



## **Construction ADR Services**

*Dispute Resolution Exclusively to the Construction Industry*

3055 Wilshire Boulevard, Suite 550, Los Angeles, CA 90010

Telephone: (213) 383-9399 or (800) 652-2927

Fax: (818) 790-2196

**Michael J. Bayard, Esq.**

- Current** Full-time Construction ADR Neutral—Arbitrator, DRB Member, Mediator, Project Neutral, Discovery Referee, Special Master
- Professional** Construction Attorney (1979-Present)
- Work History** Full-time Construction ADR Neutral (2000-Present); Adjunct Professor, Construction Management, Graduate Program in Real Estate Development, USC (1988-Present); Partner and National Chair, Construction Law Practice Group, Sonnenschein Nath & Rosenthal (1994-1999); Partner and National Chair, Construction Law Practice Group, Pillsbury Madison & Sutro (1987-1994); Associate and Partner, Wickwire, Gavin & Gibbs (1984-1987); Associate, Shapiro & Maguire (1979-1984).
- Construction Legal Experience** ADR practice limited to construction disputes. 50% of time spent serving as Construction Arbitrator or DRB member and 50% of time spent serving as Construction Mediator or Project Neutral—from small residential projects to multi-million dollar construction claims and construction defect disputes. Prior to becoming full-time Neutral worked as full-time Construction Attorney: 50% of time spent on drafting and negotiating construction related agreements and other 50% of time spent on construction litigation, arbitration, and mediation. As National Chair of Construction Law Groups at Pillsbury and Sonnenschein firms specialized in complex construction related agreements and construction disputes valued at in excess of \$1 million. Nationally recognized authority on the drafting and negotiation of major construction-related documents.
- Construction Mediation Experience** Mediated over 100 construction cases. Private projects have included office buildings, shopping centers, condominiums, apartments, single family homes, churches, theme parks, resorts/hotels, and stadiums. Public projects have included port improvements, airports, schools, community centers, infrastructure projects, military bases, and convention centers. Have mediated virtually every conceivable type of construction claim, including design and construction defects, extra work and delay claims, and complex insurance coverage disputes. Claim values in construction mediation cases have ranged between \$25,000 and \$25 million. . Recently served as mediator on large claims on projects at the Port of Los Angeles and at LAX.
- Construction Arbitration Experience** Arbitrated over 150 private and public construction cases. Today most of cases involve multiple parties and large (LCCP) claims. Served as Arbitrator on a number of high-profile disputes since becoming full-time Neutral. Arbitrated virtually every type of construction and construction defect claim, including claims on single-family homes, planned residential communities, apartments and condominiums, shopping centers, industrial projects, commercial office projects, and local, state, and federal public works projects. Served as sole arbitrator on largest single-family home construction claim in Los Angeles County. Claim values in construction arbitrations have ranged from \$25,000 to \$250 million. Recently served as Chair of three-member panel hearing the largest construction claim before the AAA in the Western United States.
- Multi-Party Disputes** Mediated and arbitrated cases with two to twenty-five parties. Particular experience in insurance coverage issues related to design/construction defect claims and allocation of defense costs and indemnity obligations among multiple carriers.
- ADR Training** Completed all of AAA basic and advanced Arbitrator trainings. Attended AAA National ADR Retreats (Chicago—2003, 2000; Orlando—2004, 1998; Palm Springs—2005).

## **Construction ADR Services**

**Michael J. Bayard, Esq.**

<b>Licenses</b>	Admitted, California State Bar (1979); US District Court, District of California (1979); US Supreme Court (1979).	
<b>Education</b>	University of California, Berkeley (AB with Highest Honors, Phi Beta Kappa—1976); University of California, Hastings College of the Law (J.D., Associate Executive Editor, <u>Hastings Law Journal</u> —1979).	
<b>Professional Legal Associations</b>	American Bar Association (Construction Forum Committee and Section on Dispute Resolution); California State Bar, Real Property Section (Past Co-Chair, Construction Law Subsection); Los Angeles County Bar Association, Real Property Section (Past Chair of Construction Law Subsection and Past Chair of Real Property Section).	
<b>Professional ADR Associations</b>	American Arbitration Association (Member, AAA Los Angeles Regional Office B2B Advisory Committee; Chair, AAA Los Angeles Construction Advisory Subcommittee; Member, AAA National Panel of Master Construction Arbitrators; Association for Conflict Resolution (ARC); California Dispute Resolution Council (CDRC); Los Angeles County Bar Association, Dispute Resolution Services (DRS).	
<b>Publications</b>	Author of over thirty-five (35) publications on Construction Law and Construction ADR topics. Served as seminar participant or featured lecturer for ABA, California State Bar, LACBA, AAA, and numerous construction industry and ADR organizations. Recent seminars and publications include: “Thirty Steps to a Better Arbitration,” <u>Dispute Resolution Journal</u> (with Judith Ittig), 2004; “The Aladdin Hotel, Casino, & Shopping Center Projects: Construction Arbitration Gone Super-Sized,” “The Importance of Documentation in Public Works Construction,” “An Introduction to the Use of Project Neutrals,” and “The Importance of Insurance and Bonds: The Good, the Bad, and the Ugly,” Third Annual Conference on Avoiding and Resolving Construction Claims, Los Angeles: 2004; “Project Neutrals and Judicial References in Construction Arbitrations,” AAA Arbitration Day on B2B Disputes, 2003; “ADR Design for Construction Projects” and “ADR Advocacy—Preparing and Presenting Your Case,” Pepperdine Law School; 2003; “Ten Commandments of Effective Arbitration Advocacy that Aren’t in the ADR Rules or the ADR Books,” 2003; “ADR Advocacy Tips for Construction Consultants,” 2003; “How to be a Better LCCP Arbitrator,” 2003.	
<b>Mediation Rates</b>	\$4500/day for mediation sessions plus \$450/hour for time spent on preparation, study, and follow-up negotiation work between and after mediation sessions. The cost for any case that settles in one day of mediation is capped at \$4500.	
<b>Project Neutral/ DRB Member/ Discov. Referee/ Spcl Mstr Rates</b>	\$4000/day plus \$400/hour for time spent on study, hearings, preparation of memoranda and rulings, and follow-up work as a DRB Member, Discovery Referee or Special Master. \$400/hour for document review, site visits, attendance at project meetings, mediation sessions, and follow-up work as a Project Neutral.	
<b>Arbitration Rates</b>	\$3500/day for live hearings plus \$350/hour for time spent on preparation, study, follow-up work between and after hearings, deliberations, and writing the award.	
<b>Cancellation Policy</b>	Subject to rebooking, 100% of any reserved date canceled or postponed within thirty days of a date reserved for a mediation session or, for arbitrations, the first date set for the live evidentiary hearings. There are no cancellation fees for work as a Special Master, Discovery Referee, or Project Neutral.	
<b>Contact Information</b>	Michael J. Bayard, Esq. Construction ADR Services 3055 Wilshire Boulevard, Suite 550 Los Angeles, CA 90010	(213) 383-9399 Phone (818) 790-2196 Fax (818) 653-7009 Cell michaeljbayard@yahoo.com