



Jerome F. Rock, Esq.

Hourly Rate	\$400
Current	Jerome F. Rock, J.D. – Full Time Arbitrator and Mediator
Practice	17
Cases	1,000+
Languages	English

Current Employer-Title

Jerome F. Rock, J.D. – Full Time Arbitrator and Mediator

Work History

Arbitrator/Mediator, Jerome F. Rock PC, 1977 – Present; Vice President/General Counsel, Bulldog Boiler Rentals LLC, 2001 – 2009; President/General Counsel, Building Technology Associates Inc., 1991 – 2001; Senior Partner and Founding Shareholder, Jacob & Weingarten Rock & Sherbow, 1977 – 1991; Engineer - Assistant Legal Counsel, Southeastern Michigan Transportation Authority, 1973 – 1977.

Experience as a Mediator

National Practice as Mediator and Arbitrator for commercial, engineering, technology and construction industry disputes. Emphasis on complex issues where technical and engineering background and business experience is necessary. Industry groups include public colleges and universities, municipalities and government agencies, waste water and water treatment utilities, electric utilities, including nuclear facilities, engineering and professional service organizations, commercial and industrial real estate, manufacturing, architecture, engineering, construction, high technology, including automation, robotics, Information Technology, Building Information Modeling (BIM), enterprise application software, and software development. Experience as mediator involving construction defects in Insulated Concrete Form (ICF) buildings and pre-stressed and post tensioned concrete floor and roofing.

Active as a mediator since 2002, having mediated over 1,000 matters. Certified General Civil Case Mediator for State of Michigan, certified mediator for Wayne, Oakland, Macomb and Washtenaw counties and Federal District Court. Business Court Panel of Approved Neutrals and Business Court Case Evaluation Panel Member.

Representative Issues Handled as a Mediator

Commercial mediation issues include lack of performance, breach of contract, contract interpretation, close corporation shareholder rights, oppression of minority shareholders, patent, trade mark, trade secret, confidentiality, non-disclosure and non-competition issues. Limited Partnership disputes, including Proxy challenges to remove General Partner, investment/capital call disputes. Commission disputes between manufacturer representatives and sales representatives and manufacturers, franchise disputes, commercial and industrial lease disputes, warranty and indemnification on manufactured products, disputes relating to Enterprise Application Software installations

Construction mediation issues include disputes between owners, developers, general contractors, sub-contractors, architects, engineers and sureties involving breach of contract, scope and design changes, contract delay claims, change order disputes, cost overruns, liquidated damages and consequential damages, indemnity issues and claims with sureties, building product failures, design and construction defects, architect and engineer liability, disputes involving performance based contracting for energy systems, energy

management contract disputes, commissioning for HVAC and energy control systems. Warranty, design, product and construction and installation defect disputes for "engineered building systems" and building sub-systems including MEP, HVAC, waterproofing and roofing (including metal roof systems, single ply membrane and asphalt and bituminous built up roofing systems).

Mediated complex, multiparty dispute between field contractor installing baggage handling system in operating airport and prime contractor issuing Building Information Modeling (BIM) documentation; issues involved deficiencies/inaccuracies in BIM and incorrect interpretation and application of BIM on the project.

Years of Practice as a Mediator

17

Total Number of Cases Mediated

1,000+

Mediation Experience as an Advocate or Party

Commercial mediation issues include: breach of contract, contract interpretation, product defect disputes, liquidated and consequential damages, mitigation of damages, indemnity issues, patent, trade mark, trade secret, confidentiality, non-disclosure and non-competition issues, commercial and industrial lease disputes tortious interference with business contracts and business opportunity, commission disputes between manufacturers and sales representatives, franchise disputes. Closely Held Corporation, Limited Partnership, Partnership and Joint Venture disputes include: breach of contract, member or shareholder rights, oppression of minority stakeholders, proxy challenges to remove General Partner, audit and investment/capital call disputes.

Construction mediation issues include: disputes between owners, developers, general contractors, sub-contractors, architects, engineers and sureties involving breach of contract, scope and design changes, contract delay claims, change order disputes, cost overruns, liquidated damages and consequential damages, indemnity issues and claims with sureties, building product failures, design and construction defects, architect and engineer liability, disputes involving performance based contracting for energy systems, energy management contract disputes, commissioning for HVAC and energy control systems. Warranty, design, product and construction and installation defect disputes for "engineered building systems" and building sub-systems including MEP, HVAC, waterproofing and roofing (including metal roof systems, single ply membrane and asphalt and bituminous built up roofing systems).

Mediation Philosophy

There are several ways a trained Mediator can play a valuable role for each side in a controversy: a) by understanding the complexity of the conflict, and designing a mediation "process" or format that will best address the needs of all parties; b) by making the attorneys for each party a full partner in the mediation process without abdicating any role of advocacy or legal representation; c) by giving each principal an opportunity to hear and understand the position of the other side, without the obligation of accepting or agreeing with that position; by inference this gives the principals an opportunity to assess the strengths and weaknesses of their own positions, and reflect on the risk associated with continuing the litigation process; d) by establishing and maintaining an environment that focuses on problem solving by working with the parties and their attorneys to develop creative, yet practical options that are acceptable to the parties, but might not be available if the matter is resolved by a judge, or through trial; facilitating working sessions in a conference room setting involving the project level staff or both sides, exchanging information and establishing a foundation for the executives to negotiate a settlement; e) by giving the principals an opportunity, if appropriate, to preserve or minimize the damage to any established or prospective business relationship that may exist between them.

As a former business executive, an engineer, a construction attorney and a trained Neutral, I am comfortable with complicated business or technical subject matter and can therefore quickly grasp the issues and lead the mediation process as a Business Case exercise. A great deal of my success as a Mediator is attributed to my role as a problem solver, finding the creative option or strategy that leads to settlement. All of this starts with the Pre-Hearing Conferences discussed above under Multi-Party Dispute Resolution Experience.

Mediation References

Hon. Daniel P. Ryan, Retired Business Court Judge, Wayne County Circuit Court. (734) 7449822, judgeryan@MIJADR.com; Hon. Richard L. Caretti, Business Court Judge, Macomb County Circuit Court. (586) 469-5137, Ricahrd.Caretti@macombgov.org; Hon. Phyllis McMillen, Circuit Court Judge, Oakland County Circuit Court, (248) 858-0337, McmillenPJ@Oakgov.com; Kevin J. Gleeson, Esq. Sullivan Ward Asher & Patton, PC., (248) 746-2722, Gleeson@swappc.com; Thomas G. McNeill, Esq. Dickinson Wright

PLLC, (313) 223-3500, TMcNeill@Dickinson-Wright.com; Mark Sassak, Esq. Deneweth Dugan & Parfitt PC, (248) 290-0400, MSassak@ddp-law.com; Kevin Hendrick, Clark Hill, (313) 965-8315, KHendrick@ClarkHill.com; Gerard Mantese, Mantese Honigman, (248) 457-9200, GMantese@ManteseLaw.com; James R. Peterson, Esq. Miller Johnson, (616) 831-1701, PetersonJ@Millerjohnson.com; Thomas W. Porter, Esq. Vice-President Barton Malow Company, (248) 436-5492, Tom.Porter@BartonMalow.com; Judah Lifschitz, Esq. Shapiro, Lifschitz & Schram, (202) 689-1900, Lifschitz@sllaw.com.

Alternative Dispute Resolution Training

ACE 22 - Process Essentials for AAA Arbitrators, 2022; ACE21 Impartiality: Do You Know Where Your Biases Are? 2021; ACE 20 - Cyber Security: A Shared Responsibility, 2019; AAA ACE 19 Case Finances: What Arbitrators Need to Know, 2019; Effective Use of Dispute Resolution Boards, 2018; ACE 18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; When Experts Come From Different Planets - Tips for Maximizing the Value of Experts, 2018; Motion Practice Under AAA Rules – What You Need to Know, 2017; Out of Sight, Out of Mind: What You Need to Know about Preventing and Arbitrating Business-to-Business (“B2B”) Data Breaches, 2017; Innovative Testimony Techniques for Arbitration, 2016; AAA The Review of the New Construction Rules: The Significant Changes, (Faculty), 2015; AAA Motion Practice in Arbitration: Worthwhile or an Expensive Distraction? 2014; AAA Using Experts Effectively in Arbitration, 2013; AAA Construction Professionals Guide to Conducting an AAA Arbitration, 2013; Faculty, AAA Green Construction Update: How Does ADR Apply to Green Construction: What is Changing, and What is Staying the Same?, 2011; AAA Labor Arbitrator II Workshop, 2011; Faculty, AAA Green Construction Update, 2011, 2010; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics ACE05, 2010; AAA - Labor Arbitrator I, 2010; AAA Green Construction Update, 2010; AAA Dealing With Delay Tactics in Arbitration ACE04, 2010; AAA Construction Conference: Maximizing ADR Advocacy for Today's Economy, 2009; Arbitration Fundamentals and Best Practices for New AAA Arbitrators, AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2009; Advanced Negotiation and Dispute Resolution Institute, Institute for Continuing Legal Education, Arbitration Track Training, 2002-09; Institute of Continuing Legal Education, 40-Hour General Civil Case Mediator Training, 2002; ICLE, Advanced Negotiation Strategies in Mediation, 2002; Oakland Mediation Center, General Civil Mediator Certification, 2002.

Professional Licenses

Admitted to the Bar: Michigan, 1977; U.S. District Court: Eastern District of Michigan. Former LEED Accredited Professional (Leadership in Energy and Environmental Design) by U.S. Green Building Council. Licensed Residential Builder, State of Michigan.

Professional Associations

State Bar of Michigan (Alternate Dispute Resolution Section; Business Law Section, Insurance and Indemnity Law Section, Litigation Section; Information Technology Section); Detroit Metropolitan Bar Association (Alternate Dispute Resolution Committee, Past Chairman); Macomb County Bar Association (Civil Practice Committee, Past co-chair, ADR subcommittee; Labor & Employment Law Committee; Permanent Neutral on Labor & Employment Law Case Evaluation Panel); Engineering Society of Detroit (Alternative Dispute Resolution Committee), U.S. Green Building Council, Detroit Regional Chapter, Commercial Real Estate Committee; Professional Resolution Experts of Michigan (Panel of Experts); Design Build Institute of America (Board of Directors, Michigan Chapter).

Education

University of Detroit Mercy (JD-1976); Northwestern University (MS, Civil Engineering-1973); University of Detroit Mercy (BS, Mechanical Engineering-1972).

Awards and Honors

Martindale-Hubbell Peer Review Rated AV-Preeminent; Martindale-Hubbell Judicial Review Rated AV-Preeminent; Thompson Reuters rating Super Lawyer in ADR; Top Lawyer rated by Detroit Business.

Publications and Speaking Engagements

Chapter Author, Negotiation and Settlement, Michigan Civil Procedure (ICLE), 2nd ed., 2012-2019. ADR SpotLight: A Flexible Protocol for Pre-Suit and Early Stage Mediation in Business Disputes, Legal News 2019; ADR SpotLight: Improving Outcomes in Mediation with use of Pre-Hearing Conferences in Business Court Cases, Legal News 2016; Publications in Dispute Resolution Journal, 2010. Publications in State Bar of Michigan, Alternative Dispute Resolution Quarterly, 2009; Macomb County Bar Association Magazine, 2009; Symposium Panel member, Engineering Society of Detroit, Michigan Green Enterprise Zone: Legal Risk Mitigation section, 2009; Presenter, Macomb County Bar Association, Continuing Legal Education seminar, 2009; Finalist Judge, ABA National Arbitration Forum, Arbitration Competition, 2007; Finalist Judge, ABA Advocacy in Mediation, Advocacy Competition, 2006; Speaker, Advanced Mediation Training, Michigan State University, College of Law, Alternative Dispute

Resolution Program, 2006; Adjunct Lecturer, Wayne State University, Engineering and Construction Law. Faculty, SCAO Advanced Mediation Training in Med-Arb.

Compensation

\$400 Per Hour

Languages

English

Citizenship

United States of America

Locale

Grosse Pointe Park, MI

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.