



Philip L. Bruner, Esq.

Philip L. Bruner, Esq. is one of the world's leading full-time arbitrators, mediators, and resolvers of construction, engineering, and infrastructure claims and disputes arising in the United States and globally. He is a distinguished member of the panels of neutrals of both JAMS and JAMS International, and for more than 25 years prior to joining JAMS was a member of panels of arbitrators of other dispute resolution organizations.

ADR Experience and Qualifications

As a neutral, Mr. Bruner's experience includes numerous complex construction, engineering, and infrastructure disputes and claims aggregating from millions to many hundreds of millions of dollars generated on a wide variety of public and private projects. Illustrative of some of such larger projects are:

- Regional Justice Center, Las Vegas
- European corporate headquarters, Switzerland
- Disney World amusement park pipeline, Florida
- Power plant, Pakistan
- Courthouse and jail facility, New York City
- U.S. government nuclear facility, Tennessee
- Commercial building, The Bahamas
- Merchant power plant, upstate New York
- Ethanol plant, Ohio
- Power plant, Pennsylvania
- Century old warehouse condominium conversion project, New York City
- Luxury hotel, Barbados
- Steel fabrication plant, Colorado
- Power plant accident, Missouri
- Hudson River public pier and underwater piling work, New York City
- State water pipeline, North Dakota
- Multi-structure commercial roofing, New Jersey
- Interstate highway Dispute Review Board, Minnesota
- Refrigerated warehouse, Pennsylvania
- Surety salvage dispute, Massachusetts
- Military concession subcontracts, Iraq
- National September 11 Memorial and Museum, New York City

Representative Matters

- As an arbitrator, Mr. Bruner has served as sole arbitrator deciding aggregate claims in dispute exceeding \$120,000,000 in a single arbitration, and has chaired or served on numerous three-person arbitration panels. He has mediated disputes involving parties as few as two to as many as 20 or more. He has chaired an Appellate Arbitration Panel convened under JAMS Optional Arbitration Appeal Procedure that exercised the same scope of review jurisdiction as a United States Court of Appeals. He has chaired a Dispute Review Board that issued non-binding advisory decisions on claims arising on a quarter-billion dollar interstate highway project.
- As a mediator, Mr. Bruner has mediated construction disputes involving as many as twenty parties seeking recoveries aggregating over \$150,000,000, and as few as two parties.
- As a practicing lawyer for over 40 years prior to becoming a full-time neutral, Mr. Bruner concentrated on construction, engineering, and infrastructure litigation and was lead counsel in nearly 100 arbitrations and dozens of litigated cases venued in over 30 states. He also mediated or participated in mediation of countless cases. The parties came from across the spectrum of construction industry participants, including public and private owners, contractors, subcontractors, specialty contractors, architects, engineers (civil, structural, mechanical, electrical, geotechnical, hydrological), sureties, insurers, material manufacturers, material suppliers, equipment suppliers, construction lenders, and construction accountants.
- Types of projects with which Mr. Bruner has experience include power plants, industrial

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Cited by The International Who's Who of Business Lawyers as one of the world's most highly regarded construction lawyers and outstanding arbitrators.

Recognized by The Construction Lawyer, the Journal of the American Bar Association Forum on the Construction Industry, as "a giant of our field."

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manufacturing and processing plants, waste-water treatment plants, sanitary and storm water pipelines, natural gas pipelines, water pipelines, pipeline materials made of concrete, steel, ductile iron and polyvinyl chloride, large diameter and micro bore tunnels, hard and soft ground tunnels and supports, airports, hospitals, school buildings, high-rise office towers, public buildings, convention centers, courthouses, jails, prisons, hotels, theaters, sports arenas and stadiums, theme parks, residential apartments and condominiums, nuclear storage facilities, dams, levees, river locks and piers, harbor facilities, oil refineries, ethanol plants, above-ground and underground storage tanks, computer chip manufacturing clean rooms, corporate headquarters buildings, research facilities, commercial malls, shopping centers, railroad facilities and trackage, highways, bridges, concrete and asphalt mixing and testing, structural foundations, soil excavation and compaction, borrow pits, underground mining, open pit mining, strip mining, wind farms, reinforced concrete structures, structural steel structures, roofing consisting of single ply, double ply or four ply built-up systems, structural shoring systems, curtain-wall systems, mechanical systems, electrical systems, masonry materials and structures, structural glass, caulking systems, and construction of the Trident class ballistic missile submarine.

Honors, Memberships, and Professional Activities

● Honors and Professional Activities

- Founding Fellow of The American College of Construction Lawyers, President, 2006-2007
- Honorary Fellow of The Canadian College of Construction Lawyers
- Fellow of the Chartered Institute of Arbitrators (London)
- Fellow of the College of Commercial Arbitrators
- Overseas (and sole American Member) of Britain's Society of Construction Arbitrators
- Member of the London Court of International Arbitration
- Fellow of the National Contract Management Association
- Life Fellow of the American Bar Foundation
- Chair of the American Bar Association Fidelity & Surety Law Committee, 1994-1995
- Chair of the American Bar Association Forum on the Construction Industry International Law Division, 1989-1991
- Vice-Chair of the Inter-Pacific Bar Association International Projects Committee, 1995-1997
- Recognition by *The Construction Lawyer* (Journal of the ABA Forum on the Construction Industry) as "a giant of our field," 2011
- Recipient of the Norman Royce Prize 2011 of Britain's Society of Construction Arbitrators for authorship of the finest dispute resolution article of the year
- Recipient of the 2005 Cornerstone Award, the highest award of the American Bar Association Forum on the Construction Industry, presented annually to one person for "exceptional service to the construction industry, to the public, and to the legal profession"

● Memberships

- Chair of the Construction Industry Advisory Board of the ThomsonReuters/WestGroup *Construction Contract Law Report*
- Co-Chair of the Editorial Advisory Board of *The Journal of The American College of Construction Lawyers*
- Member of the Editorial Advisory Board of *The International Construction Law Review* published in London and distributed globally
- Chair of the Supreme Court of Minnesota Board of Continuing Legal Education, 1994-1998
- Member of the American Bar Association, International Bar Association, Inter-Pacific Bar Association, Minnesota Bar Association, and Wisconsin Bar Association
- Mr. Bruner is listed in and has been cited by *International Who's Who of Business Lawyers* as one of the world's most highly regarded construction lawyers and outstanding construction arbitrators, is included in *The Best Lawyers in America*, is designated a "Super Lawyer" in Minnesota, and is profiled in the Marquis Publications' *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the World*, and *Who's Who in Finance and Commerce*

● Publications: Mr. Bruner has authored or co-authored over 50 professional publications on dispute resolution, construction issues and related subjects, a few of which are:

- Co-Author, with Patrick J. O'Connor Jr., of *Bruner & O'Connor On Construction Law*, 2002 (supplemented annually), the 8 volume, 8,000 page legal treatise regarded as the most authoritative ever written on American law governing construction. Since its publication in 2002, the treatise has been cited in over 185 judicial opinions reported by U.S. Circuit Courts of Appeal, U.S. District Courts, state supreme and appellate courts, U.S. and state courts of claims, and U.S. Territorial Courts, as well as in countless arbitration awards, national and international law review articles, administrative decisions, counsel briefs, and memoranda of law. The treatise is included in the law collections of the U.S. Library of Congress, all major U.S. law school libraries and many foreign law libraries.
- Author, *Rapid Resolution ADR*, 31 Constr. Law 6, Spring 2011, awarded the Norman Royce Prize 2011 of Britain's Society of Construction Arbitrators as the finest dispute resolution

article of the year

- Author, *Appellate Arbitration: Wave of the Future*, 4 JAMS Global Construction Solutions 1, Spring 2011
- Author, The "Initial Decision Maker": *The New Independent Dispute Resolver in American Private Building Contracts*, 27 Int'l Construction L. Rev. 375, Spring 2011
- Co-Author, *Strategic Generalship of the Complex Surety Case*, in *Managing and Litigating the Complex Surety Case* (2d ed.), 2007
- Author, *Force Majeure and Unforeseen Ground Conditions*, 17 Int'l construction L. Rev. 47, January 2000

- **Lectures and Teaching**

- Mr. Bruner has chaired many professional conferences, and has presented over 300 lectures to professional or construction industry audiences across the United States, Europe, and Asia. Recent and forthcoming audiences include Britain's Society of Construction Arbitrators (2012), American and Canadian Program hosted by the Societies of Construction Law of Australia and New Zealand (2012), American Bar Association Arbitration Institute (2012, 2011), Masters Institute of Construction Contracting (2012-1992), Canadian College of Construction Lawyers (2012, 2010, 2008), Federal Publication's "Bruner and O'Connor on Construction" (2012), American Bar Association Forum on the Construction Industry (2011), American College of Construction Lawyers (2011), Construction SuperConference (2011, 2010, 2008, 2006), American Bar Association Section on Dispute Resolution (2011, 2008), Utah Bar Association (2011), Society of Construction Law Hong Kong (2010), American Bar Association-American Law Institute National Webcast on "Top Ten Cost-Effective Ways to Resolve Construction Disputes" (2010), Montana Bar Association (2010, 2009), Inter-Pacific Bar Association (2009, 2008), Joint Meeting of The American College of Construction Lawyers and Society of Construction Law United Kingdom (2008), American Bar Association Conference on Managing and Litigating the Complex Surety Case (2007), and The ACCL Princeton Symposium (2006). Mr. Bruner has spoken at international construction law conferences held in Barcelona, Chicago, Halifax, Hong Kong, Kuala Lumpur, London, Los Angeles, Manila, New York, Quebec City, Toronto, and Washington DC. He also founded and taught the first construction law courses offered by the University of Minnesota Law School and by William Mitchell College of Law.

Background and Education

Mr. Bruner earned his Bachelor of Arts Degree in History from Princeton University, Juris Doctor Degree from the University of Michigan Law School and Masters in Business Administration Degree from Syracuse University. Following law school graduation during the Vietnam War, he served to rank of Captain as a Judge Advocate in the United States Air Force and was awarded the Air Force Commendation Medal. Upon completion of his military service, he engaged for 40 years in private practice of law in Minnesota's Twin Cities with the law firms of Briggs and Morgan PC (1967-1983 as an associate and partner), Hart & Bruner PA (later Hart, Bruner & O'Brien) (1983-1990 as senior partner), and Faegre & Benson LLP (1991-2007 as senior partner and founding head of the firm's Construction Law Group). On January 1, 2008, Mr. Bruner joined JAMS as a full-time arbitrator, mediator and dispute resolver, and as head of JAMS Global Engineering and Construction Group engaged in dispute resolution in the United States and globally. Mr. Bruner is admitted to the practice of law before the Supreme Courts of Minnesota and Wisconsin, the United States Supreme Court, the United States Courts of Appeals for the 7th, 8th, 9th, 10th and Federal Circuits, the United States District Courts for the District of Minnesota, Districts of Eastern and Western Wisconsin, and District of North Dakota, the United States Court of Federal Claims, and the United States Court of Appeals for the Armed Forces.