



Joel D. Heusinger ,Esq.
Denver,Colorado



Current Employer-Title

Woods Aitken LLP – Attorney and Managing Partner

Profession

Construction Attorney, Arbitrator, Mediator

Work History

Attorney, Woods Aitken LLP, 1986-present

**Construction Industry
Experience**

Actively involved for over 39 years in the practice of construction law representing contractors, subcontractors, public and private owners, architects, engineers, suppliers, and surety companies in arbitrations, mediations, federal and state courts, and special master proceedings. Now devotes practice mainly to the litigation, mediation, and arbitration of complex construction disputes regarding a variety of matters, including but not limited to, government contracts, design issues, scheduling claims, including delay, disruption, acceleration, productivity, and inefficiency claims, defect claims, and insurance coverage.

Over career, has been involved in projects with values exceeding \$7 billion, and has handled claims in the amounts listed in the following representative matters: \$5.5 million power plant in Nebraska; \$5 million high rise condo project in Denver; \$7 million Air Force base in South Dakota; \$13 million airport project in Denver; \$3.5 million municipal waste management project in Nebraska; \$250 million P3 infrastructure project in Denver; \$30 million tunnel project in Las Vegas; \$60 million data center project in Salt Lake City; \$20 million hospital project in Milwaukee; \$7 million refinery in North Dakota Bakken oil fields; \$35 million airport project in Salt Lake City; \$3 million Air Force base project in Oklahoma; \$3 million ethanol plant in Nebraska; \$14 million casino project in Las Vegas; \$2 million hospital project in Indiana; \$5 million cold-storage facility in Iowa; \$1 million convention center in Cincinnati; \$7 million stadium in Fort Collins;

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Neutral ID: 4046556

The AAA's Rules provide the AAA with the authority to administer an arbitration including, arbitrator appointment and challenges, general oversight, and billing. Accordingly, arbitrations that proceed without AAA administration are not considered AAA arbitrations, even when the parties select an arbitrator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual arbitrator and may, or may not, be a complete reflection of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in an arbitrator's resume. If you have any questions about an arbitrator's experience or background, you are encouraged to contact your case manager.

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\$3 million condominium project in Vail; \$5 million assisted living center in Colorado; \$20 million chip manufacturing plant in Colorado Springs; \$50 million cogeneration plants in New Jersey; \$2 million power plant in Massachusetts.

Has participated in over 400 mediations and numerous arbitration hearings including large complex disputes involving airports, bridges, dams, tunnels, power plants, cogeneration plants, stadiums, hospitals, underground utilities, highways, water treatment facilities, high-rise dwellings, condominiums/multi-family dwellings, renovations, data centers, office buildings, schools, sewers, shopping centers, ethanol plants, wind farms, manufacturing plants, casinos, hotels, and resorts. Has advised clients on matters pertaining to civil, electrical, environmental, geotechnical, foundations, industrial, mechanical, and structural engineering, in addition to subcontractor work related to acoustical, concrete, curtain walls, drywall, electrical, excavation, HVAC, masonry, paving, plumbing, roofing, and structural steel.

Has been an arbitrator in a variety of construction cases, ranging from scope disputes, design interpretations, construction defects, standard of care matters, inefficiency and productivity claims, design delegation issues, complex scheduling claims, and has a breadth of experience regarding critical path scheduling and damages analysis.

Has drafted legislation for construction issues and presented positions before state government officials on behalf of industry organizations including the Associated General Contractors, Design-Build Institute of America, National Electrical Contractors Association, and Mechanical Contractors Association.

In 2016, was named a Fellow in the American College of Construction Lawyers. Has been recognized in Colorado by Chambers USA for Construction Law, has been named in Who's Who in Construction Law every year since 2005, and is an adjunct professor of the Construction Law and the Construction Practice courses at the University of Nebraska College of Law.

Experience

Alternative Dispute Resolution Experience

Engaged in all areas of ADR, including mediation, arbitration, and DRBs. Representative ADR matters include:

P3 Projects, Tunnels, Airports, Baggage Handling Systems, Data Centers, Smart Warehouses, Hospitals, Hotels, Casinos, Reclamation Sites, Military Bases, Stadiums, Bridges, Heavy Highway, Crude Oil Transloading Facilities, Refineries, Steel Mills, Ethanol Plants, Cogeneration Plants, Convention Centers, Condominiums, Rail and Rail Bridges, and Water Treatment Plants.

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Has served as an arbitrator or mediator for disputes and claims ranging in size from several million dollars to over \$100 million dollars, for proceedings and projects located in the following states:

ND, SD, IA, MN, KS, MO, IL, CO, NE, UT, OK, TX, NV, IN, WY, OR, WA, CA, MO, MT, AZ

Education

Duke University School of Law (JD, with honors-1986); Bob Jones University (BA, Public Speaking/Communications, magna cum laude-1983).

Professional Licenses

Admitted to the Bar: Nebraska (1986), Colorado (2009), South Dakota (2017); U.S. District Court: District of Nebraska (1986), District of Colorado (2009), Wisconsin (Eastern District – 2011); U.S. Court of Appeals: Eighth Circuit (1990), Tenth Circuit (1991).

Professional Associations

Colorado State Bar Association; Nebraska State Bar Association; South Dakota State Bar Association; American College of Construction Lawyers; Fellow, American Bar Association; Public Contract Law Section, Forum on the Construction Industry.

Recent Publications & Speaking Engagements

Regularly speaks regarding current construction issues at construction industry conferences and seminars, including American College of Construction Lawyers, ABA Forum on Construction, ABA Public Contract Section, Associated General Contractors, Design-Build Institute of America, National Electrical Contractors Association, Mechanical Contractors Association, The Association of Union Contractors (TAUC), and Engineering News Record, American Institute of Architects and American Society of Mechanical Engineers.

Construction law publications include:

Whose Fault Is It Anyway? The Design Professional's Standard of Care During the Incomplete Design Phase of Design-Build Projects; Author, Journal of the American College of Construction Lawyers (Winter 2025)

The Devil Is in the Lack of Details: How Design-Assist and Design Delegation Generate Risk for Project Participants, Author, Journal of the American College of Construction Lawyers, Summer 2022.

Ambiguity Breeds Conflict: The Importance of Defining “Design-Assist” in the Construction Industry, Author, Journal of the American College of Construction Lawyers, Winter 2017.

You’ve Got a Friend, Or Do You? How Do the Delivery Systems and Party Postures Impact Litigation Strategy and Procedures in Multi-Party Construction Claims, Author, American Bar Association, April 26, 2012.

Show Me the Money! Prosecuting and Managing Affirmative Claims and Recoveries, Author, American Bar Association, January 2012.

Risk Limitation Through Contracts, Insurance/Bonding and Evaluation of Claims, Author, Power-Gen International, December 13, 2011.

What to Do When the Money is Gone: How to Get Paid Without Going to Jail, Author, American Institute of Steel Construction, May 2011.

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Presentations concerning construction law topics include:

Design Delegation and Design Assist: The Good, The Bad and The Ugly, Panelist, American College of Construction Lawyers, 34th Annual Meeting, Bonita Springs, Florida (February 2023).

Ethical and Legal Considerations for Mechanical Engineers, Presenter, American Society of Mechanical Engineers, Nebraska Chapter (November 2022).

Bid Rigging, Presenter, Associated General Contractors of America, State Chapter (September 2022).

A Look Back & A Look Ahead: COVID-19 Impacts on Construction Contracts, Presenter, Associated General Contractors of America, State Chapter (March 2021).

Good Fences Make Good Neighbors, Why a Handshake Just Doesn't Cut It, Presenter, 2020 Annual Convention of the Associated General Contractors, State Chapter, (February 2020).

What Do You Do When Things Don't Go as Planned?, Presenter, 2019 Annual Convention of the Associated General Contractors, State Chapter, (February 2019).

Design Assist, Presenter, American College of Construction Lawyers, (February 2019).

Performance and Payment Bonds: Legal Risk Factors for Owners, Contractors, and Sureties to Consider Prior to and During the Contract, Presenter, 2018 Annual Convention of the Associated General Contractors, State Chapter (February 2018).

Construction Industry Contractual Issues, Presenter, State Building Chapter of Associated General Contractors (November 2018).

2017 AIA Document Revisions, Drone Law, and Statutes of Limitation and Repose, Presenter, State Building Chapter of Associated General Contractors (December 2017).

Construction Practicum: Advocacy Through Developing and Using Case Themes, Panelist, 2017 Midwinter Meeting of ABA Forum on Construction Law, Palm Desert, CA (February 2017).

Building Profitability by Managing Risks, Presenter, The Rocky Mountain Construction Alliance: The Winter Summit (March 2016) .

Top Ten Things Every Contractor Should Know About Construction Law, Presenter, 2015 Annual Convention of the Associated General Contractors, State Chapter (February 2015).

Locations Where Parties Will Not be Charged for Travel Expenses

Denver, Colorado or Lincoln/Omaha, Nebraska metro areas

Citizenship

United States of America

Languages

English

Compensation:

Hearing:

\$495.00 per hour

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| Study: | \$495.00 per hour |
| Cancellation: | \$1,500.00 per day |
| Cancellation Period: | 14 days |
| Comment: | Includes all arbitration-related communications, activities and conferences, resolution of pre-hearing disputes and dispositive motions, study time, site visits, evidentiary hearings, deliberations, award preparation, award modification and follow-up. Travel expenses will be charged to the parties as incurred. |

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