



AAA Mediation.org™

Albert Bates Jr., Esq.

Pittsburgh, Pennsylvania

Primary Areas of Expertise

Large Complex Construction
Mega Projects

Current Employer-Title Troutman Pepper Hamilton Sanders LLP – Partner, Leader, International Construction Projects Group

Profession Attorney, Arbitrator, Mediator

Work History Partner and International Construction Projects Team Lead, Troutman Pepper Hamilton Sanders LLP(f/k/a Pepper Hamilton LLP), 2016 – Present; Chairman of Construction Group, Duane Morris LLP, 2013 – 2016; Partner, Duane Morris LLP, 2007 – 2016; Partner, Reed Smith LLP, 2000 – 2007; Shareholder/Associate, Babst Calland Clements & Zomnir P.C., 1993 – 1999; Associate, Eckert Seamans Cherin & Mellott, 1987 – 1993.

Experience Leads the Troutman Pepper Hamilton Sanders LLP International Construction Projects team. Focuses practice on the resolution of large and complex US and international construction disputes, particularly in the areas of industrial process and refining plants, energy projects, and infrastructure projects. Significant experience with Mega-Projects, EPC projects, and alternative project delivery systems, particularly in power generation, infrastructure, and heavy industrial process facilities. Has advised clients on more than fifteen Mega-Projects, including projects in the United States and internationally, and including projects in excess of \$10 billion USD. Has acted as counsel on coal, gas-fired, solar, nuclear, biomass and hydroelectric power generation projects; tunneling projects; chemical plants; pharmaceutical plants; steel mills; coke and coal byproduct plants; mass transit, bridge and highway projects; airports; mixed-use facilities; and sports and entertainment venues. Represented multinational corporations, domestic and international owners, EPC contractors, general contractors, subcontractors, engineers, equipment manufacturers and lending institutions in construction, contractual, and other business disputes.

Prior to joining Troutman Pepper in 2016, served as chairman of the Construction Group at Duane Morris LLP.

Mediator Experience Served as mediator since 1999 and has mediated approximately 100 cases. Mediation matters have ranged from matters with approximately \$100,000 in controversy to complex, multi-party matters with more than \$100 million in controversy. Most of the cases mediated have involved claims on construction projects, including industrial facilities, transit projects, sewage treatment facilities, hotels, office buildings, schools, convention centers, hospitals, renovation and redevelopment projects, retail, and warehouse projects. Has also mediated indemnification obligations, asset purchase cases, breach of warranty, supply contracts, and defective product cases, as well as claims against design professionals. Mediated matters involving domestic, multi-national, and foreign entities, as well as both closely held and publicly traded companies.

With respect to construction projects, has mediated claims involving general contractors, manufacturers, component and/or equipment suppliers, subcontractors, developers, public and quasi-public agencies, architects, engineers, and specialty contractors on public and private projects.

One of the attributes brought to bear as a mediator has been a strong background and understanding of complex engineering and technical issues. In addition to an educational background in economics

and finance, has gained significant knowledge in various engineering and scientific disciplines by representing clients in the construction, manufacturing, refining, and environmental remediation industries over the past nineteen years. The ability to quickly grasp complex technical issues has often been important in mediations dealing with complex construction, engineering, environmental, or other technical contractual disputes.

Representative Issues Handled as a Mediator

With respect to construction disputes, has mediated the full range of issues that arise on construction projects, including: quality of work, scope of contractual obligations, extra work claims, delay, disruption, inefficiency, loss of productivity claims, differing site condition, variation in estimated quantities, and other scope claims, claims against design professionals, fatigue and failure issues, product defect issues, insurance coverage issues, payment act claims, bonding issues, contractual and statutory limitations of liability, enforceability of exculpatory provisions in contracts, breach of warranty claims, and various other issues that arise on construction projects. With regard to general commercial disputes, has mediated indemnification claims, representation and warranty claims, product defect claims, industrial equipment performance issues, fraud and related matters.

Mediator Style & Process Preferences

Mediation is a consensual process. It is the role of the mediator to engage the parties in meaningful discussion in order to facilitate an amicable resolution of the matter. This typically involves assisting the parties in determining the issues in dispute among them, removing the obstacles to communication, and positively reinforcing the progress that is being made while seeking to minimize any ill-will among the parties. Since the process is a flexible one that is more art than science, the nature of each mediation varies, and the approach to resolution is dependent upon the parties, the party representatives, their counsel, the amount in controversy, the nature of the issues, the complexity of the issues, the presence of unsettled issues of law, technical issues about which competent experts can differ, and a host of other issues. The skills of the mediator, including judgment, credibility, personality, and demeanor, legal and technical competence, creativity, experience in the industry, experience in facilitating resolution of disputes, perceptiveness, ability to listen, analyze, and filter information, and other skills, are brought to bear to assist the parties in communicating about the disputed issues and ultimately in resolving their dispute. One of the goals of a good commercial mediator is to ensure that each party has fully assessed all of the risks presented by the dispute. Consequently, in some situations, the mediator may also be called upon to act as an evaluator, challenging the legal, factual, and technical positions and assisting the parties in assessing the reasonable range of outcomes, the risks of moving forward in the litigation or arbitration process, and the economic and opportunity costs associated with an arbitration or litigation outcome.

Education

Vanderbilt University (MBA-1987; JD-1987); Washington and Jefferson College (BA, cum laude-1983).

Professional Licenses

Admitted to the Bar: Pennsylvania (1987), District of Columbia (1988); U.S. District Court: Western District of Pennsylvania (1987); U.S. Court of Appeals: Third (1993), Fifth (2003), Sixth (1995), District of Columbia (1997), Eighth (2009), and Eleventh (2002) Circuits; U.S. Court of Federal Claims (1989); U.S. Supreme Court (1995).

Professional Associations

In addition to organizations mentioned in Honors and Awards, member of, and active in, the following professional or social associations: former member of American Arbitration Association (Board of Directors); AAA National Construction Dispute Resolution Committee (past Chair); International Mediation Institute (IMI) Certified Mediator; College of Commercial Arbitrators; Allegheny County Bar Association (Construction Law Committee); American Bar Association (Forum Committee on the Construction Industry; Dispute Resolution Committee; Committee on Construction Litigation); International Bar Association; CPR Institute; University of Pittsburgh Panther Club; Wildwood Golf Club; East Liberty Presbyterian Church.

In addition, is on the LinkedIn professional network, and generally accepts invitations that are extended to be connected with other professionals.

Recent Publications & Speaking Engagements

Has published extensively on various ADR topics. In addition, is a frequent lecturer for the AAA/ICDR and other educational providers.

Locations Where Parties

Travel expenses will not be charged for matters in the greater Pittsburgh, Pennsylvania metropolitan area.

**Will Not be Charged for
Travel Expenses**

Mediation Rate	\$795 Per Hour
Languages	English
Citizenship	United States of America
Locale	Pittsburgh, PA

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.