



Giselle Leonardo, Esq.

Hourly Rate	\$595
Current	LeonardoArbitration - Independent Arbitrator Giselle Leonardo P.A. - Partner
Practice	30
Cases	100
Languages	English, Spanish

Current Employer-Title

LeonardoArbitration - Independent Arbitrator
Giselle Leonardo P.A. - Partner

Work History

Partner, Giselle Leonardo P.A., 2000-Present; Corporate Counsel (Multi-National Energy Company \$10 billion), 1998-2000; Corporate Counsel International Development (Multi-National Energy Company \$5 billion), 1997-1998; Corporate Counsel (Multi-National EPC Turnkey Contractor \$2 billion), 1994-1997.

Experience as a Mediator

Professional career as a full time neutral serving on a wide range of construction, complex commercial, energy, and international disputes. Over 30 years' experience in construction and commercial contracts.

Representative sample of mediations:

Mediated case involving general contractor and subcontractor. Parties had an agreement for the Scope of Work for the exterior, shell and concrete work for a commercial construction project. One party alleged breach of contract against the other party. Issues concerned payments made, payment applications, certifications for payment, defects and defective construction, set offs, back charges, progress payments, progress of the work, schedule, delay, damages, termination of contractor, and wrongful termination.

Mediated case involving owner developer and large-scale international contractor. The parties entered into a written agreement for the design and construction of a large-scale telecommunication central facility and television studio. Plaintiff alleged that the Defendant failed to properly design and construct the Project. Plaintiff claimed the Defendant breached the contract. Issues involved related to breach of contract, default, cure, remedies, warranties, parent guarantees, cost of completion, replacement cost, insurance, liability, defective installation, defective product, damages, and replacement contractor.

Mediated case involving Owner and Developer of major international airport in Latin America. Case involved issues of detective construction, failure to comply with plans and specifications, delay, damages, breach, termination, surety and defenses, owner interference, owner coordination. Multi-party, surety, and three different languages. Mediation included in person session lasting in excess of 1 week abroad.

Mediated case involving general contractor and major subcontractor. The parties entered into an agreement for the construction of the shell of a commercial building and for concrete work pursuant to a written Scope of Work. One party alleged breach and default under the contract against the other party. Issues concerned defective work, default, termination, breach, wrongful termination, and

damages.

Mediated case involving owner developer and general contractor. The parties entered into a contract for the development and construction of a residential property under \$10 million. One party alleged breach against the other after the closing. Issues in the case related to contract interpretation, defects and deficiencies, conditions for closing, conditions surviving closing, default, warranties, defective construction, compliance with plans and specifications, misrepresentations, representations and warranties, and quantification of damages.

Mediated case involving real estate developer and contractor and seller of real estate. Case involved Purchase and Sale Contract where one party alleged breach of contract against the other. Issues related to breach, default, termination, contract interpretation, zoning, compliance, land use, codes and other regulations.

Mediated case between major general contractor and subcontractor. Case involved defective work, defective installation, lack of compliance with plans and specifications, warranties, means and methods, and industry standards. Case involved installation of stucco on the exterior of an entire building and failures, and water intrusion.

Mediated case between general contractor and subcontractor. Case involved development of a shopping center and large retail mall development. Issues in mediation related to failure, compliance with plans and specifications, defective work, warranties, damages, cost to complete, and replacement contractor.

Representative Issues Handled as a Mediator

Construction Disputes:

- Infrastructure (Heavy Highway, Bridges, Dams, Airports, Transportation)
- Commercial (Retail, Mixed Use, Hospitality, Large Scale Residential, Office, Vertical)
- Termination Issues: Convenience, Termination for Cause, Substitution of Contractor
- Condominium Association and Homeowner's Association: Defects and Deficiencies
- Defect Cases
- Breach of Contract and Default
- Warranties and Warranty Claims
- Damages Issues: Cost of Completion, Delay Damages, Liquidated Damages, Lost Productivity
- Defects and Deficiencies
- Compliance with Plans and Specifications, Code, Engineering and Technical
- Attorney's Fees
- Insurance, Insurers, Insureds, Surety
- Florida Construction Law Cases (Fla. Stat. §558 Defect Cases) (Fla. Stat. §627 Insurance) (Fla. Stat. §713 Lien Law) (Fla. Stat. §718 Condo Association)

Complex Commercial Disputes:

- Representations and Warranties
- Shareholder
- Consortium
- Joint Venture
- Buy-Sell
- Financial Instruments, Financing, Lender Issues
- Real Estate and Development, Zoning, Permitting
- Intellectual Property Licenses, Transfer of Technology
- Distribution
- Franchise
- International Mediation
- Multiple Language Mediation (Spanish, Portuguese, French)
- Cross-Cultural Mediation

Years of Practice as a Mediator

30

Total Number of Cases Mediated

100

Mediation Philosophy

The mediation process belongs to the parties. The Mediator is a tool or a facilitator of that process. The approach will vary depending on the needs of the parties. The goal of mediation is to be of benefit to both the counsel and the parties whether that is reaching ultimate resolution to all of the issues in the case, some of the issues in the case, or facilitating the flow of information which may enable or assist the parties to better evaluate the case for settlement at another point in time or proceed to trial or hearing on the merits. The process really belongs to the parties, and each mediation can be individually tailored to the needs of the parties depending on the unique circumstances surrounding each case. There is no one set way that a mediation must proceed, and the key is to remain flexible, creative, open minded and to add value to the parties by a fair and impartial process.

As a Board-Certified Construction Attorney and a Certified Circuit Civil Mediator, my goal is to serve the parties and their counsel in their specific goals for the mediation.

Mediation References

Pursuant to the Florida Court Rules for Certified and Court-Appointed Mediators, the Florida Statutes governing Mediation, and the Mediator Ethics for Certified and Court-Appointed Mediators, all matters relating to the mediation are confidential, including the participants. Pursuant to the various rules for Federal Court Mediations in various States and Districts, all matters relating to the mediation are confidential. If a potential party to a mediation wishes to check references, that will be handled upon request, on a case-by case basis. Prior written consent must be obtained from the party(ies) to the previous mediation, prior to releasing that party's name.

Alternative Dispute Resolution Training

ACE 22 - Process Essentials for AAA Arbitrators, 2022; ACE 21 – Impartiality: Do You Know Where Your Biases Are?, 2021; ACE20 Cyber Security: A Shared Responsibility, 2020; ICDR/AIPN Dispute Resolution in the International Oil and Gas Business Conference, 2019; AAA Construction Conference, 2019; AAA ACE 18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations – 2018; 6th Annual ITA-IEL-ICC Joint Conference on International Energy Arbitration, 2018; Florida Bar iLaw Global Forum on International Law, 2018, 2017; 30th Annual ITA Workshop International Transnational Arbitration, 2018; Wilem C. Vis Commercial Arbitration Pre-Moot 2014 - 2018; 5th Annual ITA-IEL-ICC Joint Conference on International Energy Arbitration, 2017; 29th Annual ITA Workshop International Transnational Arbitration, 2017, 2016; 28th Annual ABA Section of International Law 2016 Americas Forum, 2016; Annual Conference on ADR, Houston Bar Association, 2016; Americas Forum – International Section ABA, 2016; Florida Bar International Litigation, Arbitration & Transactions Conference, 2016, 2015; 32nd ICSID/ICC/ICDR Joint Colloquium on International Arbitration: Modernization of Arbitration-New Approaches to New Challenges, 2015; ICDR “Corporate Counsel Series: International Dispute Resolution in the Americas,” 2015; 31st ICSID/ICC/ICDR Joint Colloquium on International Arbitration, 2014; ICCA CONGRESS – Legitimacies: Myths, Realities, Challenges of International Arbitration - International Council for Commercial Arbitration, 2014; Dubai International Arbitration Chamber DIAC 10th Open Dialogue Meet DIAC and Its Executive Committee, 2014; Florida Bar 12th Annual International Litigation and Arbitration Conference, 2014; Enterprises and State Immunity in International Arbitration - China and Beyond: Understanding State Owned Entities; “Highlighting Hong Kong: A World Class Arbitral Venue” HKIAC, 2013; ICDR 11th Annual Miami International Arbitration Conference, 2013; 25th Annual International Transnational Arbitration: ITA Workshop: “International Arbitration from the Arbitrator’s Perspective, 2013; Florida Bar 11th Annual International Litigation and Arbitration Conference, 2013; Lloyds of London – “A Day at Lloyds,” 2013; New York Bar Association Annual Meeting – Dispute Resolution Meeting, 2013; New York Bar Association Annual Meeting – International Meeting, 2013.

See website CV for a complete list.

Professional Licenses

Admitted to the Bar: Pennsylvania (1991), Florida (1999); U.S. District Court, Western District of Pennsylvania (1991); U.S. Court of Appeals, Third Circuit, (1991); Certified Circuit Civil Mediator Florida (2005); Board Certified Construction Attorney Florida Bar (2006).

Professional Associations

ARBITRAL INSTITUTION PANEL MEMBERSHIPS

AAA Roster: Construction Panel; Energy Panel; Large Complex Case Panel; Commercial Panel
International Center for Dispute Resolution (ICDR)

Hong Kong International Arbitration Center - HKIAC (Hong Kong) – Member of the International Panel

London Court of International Arbitration – LCIA (London) - Member of the List of Neutrals

Kuala Lumpur Regional Centre for Arbitration – KLRC (Kuala Lumpur) – Member of the International Panel

International Institute for Conflict Prevention & Resolution CPR (New York): International Panel; Energy Panel; Construction Panel; Corporate/Finance

PROFESSIONAL ASSOCIATIONS AND SERVICE

Florida Bar Association

-International Law Section – Steering Committee Member 2015, 2016, 2017

-International Law Section – Faculty of the International Law Certification Course 2006, 2007

-Construction Law Committee of RPPTL – Faculty & Steering Committee of the Advanced Course and Construction Law Institute 2014, 2015, 2016, 2017

-Construction Law Committee of RPPTL– Faculty & Steering Committee of Certification Review Course 2008, 2009

-Construction Law Committee of RPPTL – ADR Subcommittee

International Bar Association

American Bar Association

-International Law Section

-Corporate Counsel Section

-Forum on Construction Law

Broward County Bar Association

-Bench Bar Association Speaker multiple times 2005, most recently 2011, 2013, 2015 on Arbitration

-Past President of the International Section of the Broward Bar Association

-Member of the Construction Committee of the Broward Bar Association

-Speaker at Broward Bar Association multiple times, most recently 2012, 2014

Center for Prevention and Resolution of Conflict

Pennsylvania Bar Association

Dispute Resolution Foundation

Education

University of Pennsylvania School of Law (J.D. - 1991); Wharton Graduate School of Business - Selected Courses in Advance Corporate Finance University of Pennsylvania (non-degree MBA 1989-1991); University of Pittsburgh (B.S., Civil Engineering - 1988).

Awards and Honors

Member of Wharton Alumni Board of South Florida (Former Board Member for 5 years)

All-Ivy Alumni Board of South Florida (Former Board Member)

Council for International Visitors (Former Member of the Board of Directors)

Chi Epsilon - National Civil Engineering Honor Society 1987-1988

Omicron Delta Kappa - National Leadership and Scholarship Honor Society 1987-1988

Organization of American States Model Conference, Washington, D.C. - Award 1987

Recipient of a fellowship for legal research in Costa Rica – 1986-87 Researched International legal system differences between United States and Costa Rica, Differences between Civil Law and Common Law Legal Systems

Publications and Speaking Engagements

Vis Commercial Arbitration Pre-Moot, Service as Presiding Arbitrator, Miami 2015, 2016, 2017, 2018

“International Arbitration: Practical Consideration and Practice Tips for Construction, Energy, Infrastructure and Mega Projects”

Annual Meeting Construction Section Committee Allegheny Bar Association, PA 2016

“E-Discovery in International Arbitration for Construction Mega Projects” The Construction SuperConference, Las Vegas, 2016

“Hot Tubbing and Expert Witnesses in International Arbitration” (Plenary V) Florida Bar Construction Law Committee of RPPTL

Advanced Course – Florida Bar 9th Annual Construction Law Institute, Orlando 2016

“International Arbitration in the Construction Industry: Arbitration Tacticum: Mock Presentation, Practice Tips, Rules Updates

Florida Bar Construction Law Committee of RPPTL Advanced Course – Florida Bar 9th Annual Construction Law Institute, Orlando 2016

“Proactive Arbitration Advocacy: Arbitration Selection, Arbitrability, Orders, Preliminary Awards, Problematic Arbitrators and Other Issues” (Plenary VI) Florida Bar Construction Law Committee of RPPTL Advanced Course – Florida Bar 8th Annual Construction Law Institute, Orlando 2015

“A Corporate Counsel Series: International Dispute Resolution in the Americas” Topic: “Drafting Dispute Resolutions Clauses: Practices and Trends” International Centre for Dispute Resolution ICDR Miami International Arbitration Conference, Miami 2015

“Arbitration Update: Institutional Changes, Rule Revisions and Practice Pointers on Arbitral Process and Arbitrator Selection”

Broward County Bar Association Construction Section, Ft. Lauderdale 2014

“Hot Topics in International Arbitration” Florida Bar 12th International Litigation and Arbitration Conference, Miami 2014
“Arbitrator Disclosure in International Arbitrations: Practical Tips on Arbitrator Selection in International Arbitration: Criteria, Institutions and Enforcement of Arbitral Awards” Florida Bar International Business Transactions and 12th Annual International Litigation and Arbitration Conference, Miami 2014
Wilem C. Vis Commercial Arbitration Pre-Moot Competition, Service as Presiding Arbitrator, Miami 2014
“Femme Arbitration: Top Women In International Arbitration” in conjunction with 11th Annual ICDR Miami International Arbitration Conference, Miami 2013
“International Arbitral Institutions and Rules Update ICC/ICDR/LCIA” Florida Bar 11th International Litigation and Arbitration Conference, Miami 2013
“Arbitration Realities – Debunking Fact versus Fiction: The Good, the Bad and the Ugly; An Insider’s Perspective Practical Tips”, (written materials only), PA 2013
“Risk Management in International Transactions: Arbitration in International Loan Agreements: Practical Tips on Enforcement of International Arbitral Awards versus Foreign Judgments” – New York State Bar Association Annual Meeting, International Section, New York, New York, 2013

See website CV for a complete list.

Compensation

\$595 Per Hour

Languages

English, Spanish

Citizenship

United States of America

Locale

Ft. Lauderdale, FL

The AAA provides mediators to parties on cases administered by the AAA under AAA mediation procedures. Mediations that proceed without AAA administration are not considered AAA mediations, even where parties select a mediator who is a member of an AAA mediation roster.