



**B. Christopher Lee ,Esq.**  
Philadelphia, Pennsylvania



### **Primary Areas of Expertise**

EPC contract and disputes  
High-rise disputes  
MEP systems and disputes  
Solar and other power plants  
Stadium contracts and disputes  
Site work disputes

### **Current Employer-Title**

Kurtz and Partners, P.C. – Of Counsel

### **Profession**

Attorney, Arbitrator, Mediator

### **Work History**

Current, Of Counsel, Kurtz and Partners P.C. 2017 - Present; Shareholder, Jacoby Donner P.C., 1995 - 2017; Partner, Bolger & Picker, 1980 - 1995; Deputy Attorney General, Commonwealth of Pennsylvania, 1977 - 1980; Law Clerk to the Honorable Lois G. Forer, Philadelphia Court of Common Pleas, 1976 - 1977.

### **Construction Industry Experience**

Over 35 years experience representing developers, prime contractors, suppliers, manufacturers, architects, engineers and construction managers. Extensive experience handling multi-million dollar claims for delay, acceleration and other time related claims, construction failures, design defects and contractor termination. Particular experience with stadium construction, solar and other power plants, EPC contracts, school projects, site work and mechanical and electrical systems. Represented development manager in negotiation of contracts and subsequent dispute resolution proceedings on \$450,000,000 professional sports stadium project; Drafted construction contracts for international auto racing project, extreme sports facility and wind farm energy facilities; Represented electrical contractor wrongfully terminated from Power Plant Project and recovered amount owed plus counsel fees; Represented owner in roof collapse of a 40 acre distribution facility for major retailer and negotiated complete \$8,000,000 repair by contractor and structural steel supplier and \$10,000,000 settlement of client's business interruption claim against its own insurance carrier; Defended conveyer subcontractor and surety in claim for \$23,000,000 brought by Oregon owner of a co-generation plant against the contractor, design professionals and other

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subcontractors. Successfully extricated client from case through summary judgment.

## Experience

Over 35 years' experience practicing commercial litigation and dispute resolution, primarily involving the construction industry (90%).

Construction Cases: Represented developers, prime contractors, supplier manufacturers, architects, engineers and construction managers. Extensive experience handling multi-million dollar claims for delay, acceleration and other time related claims, construction failures, design defects and contractor termination. Particular experience with stadium construction, solar and other power plants, EPC contracts, school project site work and mechanical and electrical systems. Represented development manager in negotiation of contracts and subsequent dispute resolution proceedings on \$450,000,000 professional sports stadium project; Drafted construction contracts for international auto racing project, extreme sports facility and wind farm energy facilities; Represented electrical contractor wrongfully terminated from Power Plant Project and recovered amount owed plus counsel fees; Represented owner in roof collapse of a 40 acre distribution facility for major retailer and negotiated complete \$8,000,000 repair by contractor and structural steel supplier and \$10,000,000 settlement of client's business interruption claim against its own insurance carrier; Defended conveyor subcontractor and surety in claim for \$23,000,000 brought by Oregon owner of a co-generation plant against the contractor, design professionals and other subcontractors. Successfully extricated client from case through summary judgment.

Commercial Cases: Represented wholesaler in action against its software consultants who claimed proprietary rights in client's products and refused to supply source code necessary to support client's products. Obtained TRO, permanent injunction and a judgment for \$22,000,000.00. Represented clean room design builder in action against former employees who misappropriated trade secret and proprietary information to set up competing business. Obtained ex parte order directing Federal Marshall to seize computers of former employees. Case resolved with monetary payment and consent order for permanent injunction; Defended wholesaler and its principals in multi-million dollar RICO claim by Israel supplier. Court entered summary judgment based upon the forum selection and choice of law clauses in the agreement between the parties. Defended major city in multi-million-dollar claim by manufacturer of mass transit rail cars; Represented investment banking firm seeking unpaid finders fee for financing. Obtained judgment for full amount and counsel fees which was affirmed on appeal.

Joint Venture Issues: Represented numerous clients in joint ventures for various projects, including for bonding and MBE/WBE purposes. Also represented clients where in disputes about responsibilities of the joint

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venture partners, liability issues arising from the joint ventures and claim between joint venture partners.

## **Alternative Dispute Resolution Experience**

**Arbitration:** Appointed to AAA Mega Case Panel and Large Complex Case Panels. Served as an arbitrator since 1987 on construction and commercial cases, most of which involved multi-million dollar claims. Chair of panel for \$400,000,000 dispute between two international joint venturers concerning completion of tunneling project for the transportation authority of a major US city; Served as sole arbitrator on \$70,000,000 claim for lost profits on breach of European distribution agreement; Served on panel for \$40,000,000 claim by mechanical contractor against EPC contractor on southwest solar energy plant; Served on panel hearing multi-million dollar claim involving termination of road contractor in South Sudan; Served as Chairman for dispute between site contractor and owner alleging defective workmanship and delays. Served as Chair in a multi-million-dollar claim for termination of an industrial demolition contractor. Served as Chairman in a million-dollar claim involving termination of contract for construction of a recycling facility. Selected as sole arbitrator to hear evidence and interpret contractual provision relating to construction of a multi-million-dollar national transportation facility. Sat as Chair and panel member on multiple cases involving site work disputes, mechanical and electrical systems and delinquent claims on public and private projects.

**Mediation:** AAA Construction Master Mediation Panel. Served as mediator since 1994 in more than 300 disputes, including successfully resolving: Multi-million dollar claim by owner of office campus against eleven parties and their insurers involving in the failure of building envelope system; Multi-party, multi-million dollar dispute involving public authority, contractor, design engineer and two subcontractors; Multi-million dollar dispute between Construction Manager and Public Authority arising out of construction of \$33,000,000 recycling facility; Multi-million dollar dispute between developer and construction manager on a new high rise condominium project, involving claims for extras, delays and alleged defective work; Multi-party ten year old \$2,000,000 dispute between contractor and a Municipal Authority arising out of termination of contractor on a water treatment plant involving delays allegedly caused by design professional and supplier; \$1,000,000 dispute between contractor and owner of bank concerning alleged delays, defective work and contract balance; Delay and disruption claims on a \$50,000,000 school project involving school district, three prime contractors, design professional and one subcontractor; Dispute between contractor, architect and public housing authority wherein owner claimed defective work and design; \$1,400,000 dispute between municipal parking authority and ten defendants who were involved in constructing parking garage; seven party dispute over delays alleged to have originated from site work and piling issues; \$22,000,000 claim by construction manager against supplier of modular condo units on a high rise project in a major US city.

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eDiscovery: Have supervised eDiscovery issues on large document case since 1985. Selected eDiscovery vendors and established protocols for eDiscovery. Have resolved multiple eDiscovery issues as an arbitrator a mediator. Represent IT company and deal with technology issues regularly. Served on an 18-day arbitration by an eDiscovery vendor against a large international company that involved multiple experts on eDiscovery protocol and cost. Served as Co-Chair of the Technology Committee of the College of Commercial Arbitrators.

**Technology Proficiency**

TechCred Certificate of Competence in Digital Arbitration Practice, conferred by New York Law School, equipping legal professionals to manage disputes involving cybersecurity, AI-generated evidence, blockchain integrity, and digital privacy frameworks. Proficient in hosting and conducting Zoom arbitrations and mediations. Experience with large volume e-discovery both as an advocate, neutral and discovery master. Prefer to receive all documents and exhibits in digital format.

**Education**

Temple University (JD-1976); Washington and Lee University (BA, cum laude-1971).

**Professional Licenses**

Admitted to the Bar: Pennsylvania (1976), New Jersey (1985), New York (2015-inactive); U.S. District Court: District of Pennsylvania (1976); U.S. Court of Appeals, Third Circuit (1977); U.S. Court of Claims Appeals (1990); U.S. Supreme Court (1987).

**Professional Associations**

Elected or appointed as a Fellow in the following organizations: College of Commercial Arbitrators; Chartered Institute of Arbitrators; American College of Civil Trial Mediators; National Academy of Distinguished Neutrals and the Construction Lawyers Society of America. Member or former member of: International Mediation Institute (IMI) Certified Mediator; American Bar Association (Forum Committee on the Construction Industry; Fidelity and Surety Committee; Alternative Dispute Resolution Committee); General Building Contractors Association; American Institute of Architects; Engineers Club of Philadelphia; Construction Financial Management Association (Past Board Member, Philadelphia Chapter); National Bond Claims Association; Philadelphia Surety Bond Claims Association. More than 20 years of service on the AAA National Construction Dispute Resolution Committee.

**Recent Publications & Speaking Engagements**

SPEAKING ENGAGEMENTS: "Training for New Mediators, AAA (2016); "ADR, Taking Control of Disputes to Save Time and Money", Webinar for Construction Financial Management Association (2013); "Getting Paid in a Down Economy", presented to Philadelphia General Building Contractors Association and Building Contractors Association South Jersey (2012); "Insurance Risks in Development" (2012); "Advance Mediation Techniques" AAA (2011); "Mechanic's Liens and Bond Claims" to Construction Financial Management Association and General Building Contractors Association, (2010); "Risk Issues in Green

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Construction" to Construction Financial Management Association, (2010); Multiple seminars to trade associations on new ConsensusDOC and revised AIA construction contract forms (2008); Addressed the International Academy of Mediators at the Annual Conference in Philadelphia, PA (May 25, 2007); Panel Member/Presenter at the AAA Mediation Conference, Miami, FL on "Using Quantitative Evaluation Methods: Decision Trees in Construction Mediation" (March 30, 2007); Panelist, Dispute Resolution Division of the ABA Forum Committee on the Construction Industry on "Arbitrator Disclosure to Avoid Vacatur of Awards" (May 2006); Panelist, American Arbitration Association on "Best Practices in Complex Construction Arbitration" (June 2004).

PUBLICATIONS: "Ownership of Architectural Plans" (Philadelphia Business Journal, May 2004); "Indemnity Clauses - How Much Risk is Too Much"" CONSTRUCTION TODAY, General Building Contractors Association, Inc., Summer, 2003; "Whose Mediation Is It Anyway," CONSTRUCTION TODAY, issue 3, 2000; "Written Employment Contracts for Association Executives - Should You Have One"" WISCONSIN SOCIETY OF ASSOCIATION EXECUTIVES NEWSLETTER, September/October 1998; "Understanding Subcontract Agreements is Key," TRI-STATE REAL ESTATE JOURNAL, CONSTRUCTION MONTHLY, April 1990; "Pennsylvania Mechanics Liens and Bonds," PROFESSIONAL EDUCATION SYSTEMS, 1988; "How to Reduce the Risk of Claims on a Project with Careful Personnel Selection," TRI-STATE REAL ESTATE JOURNAL, CONSTRUCTION MONTHLY, February 1987.

**Locations Where Parties Will Not be Charged for Travel Expenses**

Arbitrations: No charge for travel time.

Mediations: No charge for travel time or travel expense in North America

**Citizenship**

United States of America

**Languages**

English

**Compensation:**

Hearing: \$575.00 per hour

Study: \$575.00 per hour

Cancellation Period: 0 days

Comment: Plus reimbursement of all out-of-pocket disbursements/expenses. Hourly rate applies to all services rendered after initial engagement, including conference calls, study time, & start-up activities, deliberation and drafting. No charge for cancellation except for non-refundable expenses.

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