



John James Rusk

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Panelist Video

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Current Employer-Title

Rusk Renovations Inc. - President
Constructive Decisions, Inc. - President
Columbia University - Adjunct Professor in Construction Management

Mediation Profession

President, Adjunct Professor in Construction Management

Work History

President, Rusk Renovations Inc., 1985-Present; Adjunct Professor in Construction Administration, Columbia University, 2007-Present.

Experience

Construction professional with over 30 year's experience as a contractor, owner's representative and construction manager. An expert in the day to day realities of construction projects with a willingness and depth of dispute resolution experience to work with attorneys to intelligently streamline the process specifically for each case. Experience with high-end residential apartments, both traditional and modern; historic properties; dialysis facilities; high-end retail establishments; medical facilities; brownstones, wood houses, and "country houses"; fire and flood damage; imaging centers with MRI, cat scan, and x-ray; and commercial properties. Specific subject knowledge of demolition, foundation, shoring and structural steel and timber, concrete work, masonry, roofing, framing, gypsum wall board, plastering, decorative plaster, molding, custom cabinetry, stock cabinetry, kitchens, baths, drop ceilings, lighting, plumbing, electrical, stone and tile work, custom furniture, upholstery, glass work, stainless steel work, lighting fixtures and other design elements, air filtration, water filtration, circadian lighting, Wellness. Winner of the Lucy G. Moses award from the New York Landmarks Conservancy for Outstanding Contributions Made in the Field of Architectural and Historic Preservation. Proficient in use of Zoom for virtual hearings.

Experience as a Mediator

Involved in over 80 construction mediations and 135 Construction Arbitrations. Each mediation is designed with the collaboration of the attorneys to create a session which has the highest opportunity for success. Premediation briefs and document exchange are usually a part of the mediation, so that the parties understand each other's position by the time we sit down. Arbitrator for American Arbitration Association since 1993. Mediator since 1993. Specific dispute resolution experience as sole arbitrator, chairman of the panel and panel member with pay request, time, change order, project accounting, contract, workmanship, interior design, and decorating disputes. Other disputes include those among owners, general contractors, designers, subcontractors, and architects. Cases range from less than \$20,000 to over \$10 million. Owner, Architect, Developer, Municipality and Governmental Agency, Private and Public Schools, General Contractor, Subcontractor, Bonding Company, and vendors. Cases involvings single family homes, multifamily residential and commerical buildings. Multi-party

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cases with up to 35 participants in a single mediation session. Cases with two, three, four and five parties. Certified Mediator, International Mediation Institute.

Representative Issues Handled as a Mediator

Representative issues include: construction accounting, quantum merit, unjust enrichment, unknown subsurface conditions, accusations of fraud, multiple causation issues, unsigned change orders, unsigned contracts, contract interpretation, subsurface water, improper liens, design errors, design professional "standard of care," pay requests, wrongful termination, warrantees, failure to make timely payments, "pay when paid," time keeping, cost plus contracts, schedules, masonry and steel structure, excavation, mold, questions regarding quality of cabinetry, paint, flooring, structure, mechanical systems, architectural, engineering, and interior design. Has particular expertise in emotionally charged issues, especially among parties who had productive relationships at one time.

Multi Party Mediation Experience

Experience with three, four, and five parties with one particular case with 35 active participants. Experienced with the practical realities of insurance companies, governmental bodies, non-profits and schools. A willingness to work with attorneys to create an atmosphere that promotes a final settlement, often at the end of the mediation session itself.

Years of Practice as a Mediator

18

Total Number of Cases Mediated

80

Mediation Experience as an Advocate or Party

Has an exceedingly practical approach to mediating construction disputes from experience as a general contractor, owner's representative, business owner, and property owner. Worked to resolve many issues both as a contractor and on the behalf of owner's representation clients with their contractor, engineer, or architect.

Mediation Philosophy

I first work with the attorneys to establish an objective, business-like relationship with each other. I ask both sides to prepare spreadsheets of their claims and counterclaims with a position paper keyed to those claims with supporting documents attached. I read these position papers carefully and develop a strategy for the mediation session.

With both sides well prepared and organized for the session, we work through the dispute quickly, issue by issue. The aim is not to reach agreement during these discussions, but to understand the case from both sides and to have a glimpse of what the case would look like if it didn't settle.

The parties are then often separated to make an objective review of their chances on various issues and to make a reasoned settlement offer. Offers are usually exchanged and settlements are usually reached.

Being a construction industry insider and a very experienced construction dispute resolution professional, I am able to speak clearly to practical construction reality as to evaluate the pros and cons of a case when asked. I enjoy the process of

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resolving disputes and have often worked to make it possible for warring factions to resume their business relationships.

Mediation References

Kevin O'Neil, kjo@bonlaw.com (212) 422-9424; Thomas Welby, twelby@wbgllp.com, (914) 428-2100; Robert Herrmann rherrmann@mhjur.com (212)545-1900; additional references available upon request.

Alternative Dispute Resolution Training

2021 AAA-ICDR Panel Conference; ACE21 Impartiality: Do You Know Where Your Biases Are? 2021; ACE20 Cyber Security: A Shared Responsibility, 2020; AAA/ICDR/AAA Mediation.org Panel Conference, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Construction Conference: Navigating the Unique Aspects of Construction Arbitration, 2017; AAA-ICDR Council and Columbia Law School Conference: The Future of Arbitration, 2017; AAA 2016 Construction Conference: Ahead of Schedule and Under Budget, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA 'Controlling Chaos in Mediation Navigating the Behavioral Paradigm' 2014; Faculty, AAA Construction Professionals Guide to Conducting an AAA Arbitration, 2013, 2012; AAA Construction Conference: Cutting Construction Arbitration Costs Without Compromise, 2012; Faculty, AAA Construction Arbitration: A Blueprint for an Effective Process, 2011; Faculty, AAA Spring Construction Conference, Mediation: It's Not New, So What's Next?, 2011; AAA Fall Construction Conference: Planning Resolution Strategies, 2010; AAA, Advanced Mediator Training, 2010; ICDR 8th Annual Miami International Arbitration Conference: Resolving International Construction Disputes, 2010; AAA Webinar, Judicial Remands of Challenged Awards: What Happens When the Decision Isn't Final, 2009; AAA/ICDR Neutrals Conference, 2009; AAA Webinar, Ensuring That Your Clients' Interests are Addressed in Mediation, 2008; ACR, Advanced Commercial Mediation Institute, 2007; AAA Construction Mediation Conference: What You Can't Not Know, 2007; ICDR The Common Law/Civil Law Gap: The Issues and How International Arbitrators May Resolve Them, 2006; Attended AAA Neutrals Conference, 2006, 2005, 2004, 2003; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics ACE01, 2005; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2004; Center for Dispute Resolution, The Mediation Process, 2004; AAA Pro Se: Managing Cases Involving Self-Represented Parties ACE02, 2003; Attended Partnering Facilitation Workshop, 2003; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2003; AAA Arbitrator Update 2003, 2001; AAA Construction Arbitrator II Training: Advanced Case Management Issues, 2001; AAA Construction Arbitrator Training, 1996; Harvard Law School, Program on Negotiation through Radcliffe Seminars 1992.

Professional Licenses

Home Improvement Contractor, New York City, 1990-Present.

Professional Associations

Association for Conflict Resolution; Painting and Decorative Contractors of America; Better Business Bureau; Remodeler's Advantage; Conseil International du Batiment pour la Recherche (L'Etude et al Documentation); International Mediation Institute (IMI) Certified Mediator.

Education

Carnegie Mellon University (B, Fine Arts-1984).

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Awards and Honors Big 50 Award from Remodeling Magazine, 2009; Top Contractor List, New York Construction News 2009; Winner of the Lucy G. Moses award for Outstanding Contributions Made in the Field of Architectural and Historic Preservation, New York Landmarks Conservancy, 2000.

Publications and Speaking Engagements "The Benefits of Alternative Dispute Resolution for Resolving Construction Disputes," Rusk Breakell & Eckman, White Paper for New York Dispute Resolution Lawyer, Summer 2011; Faculty, AAA Spring Construction Conference, Mediation: It's Not New, So What's Next?, 2011, Over 10 presentations of Managing Risk for Architects and their Clients, Contractors and Subcontractors since 2006; Co-presenter, "Breaking the Impasse, Moving from Stalemate to Settlement in Mediation," American Arbitration Association, October 2004; speaker, "Ethics in Alternative Dispute Resolution," American Arbitration Association, 2002; ON TIME AND ON BUDGET, A HOME RENOVATION SURVIVAL GUIDE (How to make allies of your architect and contractor), Doubleday, June 1996; articles on causes of construction inefficiencies and appearances on the Today Show, Good Day New York, WALL STREET JOURNAL, NEWSWEEK, ELLE DECOR, LADIES HOME JOURNAL; columnist Taconic Newspaper chain.

Citizenship United States of America
Languages English
Locale New York, New York, United States of America

Compensation

Hearing:	\$600.00/Hr
Study:	\$600.00/Hr
Travel:	\$0.00/Hr
Cancellation:	DAY
Cancellation Period:	0 Days
Comment:	.

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