



HOWARD D. VENZIE, JR.

ADR NEUTRAL

I. BACKGROUND

Citizenship: United States of America
Languages: English
Locale: Eastern Pennsylvania

A. **Legal Education:**

Villanova University School of Law - Juris Doctor, 1971.
Editor-In-Chief Villanova Law Review, Vol. 16.

B. **Undergraduate Education:**

Temple University - Bachelor of Science (Business Administration), 1968.
Associate Degree (Building Construction Technology), 1965.

II. PROFESSIONAL DATA

A. **Practice Experience:**

During the years of 1971 - February 1, 1975, Mr. Venzie was associated with the law firm of Pepper, Hamilton & Scheetz in Philadelphia, Pennsylvania and specialized in construction litigation. In March 1975, he started his own practice which developed into the firm of Venzie, Phillips & Warshawer where he served as President/Principal. Venzie, Phillips & Warshawer was listed in *U.S. News and World Report's* 2011-2019 editions of "Best Law Firms" as a top-ranked Philadelphia (Tier 1) law firm.

B. **Licenses & Admissions:**

Commonwealth of Pennsylvania (Retired)
United States District Court for the Eastern District of Pennsylvania (Retired)
United States Court of Appeals for the Third Circuit (Retired)

C. **Awards and Honors:**

Founding Co-Chair of the Pennsylvania Bar Association Commercial/ Construction Arbitration and Mediation Committee; Selected for *Best Lawyers*[®] in the categories Arbitration, Mediation and Construction Law and recognized in *The Best Lawyers in*

America (2005-2021); Selected as *Best Lawyers*® 2018 Construction Law “Lawyer of the Year” - Philadelphia; Selected as *Best Lawyers*® 2014 Construction Law “Lawyer of the Year” - Philadelphia; Selected for *Philadelphia’s Best Lawyers*® in the category Alternative Dispute Resolution (2009, 2011 and 2015); Selected as a Pennsylvania “Super Lawyer” in the category Alternative Dispute Resolution for *Pennsylvania Super Lawyers* - Philadelphia Magazine (2005 - 2014); Selected as a “Super Lawyer” in the categories Construction/Surety and Alternative Dispute Resolution for “*Super Lawyers Corporate Counsel Edition*” (2009 - 2010); Selected for the 2013 edition of *The International Who’s Who of Construction Lawyers* in the category of Alternative Dispute Resolution; Selected for the 2012 edition of *Who’s Who Among Business and Professional Achievers*; Selected for the 2006 edition of *The International Who’s Who of Business Lawyers* in the category Construction Law.

Martindale-Hubbell AV Preeminent Lawyer - Peer Rated for Highest Level of Professional Excellence - 1981-present.

D. Professional Associations:

The American Bar Association (Forum on the Construction Industry; Senior Lawyer Division); The Pennsylvania Bar Association (Former member of Committee on Construction Law).

The American Arbitration Association (AAA) National Construction Mediator Panel; AAA Construction Master Mediator Panel.

Former member of the following AAA faculties, advisory councils, committees, boards and panels: AAA Board of Directors; AAA National Construction Arbitrator Training Faculty and National Construction Mediator Training Faculty; AAA Regional Construction Advisory Committee (Chairman); AAA Philadelphia Advisory Council for the Large and Complex Case Program; AAA National Construction Dispute Resolution Committee; AAA Commercial Arbitration Panel; Construction Industry Panel; AAA Construction Large Complex Case Arbitrator Panel; AAA Construction Arbitration Master Panel; AAA Construction Mega Project Panel; AAA President’s Panel of Mediators (former panel).

Former mediator for the Court-Annexed Mediation Program of the United States District Court for the Eastern District of Pennsylvania.

E. Publications:

“Closure Issues in Construction Mediation,” THE PUNCH LIST (AAA) vol. 23, no. 3, Nov. 2000 -Jan., 2001; “The Evaluative Process in Mediation,” CURRENTS (AAA), June 1999; “Mediation as an Opportunity Process,” CURRENTS (AAA), March 1998; “Some Guidelines for Effective Advocacy in Mediation,” THE PUNCH LIST (AAA) vol. 20, no. 3, 1997; “Waiver by Judicial Proceedings and the Effect of

the Construction Industry Arbitration Rules of the American Arbitration Association,” CONSTRUCTION LAWYER, vol. 8, no. 2, Forum Committee on the Construction Industry, April 1988.

D. Speaking Engagements:

Mr. Venzie has presented many program lectures and seminars to several Pennsylvania, New Jersey and Delaware builder and contractor associations, the Construction Specifications Institute, the Pennsylvania Utility Contractors Association and the American Institute of Architects on numerous construction related topics, including the arbitration and mediation of construction claims and disputes and has presented CLE programs on commercial and construction arbitration and mediation for the American Arbitration Association, the American Bar Association, the Pennsylvania Bar Institute and LexisNexis Mealey’s Construction Conferences.

Over the years, Mr. Venzie has been an active lecturer to various construction contracting firms and industry associations. He has organized and conducted in-house seminars for several major national building contractors involving construction contracts, subcontractor bonding, design-build, insurance and other risk management subjects. He has served as a program speaker in American Arbitration Association seminars involving construction industry arbitration and mediation, construction contracts and claims and the training of commercial and construction industry arbitrators and mediators including arbitrators on the "Large and Complex Case" panel. Mr. Venzie has authored several articles on arbitration and mediation which have been published in various construction industry and ADR publications. He has also been a guest speaker on arbitration practice at Villanova Law School and on mediation at Columbia University, School of Engineering.

III. ADR TRAINING AND EXPERIENCE

A. Training:

AAA Principled Deliberations – Decision-Making Skills for Arbitrators (ACE008), 2018; AAA Dealing with Difficult Attorneys (ACE013), 2016; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; AAA Get a Grip! Wrangling the Mediation Process to Improve Your Chances of Success in Multi-Party Disputes 2015; AAA Webinar, What's a Respondent Like You Doing in a Place Like This? Confronting Arbitrability and Jurisdiction Issues in Arbitration, 2013; AAA Webinar, Mediation of Construction Disputes: Controlling Your Own Destiny, 2011; AAA Webinar, Lien on Me: Construction Lien Issues in Arbitration, 2011; Faculty, AAA Construction Arbitration: A Blueprint for an Effective Process, 2011; AAA Advanced Mediator Training, 2011; AAA Webinar, Arbitrator Boundaries: What are the Limits of Arbitrator Authority?, 2010; AAA Webinar, Why Construction

Mediations Fail: Avoiding Common Mistakes, 2009; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2008; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2007; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; Faculty, AAA Construction Arbitrator II: Advanced Case Management Issues, 2005; AAA Arbitrator Ethics & Disclosure (ACE003), 2005; AAA Mediator Skills Training, 2003; AAA Neutrals Conference, 2003; AAA Arbitrator Update 2001; AAA Construction Train the Trainer course, 2000; AAA Mediator Retreat, 2000; AAA Large Complex Case Program Arbitrator Training, 1997; AAA Construction Industry Arbitrator Training; Faculty, AAA Complex Case Management for the Construction Neutral, 1996; AAA Large Complex Case Program Arbitrator Training, 1993; AAA Mediator Training, 1993.

B. Arbitrator Experience:

In addition to his representation of construction industry clients in arbitration and litigation matters since 1971, he has served as an arbitrator in approximately one hundred (100) construction/commercial cases. His experience as an arbitrator includes serving as both a neutral and non-neutral party-appointed arbitrator and as chairman in many large/complex arbitration cases. A representative sampling of such arbitration cases that were concluded by interim and/or final awards includes: the construction of a hydraulic piping system for equipment upgrades in a steel mill expansion; the installation of a walking beam and other sheet steel process equipment in a steel mill in Ohio; a wastewater treatment plant for a paper de-inking mill; the remediation of a municipal sewer system; the construction of a gas/steam turbine electric generation power plant and a large railyard complex; the construction of a large office complex for a healthcare equipment provider; the construction of a design/build power (gasification) project in Delaware; the construction of over 1000 miles of telecommunications (fiber optic) cable in Northeast railroad rights-of-way; the major renovation of a large public transportation authority office complex in a major Northeastern city; a large site-work project for the construction of warehousing facilities; the design/construction of a cofferdam/dewatering system for a flood control project in Louisiana; the demolition of office complex in downtown Washington .D.C.; and the environmental cleanup of PCV's and other hazardous waste contamination at railroad switch and maintenance yard.

C. Mediator Experience:

Since the mid 1980's, Mr. Venzie has represented clients in mediations and other non-binding ADR proceedings relating to commercial and construction claims and disputes. Since 1988, Mr. Venzie has served as a mediator in more than eight hundred fifty (850) construction and commercial cases involving claims and disputes arising out residential; commercial; institutional (education and medical/health care facilities); heavy/highway projects, including turnpikes and bridges; industrial;

manufacturing and transportation and other infrastructure facilities; power plants; wastewater treatment plants; utility; and marine construction projects (ranging between \$50,000 - \$50,000,000) in which the mediation process was successful. Many of the construction mediations involved large complex cases which required extended mediation sessions and included multiple parties.

A brief description of some of the more recent cases in which Mr. Venzie served as mediator and the mediation process was successful is set forth below:

- Design of an HVAC system for a new test cell facility for large industrial manufacturer of construction and farming equipment (PA).
- Design and construction of a new Hot Rolling Processing facility (PA) (4 parties).
- Claims relating to design and construction of brick masonry façade of twenty-two buildings constituting part of a state correctional facility (Conn.) (20+ parties).
- Failure and remediation of retaining walls for new turnpike system, Phase I (TX) (4 parties); failure and remediation of retaining walls for new turnpike system, Phase II (TX) (4 parties).
- Claims relating to construction of combined heat and power facility at a waste water treatment plant, including steam boiler equipment (Wash., D.C.).
- Contractor claims relating to the widening of Extension to state turnpike system (PA).
- Contractor claims relating to design and construction of a runway extension and engineered materials arresting system (EMAS) at airport (RI).
- Numerous cases involving contractor/owner claims relating to design and construction of upgrades and improvements to local wastewater treatment facilities (PA, MD, NJ).
- Seven subcontracts involving construction and improvements on the “Space Fence Project” located on Kwajalein Atoll in the Marshall Islands.
- Contractor/owner claims on various school district projects throughout the Mid-Atlantic states involving delays in completion, extra work and construction defects.

- Design and construction of large bridge structure, including claims involving project delays, acceleration, design errors and omissions and change conditions (WV).
- Contractor claims relating to renovation of large tunnel project (WV).
- Defects in the design and construction of balconies and exterior wall systems of planned continuing care retirement community (PA).
- Payment of professional services to design engineering firm in connection with the interim management of public water authority, including claims relating to facility upgrade, financing, sales, revenue and customer service (PA).
- Performance of mechanical, plumbing and sheet metal work at a state university medical facility, including claims for contract balance, back charges, extra work, lost productivity and delay related damages (PA).
- Design and construction of prefabricated exterior wall systems with respect to requirement for the use of fire-retardant materials and the design and construction of framing assemblies required to achieve certain fire ratings and code requirements for an apartment/commercial project (PA).
- Design, fabrication and installation of exterior metal cladding and curtain/window wall system in connection with the construction of high-rise luxury condominium units (NY).
- Claims relating to design and engineering errors and omissions resulting in contractor change orders, project delays and HVAC modifications in connection with the construction of a technology magnet high school (NJ).
- Contractor claims for increased cost of construction relating to defects in design and project administration by project A/E firm (OH).
- Additional work, delays and lost production claims in connection with concrete work at sports pavilion for university (GA).
- Contractor claims involving delay, extra work and lost productivity in connection with the construction of residential buildings for university (OH).
- Contractor/owner claims arising out of the design and construction of new center city science center (Conn.) (10 parties).

- Claims relating to the construction of a new riverfront ship dock at local oil refinery (PA).
- Subcontract claims relating to work performed for new outfall piping in river for chemical company (NJ).
- Claims relating to design of mechanical, electrical and plumbing systems for a new stadium complex for NHL hockey team (NJ).
- Defects in the installation of an underground piping system in Commonwealth prison (PA) (6 parties).
- Claims for contract payments and delay related damages in connection with the construction of regional public transportation authority elevated rail project (PA).
- Liability for defects in design and construction damage to roofing membranes and water proofing components for roofing system for new convention center (PA) (7 parties).
- Contractor claims relating to scope changes and project delay in connection with the construction of highway/bridge project for state department of transportation (NJ).
- Exterior façade performance claims relating to construction of county judicial center (PA).
- Contractor claims for design and delay in connection with construction of large bridge for state department of transportation (WV).
- Claims relating to the performance of mechanical systems for large proppants manufacturing plant (Ark.).
- Claims relating to installation of steam and condensate lines in and around state university campus (PA).
- Defects in design and installation of domestic water piping systems in two casino projects (NJ) (9 parties).
- Contractor claims involving delay, lost productivity and unforeseen conditions relating to construction and replacement of grade crossings over turnpike (PA).

- Claims involving defective construction of concrete drop lot for tractor trailers at highway stopover facility (PA) (5 parties).
- Design and construction defects relating to construction of pre-cast parking garage facility at home office of large department store chain (TX) (5 parties).
- Disputes relating to construction of seven story hospital building at regional university campus (PA) (5 parties).
- Claims for defects in design relating to roof, drainage, emergency lighting and other support systems for new professional soccer stadium (PA).
- Contractor claims for to extra costs and delays relating to road resurfacing contract with department of public works for major city (PA).
- Claims/disputes relating to scope changes, delay and design deficiencies in connection with the construction of new facilities at a major city zoo (PA).
- Claims/disputes relating to differing subsurface conditions involving installation of pilings required for construction of office building (PA) (4 parties).
- Claims/disputes relating to the installation of a synthetic turf playing surface for center city university women's field hockey stadium (NY) (5 parties).
- Claims/disputes relating to construction of miles of underground electrical lines (PA) (6 parties).
- Claims/disputes relating to the design and construction of an indoor water park at mountain resort involving construction defects, delay and other construction issues (PA).

**Rate schedule available upon request*

***References upon request*