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JOSEPH C. MALPASUTO, ESQ

Current Employer-Title:

Self Employed - Full Time Construction/Business Neutral

Profession:

Attorney, ADR Neutral - Construction, Business

Work History:

Neutral, Self-employed, 2002-present. Of Counsel, Monteleone & McCrory, LLP, 1998-2002. Partner, Gill and Baldwin, 1975-98; various construction industry positions, 1960-1975.

Experience:

Over 25 years experience as a lawyer (75% construction, 25% business).
CONSTRUCTION: Over 15 years experience with asphalt, rock sand, and ready mix businesses, including as Vice President and Chief Operating Officer. Served as both a litigation and transactional attorney for construction disputes representing prime and subcontractors, material suppliers, sureties, and owners. Representative disputes included design defects, extra work, delays and impacts, indemnity, and statutory remedies involving asphalt and concrete paving, bridge construction and retrofitting, piling (including CIDH work), underground construction regarding sewers, utilities, and storm drains, and residential and commercial construction. Represented home, condominium, and real property owners concerning claims of defective/slow construction, interpretation of home improvement contracts, and contractor license violations. BUSINESS: Purchase, sale, and lease of real estate including raw land, commercial, and residential properties; business and asset acquisitions; trade secret, confidentiality, trade mark, and patent infringement; insurance coverage and bad faith; title insurance liability; sales and real estate taxes; and wrongful termination, labor, and workers compensation.

Alternate Dispute Resolution Experience

MEDIATION- CONSTRUCTION: Served as a mediator for over 125 construction disputes involving owner vs contractor concerning prime contractors vs subcontractors and contractors versus owners, both public and private, concerning defective work, delay, disruption, impact/ damages, extra work,

defective design, indemnity and insurance coverage. Amounts in dispute ranged from \$10,000 to \$20,000,000. 70% of the matters mediated involved more than three parties, and have included up to 50 parties

MEDIATION- BUSINESS: over 30 mediations including employees versus employer concerning wrongful termination; insurance coverage and amount of recoverable damages concerning numerous Northridge earthquake disputes; legal malpractice; attorney and client disputes concerning the reasonableness of attorneys fees

ARBITRATION- CONSTRUCTION: Homeowners versus contractors, prime contractors versus subcontractors and sureties regarding late or defective construction and insurance coverage; failure to perform work, extra work, disruption, delay damages both direct and home office, interference; CPM scheduling and indemnity.

ARBITRATION BUSINESS: attorneys fee disputes, legal malpractice; insurance coverage; amount of damages recoverable for fire, water, valuation of assets; purchase and sale of business equipment; real estate disputes concerning options to purchase real property, and buy and sell agreements relating to raw land, condominiums and commercial buildings

Multi-Party Dispute Resolution Experience:

Multi-party experience includes the mediation of a 50-party construction defect case involving homeowners, contractor, architect, subcontractors, and suppliers; a 20-party dispute between the owner of a commercial building against the contractor, structural and electrical engineering contractors, subcontractor and suppliers; and a 20-party condominium defect matter. 70% of the matters mediated involved more than three parties.

Alternative Dispute Resolution Experience:

Extensive experience in the mediation of disputes both as an advocate since 1975 and as a mediator since 1994. Mediator of more than 125 construction disputes both privately and for the Los Angeles Superior Court. Advocate in meditations involving claims valued up to \$34 million. Member of the American Arbitration Association Construction Mediation Arbitration, Commercial and LCC panels; Member of the State Construction Arbitration Panel for State of California; formerly on the Los Angeles Superior Court JSOPS and Los Angeles County Bar DRS mediation panels.

Alternative Dispute Resolution Training:

Los Angeles, 2/01; AAA Commercial Arbitrator Training Workshop, Los Angeles, 3/99; AAA Construction Industry Arbitrator Training, Los Angeles, 3/97; County of Los Angeles DRS Mediation Training; various other ADR training including Pepperdine University mediators Master Forum, 3/20/02, 4/03 Los Angeles DRS Advanced Mediation Training

Professional Licenses:

Admitted to the Bar: California, 1975 U.S. District Court - Northern, Eastern, Central and Southern Districts of California; U.S. Court of Appeals, Ninth Circuit.

Professional Associations:

California State Bar, and Los Angeles County Bar associations. American Arbitration Association, Large Complex Case and Commercial Panels. Arbitration Mediation Conciliation Center & Contractor State License Board, Master Arbitrator Panel.

Education:

University of the Pacific (BA-1960); San Fernando College of Law -night school. (JD, Co-Salutatorian, Law Review-1975).

Awards and Honors:

Martindale-Hubbell AV rated. Recipient, Outstanding Service as a Mediator Award, Los Angeles County Bar Association Dispute Resolution Service, 2000; Outstanding Service as a Mediator Award, Los Angeles Superior Court, 1998.

Publications and Speaking Engagements:

Presenter, "Construction Claims in California", The Lorman Group, May 2000; presenter "Construction Contracting for Public Entities", The Lorman Group, April 2000. Author- "Choosing the right mediator for a Complex Construction Dispute". American Arbitration Association-Punchlist. 5/2002; Underground Focus Academy-2004. Presenter & Mediator Mock mediation construction dispute: Speaker-Mediating a complex construction dispute.

References:

George Calkins, (310) 277-4222; Michael Minchella, (213) 612-9900; Steve Atkinson, (562) 404-4444.

Fees:

\$350 per hour. Mediator, Arbitrator, Pro Tem, & Referee Compensation; Cancellation policy: cancel less than 15 business days in advance of and not including the hearing day - refund ½ of fees paid if unable to re-book. Cancel on the day of hearing will charge the full fee for time reserved that day and refund ½ of fees if able to re-book remaining reserved days. Study and deliberation time at the foregoing rates. No charge for travel time within Los Angeles, northern Orange County and Santa Barbara. Charge for lodging expenses as incurred.