



DAVID G. LANE **ARBITRATOR/MEDIATOR**

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DAVID G. LANE, a degreed engineer and attorney (currently licensed in Virginia, Maryland, the District of Columbia and Texas), has developed a successful Alternative Dispute Resolution practice over the past sixteen years. Mr. Lane regularly serves as an arbitrator and mediator for the construction division of the American Arbitration Association and for the parties in *ad hoc* arbitration/mediation proceedings.

Work History

Self-employed, 2005-Present; Partner, Venable LLP, 1987-2004; Partner/Associate/Clerk, Lewis, Mitchell & Moore, 1973-1987; Engineer/Student Trainee, NASA-MSFC, 1967-1971.

Experience

Engaged full-time as an arbitrator and mediator in a wide range of construction disputes. Over the past 45+ years, has developed substantial expertise in the negotiation and arbitration/litigation of disputes arising out of large and complex infrastructure, industrial, power generation and commercial construction projects. In the past, has represented owners, general contractors and subcontractors in disputes on a variety of large industrial grass-roots, expansion and renovation projects around the country. Experience has routinely involved handling claims for additional compensation and time extensions due to changes in scope of work, delays, disruptions, and their resulting impacts to the construction process. Several of the disputes involved claims asserting Type I and Type II differing site conditions under public contracts. Mr. Lane has tried cases before various state and federal courts, state and federal boards of contract appeals and arbitration panels; also skilled in the development, analysis and presentation of critical path method scheduling, subsurface condition evaluation and the pricing aspects of construction claims.

Construction claims litigation and ADR practices have involved primarily large, multi-million dollar disputes on at least 12 (oil, coal, gas and nuclear) power generation facilities, 7 chemical and paper processing plants and 4 underground

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transit projects. Other disputes have concerned large claims on casino, wharf, bridge, dam, hotel and Department of State (OBO) overseas construction projects.

ADR Experience

(Arbitration/DRB) Frequently chosen to serve as an arbitrator (often Panel Chair) on large, complex construction claim disputes, *e.g.*, (i) served as Panel member on multi-week hearing on a dispute involving complex technical design and construction issues related to a new super-critical coal-fired power facility; (ii) served as party-appointed arbitrator on a dispute between the owner/developer of a mixed-fuel power generating facility and the designer; (iii) recently served as designated dispute arbitrator under a design contract for a huge New York City underground transit project; (iv) recent service as a party-appointed arbitrator on disputes involving a coal-fired power-generating facility in the Midwest and wind-energy transmission line design and erection in West Texas.

Appointed to serve as Dispute Resolution Board (DRB) member on three occasions, most recently under a Bay Bridge Tunnel facility construction contract.

(Mediation/ENE) Now mediates, on average, 10 disputes per year involving the construction and design of large commercial and industrial facilities located across the country. Issued an Early Neutral Evaluation (ENE) in two disputes involving complex bridge design and construction; the tribunal in each case rendered a similar evaluation.

[Philosophy: Mediations are generally successful if all parties are fully committed to the process. A 2-day session is preferable, allowing time for the parties to reflect on the results of the first day's proceedings. "Evaluative mediations" are more successful in construction cases, although the mediator's task is not to decide the merits of the dispute. Attorney's fees and costs are a far more significant factor in smaller dollar cases but at today's hourly rates they heavily influence a fair settlement. In most cases, it is extremely important to obtain the participation of a "dry-eyed" decision maker from each party to overcome the influence of more emotional project personnel who can have unhelpful personal agendas. Similarly, limiting the number of session attendees can be critical to success. Opening presentations are helpful even when the parties believe they are a waste of time.]

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ADR Training

AAA Clarity in Award Writing, 2016; AAA 2016 Construction Conference: Ahead of Schedule and Under Budget, 2016; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; AAA Top Techniques for Improving Arbitration Case Management Efficiency, 2015; AAA Panel Dynamics: Staying On Course When Things Don't Go As Planned, 2015; AAA Take the Initiative! Your Obligation to be a Proactive Arbitrator 2015; AAA Game-Changing Arbitration Cases: Impacts On Construction Arbitration 2015; AAA How to Navigate the Arbitrator Disclosure Minefield 2014; AAA Fair Hearings: Avoiding the Pitfalls 2014; AAA Developments in Arbitration Law: Non-Signatories, Discovery and Vacatur, 2014; AAA "Exceeded Powers": Recent Trends in Challenging Arbitrator Authority, 2014; 11th Annual ICDR Miami International Arbitration Conference-International Dispute Resolution in the Americas, 2013; AAA Where Do We Draw the Line? Ethics in Arbitration, 2013; AAA Developments In Arbitration Law: Disclosure, Vacatur, Sanctions, and Arbitrator Authority, 2013; AAA Using Experts Effectively in Arbitration, 2013; AAA Advanced Mediator Training Series: The Extent (or Limit) of Mediator Influence to Effect Settlement, 2012; AAA Construction Conference: Cutting Construction Arbitration Costs Without Compromise, 2012; AAA Large, Complex Construction Disputes: The Dynamics of Multi Party Mediation, 2011; AAA Consolidation and Joinder Issues in Construction Arbitration: What Construction Counsel Need to Know, 2011; AAA Why Construction Mediations Fail: Avoiding Common Mistakes, 2011; AAA Arbitrator Boundaries: What are the Limits of Arbitrator Authority?, 2011; AAA Right Process, Wrong Arbitrator: Choosing the Right Construction Arbitrator(s), 2010; AAA How to Prevent Arbitrations from Transforming into Litigations, 2009; AAA Electronic Discovery in Arbitration: What You Need to Know, 2009; AAA Construction Conference: ADR Works, 2008; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2008; AAA Construction Arbitrator II Training: Advanced Case Management Issues, 2006; AAA Arbitrator I Training-Fundamentals of the Arbitration Process, 2005.

Bar Memberships

Admitted to the Bar: Virginia (1974); District of Columbia; Maryland, Texas. U.S. District Courts: District of Columbia; District of Maryland; Eastern District of Virginia; Western

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District of Texas. U.S. Court of Appeals: Third, Fourth, Ninth and District of Columbia. U.S. Supreme Court.

Associations American College of Construction Lawyers; ABA Positions (Former): Public Contract Section Council; State and Local Committee Chair. Virginia State Bar, State Bar of Texas. Tau Beta Pi; Phi Eta Sigma; The Pi Kappa Phi Fraternity (social).

Education Georgetown University Law Center (Juris Doctor-1974); Purdue University (B.S. Aeronautical Engineering-1971); Glenbard West High School, Glen Ellyn, Illinois (1966)

AAA Panels Construction Mega Project Panel of Arbitrators; Master Mediator

Citizenship United States of America

Language English

Born Des Moines, Iowa - 1948