



John T. Jozwick ,Esq.
Phoenix,Arizona

Primary Areas of Expertise

Construction



Current Employer-Title

Rider Levett Bucknall Ltd. (RLB) - Executive Vice President and General Counsel

Profession

Attorney; Executive

Work History

Executive Vice President and General Counsel, Rider Levett Bucknall Ltd. (RLB), 2002-Present; Attorney, John T Jozwick P.L.L.C., 1994-2001; Attorney, Greenwood Village, 1992-1993; Attorney, Schiffrin Hopkins & Olson, 1989-1992; Attorney, Bryan Schiffrin & McMonagle, 1989-1992; Attorney, John T Jozwick P.L.L.C., 1988-1989; Attorney, Taylor Bryan & Hintze, 1985-1987; Owner’s Construction Representative (CONREP), US Department of the Navy Military Sealift Command, 1981-1985; Project Engineer, US Department of the Navy (Supervisor of Shipbuilding, Conversion and Repair), 1978-1980.

Construction Industry Experience

Over 45 years experience in the construction industry as a Project Engineer, Owner's Construction Representative (CONREP), Attorney, Expert Witness, and Alternative Dispute Resolution (ADR) Provider as Mediator, Arbitrator, Dispute Resolution Board (DRB)/Third Party Neutral (TPN).

Experience

Over 45 years’ experience in the construction industry as a Project Engineer, Owner's Construction Representative (CONREP), Attorney, Expert Witness, and Alternative Dispute Resolution (ADR) Provider; more than 40 years directly related to dispute resolution and/or avoidance. Experience includes hands-on project field experience, preparation and defense of construction claim issues, legal advocacy of construction disputes, expert investigation and testimony of construction disputes, and ADR services as Mediator, Arbitrator, Dispute Resolution Board (DRB)/Third Party Neutral (TPN). Clients have included owners,

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Neutral ID: 126470*

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contractors, subcontractors, design professionals, sureties, and attorneys. Project disputes have included bridges, roads, transit, utilities and infrastructure, civil, residential, multi-family, office, hotel, casino, commercial, industrial, educational, prisons, justice centers, hospitals, marine facilities, ship repair, and shipbuilding, including multiple large complex or Mega projects as an attorney, expert, and ADR provider.

As Executive Vice President and General Counsel for RLB, responsible for litigation expert and ADR services to owners, contractors, subcontractors, design professionals, sureties, and attorneys relating to projects, disputes, dispute resolution, and dispute avoidance. Areas include construction defects, claims for additional compensation, schedule/delay issues and claims, loss of efficiency and cumulative disruption, breaches of contract, terminations, construction management issues, and claims made against performance and payment bonds.

Prior to employment at RLB, practiced as an attorney representing construction clients that included owners, primes, subcontractors and sureties. Dispute experience included: bid protests, design defects, defective construction claims, constructive change claims, changed site conditions, acceleration and loss of efficiency claims, delay claims, terminations for default and convenience, guarantee and warranty claims, breaches of contract, collections and payment disputes, disruption claims, suspensions of work, bond claims, and payment disputes. Worked at contractor facilities and on-site at construction projects assisting in project management, contract administration, schedule and delay analysis, and preparing documentation for claims. In addition, for over five years was responsible for opinion reports and claims relating to additional compensation or delay claims by law firm in-house claim consultants. Prepared, analyzed, and oversaw numerous large complex or Mega project claims for additional compensation and schedule impact, including analysis of entitlement issues, cost analysis, and schedule analysis. Projects included private and public (local, state, and federal) contracts.

The positions of Project Engineer and CONREP with the Department of the Navy provided hands-on experience with public/government contracts, design, project management, contract administration, estimates, bids, change orders, inspecting work to plans and specifications, monitoring progress against schedules, and pay application review. Projects included the construction of the Destroyer Tender AD-41 Class (USS Yellowstone), and the design and construction of the T-ARC 7 (USNS Zeus). Projects also included the design and construction of the T-AGOS 1 Ocean Surveillance Class (USNS Stalwart), and various repair projects.

Alternative Dispute Resolution Experience

Over 45 years' experience in the construction industry with over 40 years experience in construction ADR processes.

Arbitrator - Arbitrator with the American Arbitration Association Commercial panel since 1994, serving on the Construction Panel, Large

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Complex Construction Panel, and the Panel for Mega Construction Project Claims. Member, Chartered Institute of Arbitrators (MCI Arb). CPR Institute Arbitrator. Experienced as a sole arbitrator, panel arbitrator, and as chair of panel arbitrations. Large complex/mega arbitrations include infrastructure, industrial, mixed use, marine/shipbuilding, and data center.

Mediator - Mediator with the American Arbitration Association. CPR Institute Mediation Panel Member. Experienced mediator of construction disputes with large complex or Mega project mediations of semiconductor project disputes.

Third Project Neutral (TPN)/Dispute Review Board (DRB) - Trained and experienced in claims avoidance programs to minimize disputes during a project. Dispute Resolution Board Foundation member. Qualified Dispute Prevention and Management Board (DPMB) panel member with the CPR Institute. Have provided DRB/TPN on large complex/mega projects including vertical, industrial, and horizontal construction projects (including hospital, semiconductor, data center, waste water treatment and sewer slip lining infrastructure projects) exceeding Thirty Billion Dollars (\$30B). Selected as the Chair of a Financial DRB (FDRB) panel for a flood diversion mega project exceeding \$3B.

Representative disputes engaged to provide ADR services include:

- Flood Diversion/Control Infrastructure
- Data Center Construction
- Waste Water Treatment Plant - New Headworks and Pumping Station
- Semiconductor Manufacturing Plants
- Children's Hospital
- Developer - Infrastructure Contractor Dispute
- Grading / Infrastructure Subcontract - Prime Contractor Dispute
- Public Owner - Contractor Dispute
- Charter School Owner - Contractor Dispute
- Earthwork Subcontractor - Prime Contractor Dispute
- Condominium HOA - Contractor Dispute
- Highway Construction Dispute
- Solar Panel Manufacturer - Installer Dispute
- Pipe Bursting/Slip Lining Project Dispute
- Senior Living Facility Construction Project Dispute
- Subcontractor - Prime Contractor Civil Work Dispute
- Property Flood Damage Dispute
- Retail Development/Construction Delays and Lease Dispute
- Commercial Tenant Improvement Dispute
- Architect/Engineer Errors and Omissions Disputes
- Insurance Appraisal on Construction Delay/Loss
- Offshore Oil Rig Supply Vessel Construction Dispute
- Ship Repair Disputes
- Grain Processing Plant Construction Dispute
- Residential and Commercial Construction Disputes
- Highway Overpass Construction Dispute

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- Community Center/Swimming Pool Construction Dispute
- Waste Water/Sewage Treatment Plant Construction Dispute
- Utility (Water and Sewer) Installation Dispute
- Mixed Use Design and Construction Disputes
- Housing Development Earthwork/Site Grading Dispute
- Design Services Contract Dispute

Within these disputes, issues have included construction defects, claims for additional compensation, schedule/delay claims, constructive changes and requests for equitable adjustments, breaches of contract, terminations, warranty claims, and collections and payment disputes.

Education

University of Puget Sound (JD-1985); Pace University (MBA, Management-1979); Florida Institute of Technology (BS, Ocean Engineering-1975).

Professional Licenses

Admitted to the Bar: Arizona (1997), Colorado (1994-inactive), Washington (1985-inactive). Certified Forensic Claims Consultant (CFCC), AACE Certification #00111. OSHA 30 Certification.

Professional Associations

AACEI, American Bar Association (Forum Committee on the Construction Industry; Alternative Dispute Resolution Section); CPR Institute; Dispute Resolution Board Foundation (DRBF); Maricopa County Bar Association; Member, Chartered Institute of Arbitrators (MCI Arb); State Bar Association of Arizona (Chair of ADR Section 2013-2014, and Member of Construction Law Section); State Bar Association of Colorado; State Bar Association of Washington.

Recent Publications & Speaking Engagements

Publications: Viewpoint. "Managing Vaccine Mandates. Don't Ignore the Costs," Engineering News Record, October 25 – November 1, 2021, page 60; Viewpoint: "Vaccine Mandates Can Cost Money," Engineering News Record, October 15, 2021; "The Elements of Construction Claims Analysis," CONSTRUCTION CLAIMS MAGAZINE, Fall 2019; "Following the Money: G702," Building Design & Construction, September 6, 2017; "Don't Leave Your Office Vulnerable to Drive-By Lawsuits," Building Design & Construction, February 8, 2017; "Home Maintenance 101: How Uninformed Homeowners Can Cause Developers Big Headaches, and What to do About It," BUILDING DESIGN & CONSTRUCTION, August 29, 2016; "From Construction Site to Court Room: How Project Management is Transforming Expert Witness Teams," BUILDING DESIGN & CONSTRUCTION, July 29, 2016; "5 Ways to Handle Conflict During Construction," BUILDING DESIGN & CONSTRUCTION, January 13, 2016; "The Use of ADR Neutrals in the Construction Industry," STATE BAR OF ARIZONA, ARIZONA ADR FORUM, Summer / Fall 2013; "A Reflection on Construction Costs and Construction Employment," STATE BAR OF ARIZONA CONSTRUCTION LAW NEWSLETTER, Spring 2011; "Disputes are Avoidable with a Project Neutral," ARIZONA BUILDER'S EXCHANGE, volume 1, issue 76, December 17, 2010; "The Human Effect During Conflict Resolution," AZ DEVELOPMENT CENTRAL, volume 3, issue

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14, April 2010; "Why Would You Wait? Resolve Disputes as they Arise with a Dispute Review Board," THE ARIZONAN, volume 6, number 4, Arizona News Service for The Arizona Contractors Association, November 2009; "Resolve Disputes as they Arise by Using a Dispute Review Board," COLORADO CONSTRUCTION, McGraw Hill, July 2009; "Arbitrating Shipyard Disputes and Damages," THE ARBITRATOR, Society of Maritime Arbitrators, Inc., volume 36, number 4, July 2005.

Speaking Engagements: "Utilization of a Third Party Neutral (TPN) to Avoid and Resolve Disputes," Construction Financial Management Association ("CFMA"), Phoenix, AZ, 11/21; "Alternatives to the Typical ADR Processes; Utilization of a Third Party Neutral," National Association of Women in Construction ("NAWIC"), Phoenix, AZ, 7/21; "Alternatives to the Typical ADR Processes; Utilization of a Third Party Neutral," State Bar of Arizona Construction Law Section, Phoenix, AZ, 3/21; "Ethical Challenges for In-House Counsel," State Bar of Arizona In-House Counsel Section, Phoenix, AZ, 3/20; "Effective Utilization of Third Party Neutrals to Mitigate Risk in High Tech, High Cost Construction," 2019 Association of Conflict Resolution Annual Conference, Tucson, AZ, 9/19; "ADR Tips for In-House Counsel," State Bar of Arizona In-House Counsel Section, Phoenix, AZ, 11/18; "Arbitration Myths and Realities," State Bar of Arizona, Chandler, AZ, 6/16; "Advanced Arbitration: Advocate or Arbitrator: Knowing Each Role Intimately Makes for More Effectively Advocating and Serving a Client, and Arbitrating and Serving Justice and the Process," State Bar of Arizona and ADR Section Advanced Program, Phoenix, AZ, 4/16; "Claim Risk in Construction Contracts and Alternative Methods of Resolving Disputes," Arizona Society of Certified Public Accountants, Construction Industry Conference, Phoenix, AZ, 10/15; "Claim Risk in Construction Contracts," Surety Association of Arizona, Phoenix, AZ, 4/15; "Preparing for Mediation," ABA Advanced Mediation Institute, San Antonio, TX, 10/14; "Preparing for a Construction Mediation: A Mediator's Perspective," Arizona State Bar Construction Law Section, Phoenix, AZ, 9/14; "An Ethics Update for ADR Professionals, and Practice Tips for Achieving Success in Mediation" Arizona State Bar 2014 Annual Convention, Tucson, AZ, 6/14; "Alternative Dispute Resolution," Forensic Expert Witness Assc 2014 National Conference, Tempe, AZ, 4/14.

Locations Where Parties Will Not be Charged for Travel Expenses

Phoenix, AZ

Citizenship

United States of America

Languages

English

Compensation:

Hearing:	\$575.00 per hour
Study:	\$575.00 per hour
Cancellation:	\$575.00 per hour
Cancellation Period:	1 days

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Comment:

Hearing Rate includes, but is not limited to, time spent for Preliminary Hearings, Motions (Dispositive, Motions In Limine, Post-Hearing), Conference Calls, Discovery Disputes, Etc. Study Rate includes, but is not limited to, time spent for Deliberation, Briefing Review, Drafting Awards (Interim and Final), Etc. Cancellation Rate is applied if a scheduled arbitration is cancelled within one business day, in which case a four hour cancellation fee (at \$575.00 per hour) will be applied. In addition to the applicable fees, charges will include reimbursement for expenses reasonably incurred in the performance of arbitration services. Administrative Assistant will be billed at \$140.00 per hour. Paralegal support will be billed at \$200.00 per hour.

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