



Robert J. MacPherson ,Esq.
New York,New York



Professional Summary

Have practiced construction law since 1981. Have been mediating and arbitrating disputes since 1990.

Current Employer-Title

Cokinos | Young- Principal

Profession

Attorney - Construction Contracts, Dispute Resolution

Work History

Principal, Cokinos | Young, 2021 – Present; Director, Gibbons P.C., 2008 – 2021; Partner, Thelen LLP, 2005 – 2008; Associate and Partner, Postner & Rubin, 1982 – 2005; In-house Counsel, T.J. McGlone Co. Inc., 1981 – 1982.

Experience

Practicing construction law exclusively for 40+ years. Recent experience includes handling claims and disputes on the \$495 Million Canarsie Tunnel, the \$1.5 Billion Goethals Bridge Replacement Program and the \$3.5 Billion Cuomo/Tappan Zee Bride Project. Approximately 70% of practice is resolution of disputes related to construction projects through negotiation, litigation, arbitration, mediation or other forms of ADR and 30% is drafting and negotiating contracts related to construction projects. Over 35 years’ experience as an arbitrator and mediator. Have represented owners, developers, general contractors, construction managers, subcontractors, specialty contractors and subcontractors (electrical, marine, heavy civil and underground construction), suppliers, design professionals and surety companies. Experience with State and local government contracts, Public Private Partnerships (P3), and private work.

Projects include infrastructure (rail and light rail, roads and bridges, water and waste water and regulated utilities), schools, health care, retail, office buildings, power generation (co-generation, steam, gas, coal, solar, bio-

*Robert J. MacPherson ,Esq.
Neutral ID: 100265*

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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fuels, wind and hydro), industrial facilities (manufacturing and process plants), sports facilities and residential (multi-family and single family, including high-end luxury housing).

Taught ADR and Construction Law at Rutgers Law School, Newark, New Jersey.

Alternative Dispute Resolution Experience

American Arbitration Association arbitrator since 1985, hearing construction disputes in hundreds of cases as a sole arbitrator, panel member and Panel Chair in cases administered by the AAA, ICDR, and other arbitral institutions, including private ADR providers and self-administered matters. Acted as a DRB member. Member of the AAA Mega Project Construction Panel.

Have been an arbitrator in many matters with three or more parties. Experienced in facilitating resolution of discovery issues. Have heard and decided both substantive and procedural dispositive motions. Experience with alternative presentation of evidence, including written direct testimony, summary presentation, direct and cross examination of fact and expert witness panels and time limits or a "chess clock". Experience writing simple awards, reasoned awards, detailed findings of fact and conclusions of law and awards subject to appellate review by a panel of arbitrators.

Issues decided in arbitration have included both complex technical (e.g. scope of work, differing site conditions, asbestos abatement, masonry façade failure, power plant design and construction defects, valuation of a construction company's good will, loss of productivity damage calculations, home office overhead damage claims, delay analysis) and legal (e.g. termination for convenience and cause, professional malpractice, coverage under a manuscript insurance product, statute of limitations and repose, choice of law, limitations of liability, no damage for delay, warranty issues, obligations of joint venture partners, performance and payment bond related claims and defenses including issues arising under a General Agreement of indemnity).

Amounts in dispute have ranged from tens of thousands to tens of millions of dollars.

Represented clients in arbitration, before DRBs, in mediation and other forms of ADR since 1981. Author and lecturer on ADR. Taught ADR at Rutgers Law School. Former Chair, Division 1 Dispute Avoidance and Resolution of the ABA Forum on Construction Law, and the New Jersey Bar Association Dispute Resolution Section. Former Member of the New Jersey Supreme Court's Complementary Dispute Resolution Committee.

Technology Proficiency

Basic proficiency with technological tools used in the practice of law and ADR.

Successfully completed Clearbrief Academy, November 2025.

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Education

Seton Hall University (JD-1980); Monmouth University (BA, Sociology-1975); Brookdale Community College (AA-1972).

Professional Licenses

Admitted to the Bar: New Jersey (1980), New York (1983); U.S. District Court: District of New Jersey (1980), Southern (1983) and Eastern (1983) Districts of New York; U.S. Court of Federal Claims (1989); U.S. Supreme Court (1987).

Professional Associations

Fellow, American College of Construction Lawyers (Member Board of Governors 2017-2020); American Bar Association-Forum on Construction Law (Past Chair, Chair, Governing Committee member, Chair of Division 1, Dispute Avoidance and Resolution); New Jersey State Bar Association, Construction Law Section; Dispute Resolution Section (Past Chair); AGC of New York State, Member of the Building Board of Directors; ACG National, Member Contract Documents Committee; Building For Good (Board Member); ACE Mentor (National Board Member; Ace Mentor CMiC Alan Berg Scholarship Review Committee (2019- 2020); Family Resources Association (New Building Committee).

Recent Publications & Speaking Engagements**Publications:**

DISCOVERY DESK BOOK FOR CONSTRUCTION DISPUTES, ABA Publishing, 2005; 50 STATE PUBLIC CONSTRUCTION LAW SOURCE BOOK, CCH Incorporated, 2002; STICKS AND BRICKS, A PRACTICAL GUIDE TO CONSTRUCTION TECHNOLOGY, ABA Publishing, 2001; NEW YORK CONSTRUCTION LAW MANUAL, West Publishing, 1992; PARTNERING IN DESIGN AND CONSTRUCTION - ALTERNATIVE DISPUTE RESOLUTION AS A PARTNERING TOOL, McGraw Hill, 1996.

Has written articles on construction law and ADR for the AAA, Forum on Construction Law; New Jersey Law Journal; New Jersey Lawyer; New York Law Journal

Speaking Engagements:

Has spoken before a variety of organizations, including the New Jersey Judicial College; American Bar Association Forum on Construction Law; American Arbitration Association; New Jersey Institute of Continuing Legal Education; New Jersey Bar Association; Associated General Contractors of America; AGC New York State; Pratt University, New York, New York; Pace University, New York, New York; and Rutgers University, Newark, New Jersey.

Locations Where Parties Will Not be Charged for Travel Expenses

Within the New York-New Jersey Metropolitan area.

Citizenship

United States of America

Languages

English

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Compensation:

Hearing:

\$725.00 per hour

Study:

\$725.00 per hour

Cancellation Period:

10 days

Comment:

Hourly rate for hearings and study time; Travel rate applies for hearings outside the NJ/NYC area. A \$4000.00 retainer is required for each scheduled hearing day. The retainer will be applied to compensation due for hearings held as scheduled, or refunded if scheduled hearings are cancelled with at least (10) working days' notice. If scheduled hearings are cancelled on less than ten (10) working days' notice the arbitrator reserves the right to retain 1/2 of the retainer. No cancellation fee if reason for cancellation is settlement of all issues.

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