



AAA Mediation.org™

Michael L. Sterling, Esq.

Norfolk, Virginia

Primary Areas of Expertise

Commercial Construction
Municipal Law
Public Contracts and Grants

Current Employer-Title Woods Rogers Vandeventer Black PLC - Principal

Professional Summary Practice concentrated on complex construction and government projects and disputes with particular focus on accounting, scheduling, contract terms, insurance, safety, ethics, environmental and other regulatory compliance issues. Projects include co-generation and processing plants, wind tunnels, cable stay bridges, dams, highways, tank farms, stadiums, hotels, courthouses, hospitals, water and wastewater treatment plants, parking garages, high-rise condominiums, environmental site restoration, demolition and large-scale residential developments as well as ship construction and repair.

Profession Attorney and Adjunct Law Professor

Work History Principal, Woods Rogers Vandeventer Black PLC, 2022 - Present
Partner, Vandeventer Black LLP, 1985-2022.

Experience Managing Partner and Member of law firm Executive Board for a decade. Chaired or Vice-Chaired law firm Construction and Public Contracts Department with national practice for over a decade. Represented both national and international general contractors, subcontractors, vendors, manufacturers and design professionals, as well as private and public owners. Serves as primary legal counsel to local municipalities. Experienced in a wide range of project delivery methods including design-build and public-private-partnerships. Also, experienced with the Federal Acquisition Regulations, related agency regulations and statutes applicable to government funded contracts and grants. Appeared before federal and state courts, boards of contract appeal, agency administrative judges and arbitration panels, and General Accounting Office; assignments have been in various locations throughout the U.S. and its Territories.

Mediator Experience Adjunct Professor of Mediation at William & Mary Law School; managed law firm Dispute Resolution Services practice for over two decades; served as mediator for the American Arbitration Association (AAA), Virginia Conflict Resolution Center, Financial Industry Regulatory Authority (formerly NASD), the Better Business Bureau, the National Arbitration Forum, the Chesapeake Redevelopment and Housing Authority, the United States District Court for the Northern District of Alabama, the Circuit Courts for the Cities of Norfolk, Portsmouth and Virginia Beach and by private appointment; certified by the Supreme Court of Virginia as a Mediator in 1999 and Mentor in 2001; construction matters have ranged from claims of defective workmanship to incomplete work to other performance and payment related problems; non-construction matters have ranged from securities fraud to creditor-debtor disputes to employer-employee disputes; mediated attorney-client fee disputes for the Virginia State Bar; intermediated disputes between clients pursuant to the former Virginia Rules of Professional Conduct; founded the Norfolk and Portsmouth Bar Association ADR Committee that prepared a standing order for court sponsored ADR; conducted various presentations on ADR.

Representative Issues Various commercial, construction and other disputes including steel fabrication and erection, building envelopes, block, brick and other masonry issues, pre-cast, metal, shingle and membrane

Handled as a Mediator

roofing, mechanical systems, electrical systems, painting and signage, as well as design errors and omissions, contract compliance and false claims. Other matters involved consumer disputes, claims for securities law and regulatory violations, unpaid commissions, wrongful termination, business ownership, and property disputes. Appointed as mediator by the United States District Court of the Northern District of Alabama in two 100 Million Dollar qui tam actions for alleged violations of the False Claims Act during the performance of federal government military contracts and related claims of retaliatory discharge (United States of America, ex rel Donald Hicks v. Chrysler Corp., et al. Case No. CV-98-CO-154-NE and United States of America ex rel. Jack Simon v. Diamler Chrysler, et al., Case No. CV-99-CO-1846-S). Appointed as mediator in various securities trading and related disputes by the National Association of Securities Dealers and its successor the Financial Industry Regulatory Authority. Appointed as mediator in maritime disputes between vessel owner and operator concerning management agreements and associated fees. Appointed as mediator in numerous construction contract, employee and consumer disputes by the Better Business Bureau, the Virginia Dispute Resolution Center and various Virginia State Courts. Also, served as Mentor to trainee mediators.

Mediator Style & Process Preferences

While most construction and other business disputes have common elements each is unique as are the party representatives, their counsel and experts. Therefore, in construction and business mediation I believe it is essential for the mediator initially to gain sufficient information about the parties, facts, issues, counsel and experts to develop a mediation strategy that will have the greatest potential for success. This typically begins with an informal joint conference call followed by individual conference calls, during which my role is to be a good listener. Usually, but not always, I then request written confidential submissions in order to allow each party to present a candid summary of the disputes. It is helpful if these confidential submissions address weaknesses as well as strengths, but I appreciate that parties may not initially feel comfortable with revealing key weaknesses even to the mediator. Depending on the complexity of the disputes these submissions may be followed by further conference calls and submissions before the first mediation session. At the session, even if the parties have previously exchanged information during discovery or otherwise, it is often beneficial to allow formal presentations with an opportunity for everyone to pose questions in a controlled environment. Whether and when the parties break into private caucus groups depends on the particular circumstances. If the parties, go into caucus I do not believe that my role as mediator is to simply shuffle offers from room-to-room. Throughout the process I will be reality testing, looking for common ground and opportunities to close the gap on disputed issues to facilitate resolution. I will also provide feedback and offer options. I may reconvene a joint session to address particular issues. While self-determination is essential to all mediation, I may offer evaluative comments or engage in outcome determination when appropriate. If the matter is not settled in the initial session I will continue to work with the parties until it is clear that there is an insurmountable impasse. My goal is to efficiently and effectively assist in bringing the disputes to resolution. I am available for both in-person and virtual mediations.

Technology Proficiency

Familiar with eDiscovery applications such as Relativity and Casepoint, Microsoft 365; Zoom; law firm accounting applications such as Elite Enterprise, 3E, Aderant Expert Siera, and Orion; and cyber security functions. Served on firm's technology committee for many years, as well as product selection review and negotiation teams.

Education

William & Mary School of Law (JD, order of the coif-1985); Lawrence University (BA, Economics, cum laude-1979).

Professional Licenses

Admitted to the Bar: Virginia, 1985.

Professional Associations

American Bar Association (Construction Law Section; Public Contract Law Section; Dispute Resolution Section; State and Local Government Law Section; Construction Industry Forum), and ABA Fellow; Associated General Contractors of Virginia; Association of Builders and Contractors; Board of Contract Appeals Bar Association; Design Build Institute of America; Federal Bar Association (Public Contract Law Section, Litigation Section); National Contract Management Association (Norfolk Area Chapter, Fellow, Past President); Norfolk and Portsmouth Bar Association (Past Executive Committee Member and Founding Member; Committee on Alternative Dispute Resolution, Past Chairman); Tidewater Association of Service Contractors; Virginia Bar Association (Joint Committee on ADR; Local Government Law Section; Construction and Public Contracts Law Section, Past Chairman); Virginia Beach Bar Association; Local Government Attorneys of Virginia; Virginia State Bar (Construction Law and Public Contracts, and Local Government Law Sections); Virginia Transportation and Construction Alliance; Construction

Lawyers Society of America (Fellow).

Recent Publications & Speaking Engagements

PUBLICATIONS: Ethical Obligations of Arbitrators Issuing Third Party Subpoenas, American Arbitration Association Journal, Vol. 75, No. 1, November 2020; Federal Government Construction Contracts (3rd Ed.), Chapter 14 – Terminations for Default, American Bar Association, (2017); Construction Law: State and Local Construction Projects (1st Ed.), Chapter 14 – Claims Issues, American Bar Association, (1st Ed. 2017); Public Contracting: Understanding the Ground Rules of the Arena, American Bar Association Construction Law Forum, Spring 2017; FHWA Changes Policy and Broadens Application of Buy America Act to Manufactured Steel or Iron Items and Miscellaneous Steel or Iron Products, VTCA Blue Top, February 2016; Inside the Minds: Litigation Strategies for Government Contracts, Thomson Reuters, 2015 ed.; "Everything You Don't Know About E-Discovery," NBI, Virginia Beach, Virginia, November 2013. "Public-Private Partnerships: Conflicting Interests between Design-Builder and Designer, ABA Under Construction," Vol. 15, No.2, April 2013; "Overview: Changes to the General Conditions of the State Construction Contract," VBA News Journal, Vol. XXXVIII, Issue 3, Fall 2011; "Differing Perspectives of Owners, Builders, and Design Professionals On Design-Build Projects," National American Council of Engineering Companies Annual Conference, Fall 2009; "Teaming With Small Businesses on Federal Projects," Client Presentation, Fall 2009; "Construction Loans - What You Don't Know Will Hurt You," VIRGINIA BAR ASSOCIATION NEWS JOURNAL, vol. xxxvi, issue 3, Fall 2009; "Preserving Your Right to Payment in a Tight Economy," COMMONWEALTH CONTRACTOR, May 2009; "Electronic Discovery and Record Retention in Construction and Public Contracts Disputes," VBA NEWS JOURNAL, vol. xxxiii, issue 3, July/August 2007; Alternative Dispute Resolution in Virginia Now, VBA News Journal, vol. xxvi, no. 4, June 2000.

SPEAKING ENGAGEMENTS: Effective Advocacy in Mediation and Arbitration, Norfolk Portsmouth Bar Association, April 2023; Construction Contract Fundamentals, Local Government Attorneys Association, June 2022; Virtual ADR, Construction Super Conference, December 2021; Top Ten Questions Construction Companies Ask Their Lawyers, National Association of Women in Construction, August 2021; Arbitration in Construction and Employment Law Disputes, Richmond Bar Association, October 2020; Arbitration in Commercial and Employment Law Cases, Norfolk and Portsmouth Bar Association, October 2018; Strategies for Winning at Mediation, VTCA Summer Conference, July 2018; Shop Drawings: Success & Failure – A Standard Procedure is Not Right For Every Project, NASCC Steel Conference, March 2015; Review of Business System Requirements and Update, Newport News, VA, August 2014; The Conduct of Public Body Meetings in Virginia, Cape Charles, June 2014; Crisis Management - The Key Elements of a Response Plan, VTCA Winter Conference, Key Largo, Florida, February 2013; "Contracting in the Public Sector - The Trend Towards Public-Private Partnerships - A Practical Guide," ABA Forum on the Construction Industry, 2012 Annual Meeting, Spring, Las Vegas, Nevada; From Preservation to Production: Surviving E-Discovery, Norfolk Portsmouth Bar Association, Norfolk, Va., Winter 2012; The Uniform Commercial Code - A Primer, Genoa, Italy, Winter 2012; Doing Business in the U.S., Norwegian-American Defense and Homeland Security Industry Symposium, Oslo, Norway, Winter 2012; "Small Business Issues," Design Build Institute of America and AGC Joint Conference, Virginia Beach, Va., Fall 2012; "Document Capture Business Risk Issues," NISH Conference, Norfolk, Va., Spring 2012.

Locations Where Parties Will Not be Charged for Travel Expenses

Will not charge hourly rate for travel time to Greater Richmond, Hampton Roads, Peninsula and Southside Virginia. Other areas based on type and extent of matter.

Mediation Rate

\$375 Per Hour

Languages

English

Citizenship

United States of America

Locale

Norfolk, VA

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.