bar Association-Forum on Construction Law (Past Chair, Chair, Governing Committee member, Chair of Division 1, Dispute Avoidance and Resolution); New Jersey State Bar Association, Construction Law Section; Dispute Resolution Section (Past Chair); AGC of New York State, Member of the Building Board of Directors; ACG National, Member Contract Documents Committee; Building For Good (Board Member); ACE Mentor (National Board Member; Ace Mentor CMiC Alan Berg Scholarship Review Committee (2019- 2020); Family Resources Association (New Building Committee).

Recent Publications & Speaking Engagements

Publications:

DISCOVERY DESK BOOK FOR CONSTRUCTION DISPUTES, ABA Publishing, 2005; 50 STATE PUBLIC CONSTRUCTION LAW SOURCE BOOK, CCH Incorporated, 2002; STICKS AND BRICKS, A PRACTICAL GUIDE TO CONSTRUCTION TECHNOLOGY, ABA Publishing, 2001; NEW YORK CONSTRUCTION LAW MANUAL, West Publishing, 1992; PARTNERING IN DESIGN AND CONSTRUCTION - ALTERNATIVE DISPUTE RESOLUTION AS A PARTNERING TOOL, McGraw Hill, 1996.

Has written articles on construction law and ADR for the AAA, Forum on Construction Law; New Jersey Law Journal; New Jersey Lawyer; New York Law Journal

Speaking Engagements:

Has spoken before a variety of organizations, including the New Jersey Judicial College; American Bar Association Forum on Construction Law; American Arbitration Association; New Jersey Institute of Continuing Legal Education; New Jersey Bar Association; Associated General

Contractors of America; AGC New York State; Pratt University, New York, New York; Pace University, New York, New York; and Rutgers University, Newark, New Jersey.

Locations Where Parties Will Not be Charged for Travel Expenses Within the New York-New Jersey Metropolitan area.

Mediation Rate \$600 Per Hour

Languages English

Citizenship United States of America

Locale Saddle River, NJ

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.