

Dr. Patricia D. Galloway
International Arbitrator and Mediator
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Profession:

Arbitrator and Mediator-international large and complex energy and construction matters; Management Consultant and Project Management Professional; Advisor – Megaproject construction in the Energy and Infrastructure Industries.

Education:

Purdue University (BS, Civil Engineering); New York Institute of Technology (MBA, Finance); Kochi University of Technology (Japan) (PhD, civil engineering); Pepperdine University School of Law Straus Institute for Dispute Resolution (Certificate in Dispute Resolution); Oxford, Jesus College, Diploma in International Commercial Arbitration (CI Arb).

Work History:

Director, Granite Construction, Inc. (NYSE: GVA), 2017-present; President, Chief Executive Officer and Chairman, Pegasus Global Holdings, Inc. 2008-present; US National Science Board, 2006-2012 (Vice Chair 2008-2010); Chief Executive Officer/President/Executive Vice President/Chief Financial Officer/Senior Consultant & Project Manager, The Nielsen-Wurster Group, Inc., 1981-2008; Chief Executive, Nielsen-Wurster Asia-Pacific PTY, Ltd., 2001-08; President Nielsen-Wurster/ESB, 1985-87; CH2M Hill, 1978-81.

Alternative Dispute Resolution Experience:

ADR experience includes arbitration, mediation, dispute review boards, and project neutrals. Dr. Galloway is a Fellow of the Chartered Institute of Arbitrators (CI Arb) and is a Fellow of the College of Commercial Arbitrators (CCA), being the first non-lawyer elected to the college. Has 40 years of experience and over 35 years of experience in US domestic and international arbitration, having served as a sole arbitrator, Chair, and member of three-member tribunals on large complex cases. Prior to 2008, served as both a consulting or testifying expert in numerous arbitration forums including; American Arbitration Association (AAA), International Chamber of Commerce (ICC), UNCITRAL, Singapore International Arbitration Center (SIAC), and London Court of International Arbitration (LCIA) with disputes ranging from US\$1 million to US\$ 6 billion. Her ADR panel membership includes:

- Member of the American Arbitration Master Mediation Panel
- Member of the American Arbitration Association Mega Projects, Large Complex Cases, Construction, Energy, and Commercial Panels
- Member of the ICDR Panel of Arbitrators including its International Energy Arbitrators List
- Member of the International Centre for Conflict Prevention and Resolution (CPR) Energy, Construction and Cross Border Panels
- Member of the USCIB International Chamber of Commerce (ICC) panel

Representative Arbitration Engagements:

Examples of pending and prior arbitrations include:

Energy

- Energy domestic arbitration between two regulated public utilities regarding curtailment issues alleged to be the result of lack of prudent good utility practices in the maintenance of equipment under a Transmission Support Agreement. (Panel Chair)
- Energy international construction arbitration between a Canadian general contractor and a Canadian subcontractor relating to alleged workmanship issues in the construction of a large power plant. (Panel Chair)
- Wind energy dispute between the owner of a large wind power generation project and a large public utility over alleged curtailment issues arising under a long-term power purchase agreement. (Panel Chair)
- Commercial arbitration relating to disputes regarding certain coal leases under a long-term asset purchase agreement. (Panel Chair)
- Dispute Review Board: Conversion of existing coal and oil-fired plant to a 674MW combined cycle plant under an EPC contract. (DRB Panel Chair)
- Energy arbitration relating to alleged delay and productivity issues with respect to the construction of a large solar farm. (Neutral Panelist)
- Energy arbitration relating to the interpretation of the power purchase agreement (PPA) concerning payment of capacity and energy charges. (Neutral Panelist)
- Energy construction arbitration between a general contractor and a subcontractor regarding alleged workmanship issues dealing with the drilling operations of a gas pipeline project. (Neutral Panelist)
- Energy construction arbitration regarding a horizontal drilling and gas pipeline contract between a general contractor and a subcontractor regarding alleged breaches of contract relative to workmanship and delay and counterclaims regarding alleged non-payment for extra work performed due to unanticipated soil conditions. (Neutral Panelist)

Construction/Commercial

- International Commercial Arbitration between equipment supplier and EPC Contractor regarding dispute for non-payment and counterclaims with respect to equipment defects. (Sole Arbitrator)
- Construction arbitration between the Owner and the Design-builder related to alleged breaches of contract, warranty and professional negligence covering work performed in the design and construction of a food processing facility. (Panel Chair)
- Construction arbitration between a general contractor and a subcontractor related to alleged breaches of contract regarding payment of prevailing wages in accordance with the Davis Bacon Act under a government facilities contract. (Panel Chair)
- Commercial arbitration between a general contractor and a subcontractor regarding alleged damages as the result of alleged defects in the construction of a dual phase extraction system. (Sole Arbitrator)
- Construction arbitration between an owner and contractor regarding alleged breaches of contract, unpaid contract balances, delays, cost-overruns, change orders, productivity losses, consumer fraud, and workmanship on a large big box shopping complex development. (Neutral Panelist)
- International arbitration between a U.S. owner and international European (German) supplier of machinery and equipment regarding alleged breaches under the purchase order agreements related to issues of delay and performance of machinery and equipment for an ethanol plant. (Neutral Panelist)

- Commercial dispute between the EPA's designated cleanup parties and the remediation contractor regarding an EPA environmental cleanup of a landfill for battery casings and acids concerning contract scope of work, soil sampling, waste disposal, and associated cost overruns and delay-related damages. (Neutral Panelist)
- Construction arbitration between an Owner and Architect regarding alleged breaches of standard of care on an addition to a large hospital. (Neutral Panelist)
- Construction Arbitration regarding alleged termination/abandonment of contract of a school project as the result of alleged non-payment. (Neutral Panelist)
- Construction arbitration between homeowner and contractor regarding alleged latent defects. (Sole Arbitrator).

Alternative Dispute Resolution Training:

- ICDR International Symposia in Advanced Case Management Issues, (ICDR), 2016
- Navigating the Evidence and Discovery Roadmap in Arbitration, AAA webinar, (March 2016)
- CiArb Diploma in International Commercial Arbitration (June 2015); Oxford, Jesus College
- Pepperdine Law School Straus Institute Certificate in Dispute Resolution Program, May 2014 (International Arbitration and the National Courts; Arbitration Theory and Practice; International Arbitration Study Course LCIA, ICDR, ICC, WIPO; Negotiation Theory and Practice; Mediation Theory and Practice; Psychology of Conflict; Interviewing, Counseling, and Planning)
- Construction Essentials Guide to Conducting an AAA Arbitration (AAA), 2013
- 42-hour Mediating the Litigated Case, Straus Institute for Dispute Resolution Pepperdine Law School Straus Institute, August 2011
- AAA How to Properly Manage a Construction Arbitration Case, 2010
- AAA Making Disclosure and Preventing Disclosure Problems, 2010
- Chairing the International Arbitration Tribunal (ICDR), 2009
- Managing the ICDR Guidelines on Information Exchange (ICDR) 2009
- AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2003, 2007
- AAA Arbitrator Ethics & Disclosure (ACE003), 2006
- AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2005
- AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2004

Consulting Experience:

General

Has been an international Engineer/Construction Consultant traveling and working in over 100 countries for 40 years concentrating primarily on megaproject construction. Has served as an arbitrator since 1987. Has worked on major energy and heavy infrastructure projects in Asia, Africa, Australia, Europe, the Middle East, North America and South America and Antarctica. She has significant work experience in Latin America (Mexico, Venezuela, Brazil), Japan, China, Malaysia, Singapore, Australia, South Africa, Canada, and the United Kingdom.

Has served on several Independent Review Panels (IRP) for major infrastructure projects including: Chair of the Program Management Oversight Board of Duke Energy's Coal Ash Basin Closure Program; Chair of the IRP for the \$3.5 Billion Alaska Way Viaduct/Tunnel Project in Seattle, WA; \$3.6 Billion Columbia

Crossing Bridge in US between WA and OR; and the multibillion Detroit Deep Tunnel Combined Overflow Program.

Energy

- Substantial experience working with Merchant Utilities, Regulated Public Utilities, Public Service Commissions, FERC, Independent Power Producers, Wind and Solar Developers, and major oil and gas companies.
- Multiple types of energy projects including oil and gas (refineries, pipelines, offshore platforms), alternative energy (wind, solar, geo-thermal, biomass), transmission and distribution, storm hardening and resilience, electric base-load generation construction (coal, IGCC, nuclear, combined cycle, and hydro).
- Extensive experience in evaluating and assessing construction claims; auditing and assessment of prudent decision-making, corporate policies and procedures and/or processes; contract risk reviews; advising re: power purchase agreements (PPAs)/cost-sharing agreements including curtailment issues; decommissioning; and coal-ash removal/cleanup.
- Independent Monitor regarding new capital projects.

Transportation/Heavy Infrastructure

- Extensive experience with multiple types of transportation projects including airports, bridges, highways, mass transit (both light and heavy rail), canals, and ports. Heavy infrastructure projects include mining (coal, iron-ore, gold, and cobalt/nickel), process plants, tunnels, and complex structures.
- Substantial experience in analyzing and assessing claims: contract issues (FIDIC, EJCDC, AGC, AIA, Standard Forms and Agreement), Contract Delivery Issues (Design-Build, EPC, P3, Design-Bid-Build), breach of contract, contract interpretation, contract termination, schedule delay/acceleration, cumulative impact, standard of care, productivity/disruption, accounting and financial issues, fees, lost profits, errors and omissions, construction defects, construction failures, engineering issues, delay damages, quantum merit, consequential damages, subsurface utility engineering (SUE), and fraud.
- Advisor for Program and Project Management, Program and Project Execution Plans, and Governance.
- Extensive experience with Dispute Review Boards (DRBs), Mediation and Settlement Negotiation of contract issues.

Awards (Partial listing):

- Fellow, National Association of Corporate Directors, 2017
- Fellow, Chartered Institute of Arbitrators, 2015
- Fellow, College of Commercial Arbitrators, 2014
- AAA Outstanding Director, 2014
- Honorary Doctorate of Science from the South Dakota School of Mines, 2011
- Presidential appointee to the U.S. National Science Board (2006-2012)
- Member of the National Academy of Construction
- First woman President of the American Society of Civil Engineers (2004)
- Member of the Pan American Academy of Engineers;
- Engineering News Record-Top Women in Construction
- Purdue University Distinguished Engineering Alumni Award

Professional Licenses:

- Diploma in International Commercial Arbitration (CIArb)
- Certificate in Dispute Resolution (Pepperdine Law School, Straus Institute)
- Project Management Professional, Project Management Institute (PMI)
- Certificate of Director Education (NACD)
- Professional Member of the Royal Institute of Chartered Surveyors (RICS), (Risk Management and Project Management Colleges)
- AACEi Certified Forensic Claims Consultant (CFCC)
- International Registry of Professional Engineers in the discipline of Civil Engineering, Construction Management by the United States Council for International Engineering Practice (USCIEP)
- Chartered Engineer:
 - Province of Manitoba, Canada
 - Australia
- U.S Registered Professional Engineer:
 - Wisconsin
 - New York
 - Arizona
 - New Jersey
 - Wyoming
 - Florida
 - Washington
 - Colorado
 - Kentucky
 - Pennsylvania
 - Georgia
 - Kansas
 - Ohio
 - New Hampshire
 - Mississippi

Professional Associations:

- College of Commercial Arbitrators (Fellow)
- Chartered Institute of Arbitrators (Fellow)
- International Bar Association
- American Bar Association
- InterPacific Bar Association
- National Association of Corporate Directors (Fellow)
- American Association of Cost Engineers (Fellow)
- American Nuclear Society;
- American Society of Civil Engineers (Past President, Fellow)
- Institution of Civil Engineers (UK, Fellow)
- Engineers Australia (Fellow)
- Project Management Institute (College of Scheduling, Past Board Chair)
- Past Chair Society for Social Management Systems (Asia)

Arbitration Faculty Training/Speaking Engagements (Last 5 years only):

- Panelist, “Modern Challenges and Ethical Dilemmas at Arbitration”, Construction Superconference, Las Vegas, NV, December 6, 2016
- Panelist, “Design-Build/EPC Contracts: Legal and Practical Issues Encountered”, International Bar Association Annual Conference, Washington, D.C., September 20, 2016
- Panelist, “International Construction and Infrastructure Projects; The Latest Conflict-Management Options”, Rio de Janeiro, Brazil, November 18, 2015
- Panelist, “Effective Advocacy and Management in Arbitration: The Efficient Hearing,” American Arbitration Association (AAA)’s Forum on the Construction Industry, April 2015
- Panelist, “Retooling Arbitration for Mega Project Construction Claims”, Santa Monica, CA, March 2015 and Construction Superconference, Las Vegas, NV, December 2014

- Faculty, “Construction Mediation and the User Experience: Pathways to Settlement and Satisfaction,” American Arbitration Association (AAA) Webinar, presented with Harold Coleman, November 20, 2014
- Faculty, “Streamlining the Arbitration Process Through Innovative Methods of Handling Fact Witnesses, College of Commercial Arbitrators Annual Meeting, November 8, 2014
- Faculty, “Streamlining the Arbitration Process Through Innovative Methods of Handling Fact Witnesses,” College of Commercial Arbitrators (CCA) Annual Meeting, Marina del Rey, CA, August 2014
- Faculty, “Construction Mediation and the User Experience: Pathways to Settlement and Satisfaction,” Associated General Contractors (AGC) of America, presented with Harold Coleman, June 25, 2014
- Panel Member, “What In-House Counsel Say About Arbitration: The Neutral’s Response”, Construction Superconference, San Francisco, CA., December 13, 2013
- Panel Member, “Recent Construction Case Law Blitz,” Construction Superconference in San Francisco, CA, December 13, 2013
- Panel Member, “Innovative Project-Related Business Solutions: Too Big to Fail: Success through Dispute Boards; Western Association of State Highway and Transportation Officials (WASHTO), August 6, 2013
- Panel Member, “The Art of Attorney Advocacy in Complex Energy and Commercial Arbitration”, Energy Bar Association in cooperation with the CPR Energy Committee, Washington, D.C., June 7, 2013
- Facilitator, “The Future of Dispute Boards in the Power Industry,” Dispute Resolution Board Foundation (DRBF) Conference, Miami, FL, September 2013
- Faculty, “Using Experts Efficiently and Effectively in Arbitration”, American Arbitration Association Webinar presented with Stan Sklar, April 30, 2013
- Panel Member, “Online Dispute Resolution”, 20th Annual Northwest Dispute Resolution Conference, Seattle, Washington, March 29, 2013
- Faculty, “Contractually Specified Alternative Dispute Resolution”, FIDIC Construction Conference, New York, NY 2012
- Faculty, “Optimizing Your Client’s Construction Arbitration Hearing”, AAA Construction Conference, New York, NY, 2012
- Faculty, “Building the Construction Arbitration Process to Optimize Its Advantages”, AAA neutrals conference, Scottsdale, AZ, 2012
- Faculty, “Arbitration is Voluntary and a Creature of Contract”, and “Party Appointed Arbitrators”, AAA /American Bar Association (ABA) Forum on the Construction Industry Winter Forum, New York, NY, 2011

Recent Articles on Alternative Dispute Resolution (Last 5 years):

- “Streamlining the Arbitration Process Through Innovative Methods of Handling Fact Witnesses”, *IBA Construction Law International*, Vol II, Issue 2, June 2016
- “Is Construction Arbitration Ready for Online Dispute Resolution?” *International Construction Law Review*, Informa, Volume 30, Part 2, April 2013
- “Engineering a Successful Negotiation,” *Journal of Legal Affairs & Dispute Resolution in Engineering and Construction*, American Society of Civil Engineers, Volume 5, Number 1, February 2013
- “Dispute Resolution Under FIDIC – The Parties’ Options,” co-authored with L Martinez and M Marra, *Transnational Dispute Management (TDM) Journal*, TDM 7 November 2012, www.transnational-dispute-management.com
- “Using Experts Effectively and Efficiently in Arbitration,” *Dispute Resolution Journal*, American Arbitration Association, September/October 2012
- “Mapping Strategies for a Successful Mediation,” co-authored with K. Nielsen, *Nepal Council of Arbitration (NEPCA) Half Yearly Bulletin*, Volume 18, February 2012
- “Mapping Strategies for a Successful Mediation,” co-authored with K. Nielsen, *Construction Law International*, International Bar Association, Volume 6, Issue 4, December 2011

