



David W. Mockbee, Esq.

Current	Mockbee Hall & Drake, P.A. – President
Practice	20
Cases	40+
Languages	English

Current Employer-Title

Mockbee Hall & Drake, P.A. – President

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 – Present; 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 as a Mediator

Handled construction disputes as an advocate for over forty-one (41) years and as a mediator for over twenty (20) years. As an advocate, primarily represents architects and engineers, as well as contractors, subcontractors, and suppliers. As a mediator, has handled disputes relating to highway, industrial, commercial, utility and residential construction disputes involving architects, engineers, contractors, subcontractors, sureties lenders and owners.

Representative Issues Handled as a Mediator

Handled architect/engineer/contractor negligence and breach of contract claims, as well as bond claims, insurance claims, defective design claims, defective construction claims, change order claims, differing site conditions claims, and delay and disruption claims.

Years of Practice as a Mediator

20

Total Number of Cases Mediated

40+

Mediation Experience as an Advocate or Party

Involved in more than fifty (50) construction-related mediations as an advocate with one mediation involving more than twenty (20) parties and numerous other multi-party mediations.

Mediation Philosophy

David attempts to provide the benefit of his training and experience in construction and design disputes by objectively reacting to the parties' respective positions with the goal of getting the case settled by focusing the parties on their own weaknesses and the other parties strengths, as applicable, and by reminding the parties of the inherent risk in litigation and arbitration and the significant costs of both.

Mediation References

Ralph B. Germany, Esquire, rgermany@bradley.com, 601-592-9963; Samuel C. Kelly, Esquire, skelly@brunini.com, 601-948-3101; Andrew J. Kilpatrick, Jr., Esquire, akilpatrick@gorekilpatrick.com, 601-925-8330; Russell S. Gill, Esquire, RSgill@RSgill-lawfirm.com, 228-432-0007; James C. Simpson, Jr., Esquire, jcs@wisecarter.com, 228-867-7141.

Alternative Dispute Resolution Training

ACE20 - Cyber Security: A Shared Responsibility, 2020; AAA ACE19 Case Finances: What Arbitrators Need to Know, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Construction Mediation and the User Experience: Pathways to Settlement and Satisfaction, 2017; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2017; University of Mississippi, Mediation Refresher, 2017; Mediation Preparation Techniques for the Litigator, 2016; AAA Get a Grip! Wrangling the Mediation Process to Improve Your Chances of Success in Multi-Party Disputes 2015; AAA Ethics 101: Arbitrators, Mediators & Attorneys, 2014; AAA Developments In Arbitration Law: Disclosure, Vacatur, Sanctions, and Arbitrator Authority, 2013; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2012; Mississippi College School of Law, Mediation Conference, 2010; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2009; AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2008; Mississippi Bar Association, Mediation Training, 2004.

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.

Education

University of Mississippi School of Law (J.D., with honors, Mississippi Law Journal Editor in Chief-1974); Davidson College (BA-1971).

Awards and Honors

The Best Lawyers in America (multiple Jackson, MS Construction Lawyer or Construction Litigation Lawyer of the year); The International Who's Who of Construction Lawyers; Chambers USA America's Leading Lawyers for Business; and the Mid-South Super Lawyers (a top 50 in Mississippi).

Publications and Speaking Engagements

MISSISSIPPI CONSTRUCTION LAW, HLK Global Communications, 1st ed., 1994, 2nd ed., 2005, 3rd ed. 2015, 4th ed. (2017); "The Measure of Malpractice - There is a Place for the Threshold Approach in Evaluating Design Errors and Omissions," 7 Journal of the American College of Construction Lawyers, No. 1, p. 153 (2013); "Architect/Engineer Expert Witnesses: Professionals or Prostitutes?", 5 Journal of the American College of Construction Lawyers, No. 1, p. 71 (2011); "Engineer's Legal Exposure for Facilities Built on Expansive Soils," American Society of Civil Engineers Technical Council on Forensic Engineering, Journal of Performance Constructed Facilities (Vol. 25, No. 1, p. 7 (2011)) (co-author Judson Jones)(Awarded Outstanding Paper of 2011 by the Journal of Performance of Constructed Facilities); "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.

SPEAKING ENGAGEMENTS: AIA ND, "Ethics: It's a Matter of Personal Choice & Professional Duty" & "Risk Management: It's All About the Contracts and Attention to Details," May 9, 2018, Bismarck, ND; Am. Council of Engineering Cos. Deep South Convention 2017, "Navigating the Engineering Highway," Destin, FL, Jul 28, 2017; AIA ND, May 10-11, 2017, Bismarck, ND, Risk Management Avoidance & Contracts-"Navigating the Engineering Highway-The Pathway to Professional Success" & "Ethics: A New Look at Enduring Values"; AIA ND, "Ethics: A New Look at Enduring Values," Oct. 1, 2014, Grand Forks, ND; Nat'l Council of Architectural Registration Boards (NCARB) - "Professional Ethics-When I Look in the Mirror," Mar. 7, 2014 (San Antonio, TX); Am. College of Construction Lawyers Annual Meeting "Point-Counterpoint: The Threshold Approach to Evaluating Design Professional Liability," Feb 21, 2014 (Phoenix, AZ); Practicing Law Institute-Building Better Construction Contracts 2013, "The Measure of Malpractice-There is a Place for the Threshold Approval in Evaluating Design Errors and Omissions," Sept. 25, 2013 (New York, NY); AIA, Large Firm Roundtable Chief Legal Officer Group Meeting-"The Measure of Malpractice-There is a Place for the Threshold Approval in Evaluating Design Errors and Omissions," Mar. 8, 2013 (Seattle, WA); "Warranties," Am. Subcontractors Association Business Forum & Convention, Mar. 17, 2005; "Professional Ethics in Today's Workplace," Institute of Transportation Engineers, Mar. 28, 2001; "Brand Name or Equal Specifications," Construction Specifications Institute National Convention, June 24, 2000; "Disguised Sole Source Specification: Rights & Remedies of the Subcontractor Against the Owner or the Proposed Supplier," Am. Subcontractors Association Annual Convention, Apr. 3, 1997; "The Ten Commandments of Specification Writing," Construction Specification Institute Nat'l Convention, June 24, 1994.

Compensation

\$3,000 Per Day

Languages

English

Citizenship

United States of America

Locale

Jackson, MS

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.