



AAA Mediation.org™

David W. Mockbee, Esq.

Jackson, Mississippi

Current Employer-Title	Mockbee Ellis, P.A. – President
Profession	Attorney - Construction, Design Professional Liability, Government Contracts
Work History	Shareholder, Mockbee Hall & Drake P.A. (and predecessor), 1994 – Present; Partner, Phelps Dunbar L.L.P., 1986 – 1994; Adjunct Professor, Legal Aspects of Architecture, Engineering and the Construction Process, Mississippi State University School of Architecture, 1983 – 2018; Shareholder, Jones Mockbee Bass & Hodge, 1980 – 1986; Partner, Reynolds & Mockbee, 1977 – 1980; Associate, Watkins Pyle Ludlam Winter & Stennis, 1975 – 1977; Law Clerk to Judge Charles Clark, Former Chief Judge of the U.S. Fifth Circuit Court of Appeals, 1974 – 1975; Captain, USAR, 1971 – 1979.
Experience	Over 45 years practicing construction law. Since 1977, practice has focused on domestic and international construction and design professional liability-related law, representing architects/engineers, general contractors, sub and specialty contractors, suppliers and owners involved in public and private commercial, utility, manufacturing, mechanical, industrial, highway, marine and sports facilities projects. Particular experience in soils and foundation problems and steel detailing, fabrication and erection, construction materials testing, asphalt and concrete paving, and water and wastewater facilities design and construction. Handled disputes relating to delay, differing site conditions, change orders, design defects, surety bond issues, licensing and professional registration disputes and bid protests. Handled solely or as lead counsel over 50 construction cases resulting in published opinions and over 50 AAA construction industry arbitrations resulting in arbitration awards after hearings.
Mediator Experience	<p>Have been mediating cases since 1998, which includes over 50 mediations as a party representative and over 40 mediations as the mediator, primarily in the areas of professional negligence and breach of contract in design and construction involving contractors, subcontractors, suppliers, owners, architects, and engineers.</p> <p>Mediation experience includes acting as an umpire to determine property loss amount to assist in determining insurance when the party appraisers cannot agree.</p>
Representative Issues Handled as a Mediator	Professional negligence, construction materials testing and quality disputes, building design, building construction (commercial and residential), public and private alleged negligence by all parties to the construction process.
Mediator Style & Process Preferences	I am an evaluative mediator as my mediation clients have advised me that my professional experiences, insights, and opinions are helpful in reaching a mediated result.
Technology Proficiency	Familiar with ZOOM mediations.
Education	University of Mississippi School of Law (JD, with honors, Mississippi Law Journal Editor in Chief-1974); Davidson College (BA-1971).

Professional Licenses	Admitted to the Bar: Mississippi (1974); Mississippi Supreme Court (1974); U.S. District Court: Northern (1974) and Southern (1975) Districts of Mississippi, Eastern District of Wisconsin (2004); U.S. Court of Appeals: Second (2001), Third (2006), Fifth (1974), Sixth (2000), Eleventh (2000), and Federal (1982) Circuits; U.S. Court of Federal Claims (1984); U.S. Supreme Court (1982).
Professional Associations	American College of Construction Lawyers (Fellow); American College of Trial Lawyers (Fellow)(former State Chair); American Board of Trial Advocates (Associate)(former State President); Mississippi Bar Foundation (Fellow); National Board of Trial Advocacy (Certified Civil Trial Advocate); American Bar Association; Mississippi State Bar Association.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>MISSISSIPPI CONSTRUCTION LAW, HLK Global Communications, 1st ed., 1994, 2nd ed., 2005; "Mississippi Contract Law for Professional Engineers," Half Moon, LLC, March 30, 2007; "Anatomy of a Construction Defect Case," University of Mississippi Division of Outreach and Continuing Education, 2006; co-author, "Mold and Mildew Problems in Buildings," Lorman Education Services, 2002; "Construction Contracting for Public Entities in Mississippi," 1999; "Mississippi Construction Law: What Do You Do When...?," 1990 and 1993; MISSISSIPPI CONSTRUCTION LAW, 1981; contributor, STATE-BY-STATE GUIDE TO CONSTRUCTION CONTRACTS AND CLAIMS, Aspen Publishers, 2006; contributor, STATE-BY-STATE ANALYSIS OF LEGAL ISSUES AFFECTING ARCHITECTS, ENGINEERS, CONTRACTORS, AND OWNERS (FROM A CONTRACTING AND CLAIMS PERSPECTIVE), Aspen Publishers, Inc.; contributor, LIEN AND BOND CLAIMS IN THE 50 STATES, American Subcontractors Association, Inc. and the Foundation of the American Subcontractors Association, Inc.; contributor, ECONOMIC LOSS DOCTRINE, American Bar Association, Committee on Construction Litigation, Mississippi Section; contributor, NO DAMAGE FOR DELAY, American Bar Association, Committee on Construction Litigation.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>"Warranties," American Subcontractors Association Business Forum and Convention, March 17, 2005; "Professional Ethics in Today's Workplace," Institute of Transportation Engineers, March 28, 2001; "Brand Name or Equal Specifications," Construction Specifications Institute National Convention, June 24, 2000; "Disguised Sole Source Specification: Rights and Remedies of the Subcontractor Against the Owner or the Proposed Supplier," American Subcontractors Association Annual Convention, April 3, 1997; "The Ten Commandments of Specification Writing," Construction Specification Institute National Convention, June 24, 1994.</p>
Mediation Rate	\$3,000 Per Day
Languages	English
Citizenship	United States of America
Locale	Jackson, MS

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.