



AAA Mediation.org™

## Giselle Leonardo, Esq.

One E. Broward Blvd., Suite 700, Ft. Lauderdale, FL 33301

### Primary Areas of Expertise

Engineering, Solar, Technology  
Commercial, Industrial, Mining  
International Development  
Joint Ventures, Consortiums  
Energy, Oil & Gas, Power  
Construction, Infrastructure

**Current Employer-Title** Leonardo Arbitration - Independent Arbitrator  
Giselle Leonardo P.A. - Partner

**Profession** Arbitrator, Attorney, Civil Engineer, Board Certified Construction Attorney, Certified Mediator, Qualified Arbitrator

**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** Over 30 years' career experience specializing in international energy and construction projects. Work includes international transactions, international development, construction, development, finance, contract, and international law primarily representing U.S multinational Energy Companies (and Utilities), and Energy EPC Contractors, involving development and construction of public and private projects (industrial and institutional) ranging in value from \$120 million to \$700 million. Government and multi-lateral lending agency experience includes representing Energy Companies and/or EPC Contractors in contract negotiations with foreign and domestic government agencies in connection with the construction of power plants, electric generation facilities, Natural Gas, LNG, LPG, industrial park steam generation facilities, waste to energy facilities, gas transportation pipeline projects, methanol production facilities, peaking power plants and water desalinization plants among others. Handled disputes related to performance guarantees, substantial completion, guarantees, buy-downs, warranties, letters of credit, financial obligations and bonding issues, differing site conditions, change orders, and design defects. Experienced in issues relating to: Shareholder's Agreements, Joint Venture Agreements, Concession Agreements, bi-furcation, taxation issues, foreign and host governments, Foreign Corrupt Practices Act, on-shore and off-shore contracts, repatriation, and foreign currency.

Work included projects involving natural gas, LPG, LNG, methane, methanol, coal, wood waste and other waste, and others. Experience also includes distribution, transmission, pipeline, gas supply, shareholder agreements, buy-sell, joint development, joint operating, and joint venture agreements, turnover, and operation and maintenance agreements, equity participation agreements, financing and debt agreements. Shareholder agreements and/or joint venture agreement experience includes experience with covenants not to compete, anti-circumvention, rights of first refusal, capital calls, and buy-sell issues.

Work also included construction of pipeline, gas transmission, interconnections, specifications for pipeline, gas transmission, conversion to wire, and distribution. Negotiated Greenfield projects, land leases in varying forms, concession agreements and tax concessions and tax abatements with foreign

governments. Experienced with milestone payment schedules, performance guarantees, capacity, buy-downs, emissions, liquidated damages, completion dates, sunset dates, substantial completion, contractor substitution and termination issues, termination for convenience, termination for cause; non-performance, environmental issues, additional work, unforeseen conditions, time and expense, and delay damages.

Experienced in E-Discovery for large complex disputes in energy and construction cases.

Some experience in mining, petrochemical refining, processing facilities, water treatment, environmental issues, and renewable energy including wind and solar energy. Experienced in real estate matters involving vacant land, multi-units, and condominiums. Served in various technical engineering capacities in construction, inspection, and design including bridge renovations, fiber optic cable layout, highway roadwork, drainage, concrete, reinforcements, traffic signals, foundations, and dam stability analysis. Read plans & drawings, and familiar with standards, codes and international guidelines.

## **Mediator Experience**

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 defective 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

## **Mediator Style & Process Preferences**

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.

## **Technology Proficiency**

Able to conduct Hearings, Conference Calls, and Meetings by various videoconferencing platforms without assistance.

Proficient in videoconferencing platforms including Zoom, MS Teams, WebEx Cisco and others.

Proficient in cloud-based platforms including Dropbox, ShareFile, SharePoint, proprietary firm downloadable files and links (including large file transfer and WinZip).

Proficient in Microsoft Office, Office 365, Word, Excel, PowerPoint, Outlook, and Email.

Proficient in other software including but not limited to Adobe PDF, video viewing and others including some financial software.

## **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).

## **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 by the Florida Bar (2006); Board Certified International Litigation and Arbitration Attorney by the Florida Bar (2019).

Supreme Court of Florida Qualified Arbitrator;  
Mediator, U.S. District Court, Western District of Pennsylvania;  
Early Neutral Evaluator, U.S. District Court Western District of Pennsylvania;  
Arbitrator, U.S. District Court Western District of Pennsylvania.

## **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 – KLRCA (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

## **Recent Publications & 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.

<b>Mediation Rate</b>	\$595 Per Hour
<b>Languages</b>	English, Spanish
<b>Citizenship</b>	United States of America
<b>Locale</b>	Ft. Lauderdale, FL

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

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

Mediators on the AAA Roster are not employees or agents of the AAA.