

**ADRIAN L. BASTIANELLI III**

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**EDUCATION**

J.D., University of Louisville  
B.S. Civil Engineering, Purdue University

**PROFESSIONAL REGISTRATIONS**

Admitted to Bar, District of Columbia  
Professional Engineer, Kentucky (Inactive)

**EXPERIENCE**

2005-Present	Peckar & Abramson, P.C., Washington, DC
1982-2005	Bastianelli, Brown & Kelley, Chtd., Washington, D.C.
1978-1982	Bastianelli, Thomas, Reifel & Lyon, Washington, D.C.
1972-1978	Hudson & Creyke, Washington, D.C.
1971-1972	Law Clerk, U.S. Court of Claims, Washington, D.C. (now U.S. Ct. of Fed. Cl.)
1966-1971	Civil Engineer, U.S. Army Corps of Engineers, Louisville, KY and Huntington, WV

**ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE**

Arbitrator – Served as an arbitrator for forty years on hundreds of construction disputes, including numerous international arbitrations.

Mediator – Served as a mediator for over thirty years on over 300 disputes, including numerous public contract disputes.

Dispute Resolution Boards (DRB) – Appointed to DRBs on six Central Artery projects in Boston, an MBTA Project in Boston, two Virginia DOT projects, Dallas Area Rapid Transit project, a wastewater tunnel project in Cleveland, and a power plant project in Salem, MA.

Member of AAA Construction Mega Project Panel, AAA Master Mediator Panel, and DRB Panel.

## **PROFESSIONAL POSITIONS HELD**

Executive Committee, Peckar & Abramson (2008-present).

Chair, ABA Forum on Construction Law (2009-2010).

Member, AAA National Construction Dispute Resolution Committee (2010-Present).

Fellow, American College of Construction Lawyers (2000 to present) (Present and Past Chair ADR Committee, Past Board of Governors; Past Chair Public Contracts Committee).

First Editor, *Journal of the American College of Construction Lawyers* (2006-2008).

Governing Committee, ABA Forum on Construction Law (2004-2007).

Board of Directors, Capital Region, Professional Women in Construction (2006-2010).

Dispute Resolution Board Foundation, Regional Representative (2002-2009).

Associate Editor and Editor, *The Construction Lawyer* (1997-2004).

Construction Advisory Council, Federal Publications (1997-present).

President, Washington Building Congress (1992-1993).

## **AWARDS**

Cornerstone Award Recipient, ABA Forum on Construction Law (2013).

Who's Who Legal: 2015 and 2016 Construction Lawyer of the Year Globally. Also listed in top ten globally in multiple years.

Who's Who Legal Mediation: Listed among top mediators in the world in multiple years.

Chambers, Best Lawyers, SuperLawyers, and other publications. Listed in top category or band in each publication for multiple years.

## **PUBLICATIONS**

Adrian L. Bastianelli III and Charles M. Sink, *CONSTR. ADR* (750 pp, ABA Forum on Constr. Law 2014).

Adrian L. Bastianelli III, Andrew D. Ness, Joseph D. West, *FED. GOV'T CONSTR. CONTRACTS* (850 pp, ABA Forum on Constr. Law 2003 and 2<sup>nd</sup> ed. 2010).

*Is It Live or Is It Virtual*, BEST LAWY. 18 (Litigation Issue Summer 2020).

*Strategies for Successfully Navigating Cultural Difference in Construction Negotiation and Mediation*, 40:2 THE CONSTR. LAWY. 11 (Spring 2020).

*How Experts Are Affected by the Disputes Resolution Forum and Words of Advice from Those Who Have Served as Arbitrators Hearing and Giving Proper Weight to Expert Witness Testimony*, FORENSIC EXPERTS IN CONSTR. LITIGATION (ABA Forum on Constr. Law 2019).

*How to Effectively Arbitrate the 300 Claim Dispute*, 1:2 THE AM. J. OF CONSTR. ARB. 131 (2017).

*Preparation of a Claim Against the Federal Government, It's Not the Same Claim You Would Submit on a Private Project*, 4:1 SURETY BOND QUARTERLY 32 (Spring 2017).

Contributing Author, MARYLAND CONSTR. LAW DESKBOOK, *Mediation, Arbitration, and Other ADR Techniques* (MSBA 2012 and 2017).

*The DRB and the New Standard Form Contract Documents*, 12:3 FORUM 10 (OCT. 2008).

*The Changing World of the Constr. Lawyer and What the Future Holds*, WHO'S WHO LEGAL (2008).

Book Review, *False Claims in Constr. Contracts*, THE CONSTR. LAWYER (2007)

Contributing Author, STATE BY STATE GUIDE TO CONSTR. CONTRACTS (DC Chapter) (Aspen 2005-present).

Contributing Author, NEW YORK CONSTR. LAW (*Alternative Dispute Resolution* Chapter) (Aspen 2003).

*The Proactive DRB and the Use of the Advisory DRB Process*, 5 FOUNDATION FORUM 1 (Jan. 2001).

*Litigating with the Federal Government*, 20:4 CONSTR. LAW. 24 (Oct. 2000).

Contributing Author, CONSTR. CLAIMS DESKBOOK (*Changes and Owner Furnished Property*) (Wiley Pub. 1996- 2002).

## **REPRESENTATIVE SPEECHES, PANEL DISCUSSIONS, AND SEMINARS**

How to Effectively Deal with the 300 Change Order Dispute (AAA 2020); Virtual Arbitration (P&A Webinar 2020); Virtual Mediation (P&A Webinar 2020); Virtual Mediation (Webinar, Am. Coll. of Constr. Lawy. 2020); What's New Pussycat in

International ADR (Am. Coll. of Constr. Lawy. 2020); Consequential Damage Waivers and Limitations of Liability: Can Fraud and Bad Faith Overcome Them (Constr. SuperConference 2019); Cross Culture Construction Negotiations (ABA Forum 2019); Innovative Ways to Avoid Constr. Disputes; DRBs and Their Application (Fed. P3 Conf. 2018 and 2019); Lessons Learned: Building a Better DRB (DRBF 2019); Can We Steal from International Arbitration to Improve Domestic Construction Arbitration (Am. Coll. of Constr. Lawy. 2019 and The Soc’y of Constr. Law 2019); The Art of Living Together, How Owners Can Improve Their Chances for a Successful Project (ABA Forum 2018); Innovative Ways to Avoid Constr. Disputes, DRBs and Their Application (Fed. P3 Conf. 2018 and 2019); What Arbitrators Expect from Schedule and Damage Experts (AAA 2018); Navigating the Unique Aspects of Construction Arbitration (Constr. SuperConference 2017); How to Effectively Deal with the 300 Change Order Dispute: Who Controls the Process (AAA 2017); Academic Perspective of What Works in DBs; How to Effectively Get Your Point Across (DRBF 2017); Guided Choice Mediation (Constr. Law Inst., Univ. of KY 2016); Mediation and the DRB (DRB Found. 2016); Use of DRBs on Public Projects (DRB Found. 2016); Demonstrating Your Case Through Effective Graphics (Constr. SuperConference 2016); Trial Advocacy Program (Constr. SuperConference 2013, 2014, 2015, 2016); What the Arbitrators Want to Know (ABA Forum on Constr. Law 2015); Mediation Advocacy Practicum for Young Lawyers (ABA Forum on Constr. Law 2015); The Mediator's Perspective: Common Mistakes Made by Counsel in Mediation (P&A 2015); Advanced Mediator Training Webinar (AAA 2015); Kiewit-Turner, The Right to Stop Work on a Government Contract (American College of Constr. Lawyers 2015); Guided Choice Mediation (Am. Coll. of Constr. Lawy. 2015); Federal Constr. Contracting Seminar (NASBP, 2014); Planning and Conducting “Real-Time” Dispute Resolution on the Constr. Project – Moving ADR from Pre-Trial to Pre-Default (FSLC 2015); Shades of Grey: How to Approach the Many Tough Judgment Calls that Mediation Requires and Improve Your Chances for a Better Settlement (AGC 2015); Joint Ventures in Constr. (NASBP 2014); Guided Choice, Innovations in Mediation to Get Better Settlements at Less Cost (AAA 2014); Five Ways to Reduce the Costs of Constr. Arbitration (AAA 2014); Meet the Chiefs (Prof'l Women in Constr. 2013); What the Arbitrator and Mediator Want (University of Kentucky 2013); Advanced Mediator Training Series: The Extent (or Limit) of a Mediator's Influence to Effect Settlement (AAA 2012); Essential Mediation Skills for the New Mediator (AAA 2012); Innovative Contract Management with Dispute Boards (ABA Forum on the Constr. Law 2012); Does the Constr. Manager Hold All of the Cards? (ABA Forum on the Constr. Law 2012); Mediation and Arbitration in Real Estate and Constr. Disputes (Stafford Pub. 2011); Advanced Alternative Dispute Resolution Training in Constr. Disputes (MD Bar Ass'n 2011); Hot Tips for Resolving Disputes in a Cost Effective Manner (Prof'l Women in Constr. 2011); Mediating the Large Complex Case (AAA 2010); The Effective Use of DRBs (AAA 2010); Keys to Preparing a Winning Proposal on Federal Government Contracts and What To Do If You Lose (P&A Seminar 2010); Effective Use of Arbitration, Mediation, and Other ADR Procedures in Resolving Commercial Disputes (MICHPEL 2009); Effective Use of Mediation in Resolving Constr. Disputes (TN Ass'n of Constr. Counsel 2009); Onsite Dispute Resolution: How Does It Work (AAA 2009); ADR Works: Choosing the Right Resolution Options (AAA 2008); Constr. ADR Practitioners: Crucial Preparation for the New Industry Standard-Form Contract

Documents (AAA 2008); View from the Other Side: An Arbitrator's Thoughts on How *Not* to Present Your Case (ABA Forum on the Constr. Law 2008); Constr. ADR: What Is Working and How We Can Make It Better (Constr. SuperConference 2007); Green and Sustainable Bldg. Symposium (Profl Women in Constr. 2007); Dispute Resolution Techniques (Mid-Atlantic Constr. Institute 2006); Dispute Resolution Boards (Constr. Spec. Inst. 2006); False Claims Act (AON/P&A 2006); Resolving Constr. Disputes in Maryland: The Effective Use of Arbitration, Mediation, and Other Processes (NBI 2005, 2006); Tips on Effective Advocacy in Arbitration (VA Bar Ass'n 2005); Observations on the DRB Process (CSI 2005); The AIA Contract Documents (Lorman 2004, 2005), Should a DRB Mediate? (DRB Found. 2003); Mediation Ethics (BCA Judges Ass'n 2003); Fundamentals of Constr. Law (ABA Forum on the Constr. Law 2002); Why Mediation Works (MD Bar Ass'n 2002); Mediating with the Federal Government (Federal Bar Ass'n 2002); Design-Build (Lorman 2002); Dispute Review Boards (Constr. Section of VA Bar Ass'n 2001); Litigating with the Federal Gov't (ABA Forum on the Constr. Law 2000); The Alternative Dispute Resolution Act (ABA Constr. Litig. Comm. 2000); The Lawyer's Role in the DRB Process (DRB Foundation 2000); Economic Waste Doctrine in Gov't Contracts (Nash and Cibinic Roundtable 2000); Judging the Scheduling Experts (ABA Pub. Cont. Law Section 1998); Federal Publications (Differing Site Cond.; Changes and Claims in Gov't Contracts; FASA, FAR and Constr.; Innovative Contracting and Financing on Public Projects; Alternative Dispute Resolution; Delay and Disruption Claims; Pract. Constr. Law); ABC (Delay and Disruption Claims; The AIA A201 Contract Form; Constr. Claims and Documentation; The 1997 Changes in the AIA Documents; Recent Developments in Constr. Law); AGC (Recovery for Latent Defects; Constr. Management; Retaining a Lawyer); Maryland State Highway Administration (Mediation; CPM and Claims); Maryland Highway Contractors Ass'n (CPM and Claims; Recent Developments in Constr. Law); Washington Bldg. Congress (Doing Business with the Federal Government; The 1997 Changes in the AIA Documents; Constr. Claims); Numerous In-House Seminars.