

RESUME

NAME:

RICHARD P. FLAKE
Attorney at Law
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PREVIOUS EMPLOYERS/TITLE:

COKINOS YOUNG - Shareholder - 1991-2016
SPAUGLASS, INC. – General Counsel – 1985-1991

PROFESSION:

Attorney, Arbitrator, Mediator

EXPERIENCE:

Fully engaged in construction dispute resolution as the neutral. Board Certified in Construction Law by the Texas Board of Legal Specialization. One hundred percent (100%) of practice in Construction and Business Law, primarily involving general contractors, owners, sub and specialty contractors, sureties/insurers, suppliers/manufacturers, and designers, involving public and private projects (commercial, industrial, heavy/highway, power, offshore, pipeline and institutional), including international experience. Currently one hundred percent (100%) of practice is as mediator, arbitrator, or DRB board member primarily in the above practice areas. Named Super Lawyer by Texas Monthly Magazine 2006-2023. Awarded “Construction Lawyer of the Year” in Houston, Texas for 2011, 2013, 2016 and 2024 by “Best Lawyers.” Adjunct Professor at the University of Houston, teaching construction law in the undergraduate construction management degree program. Guest lecturer at the University of Texas School of Law (construction law), Texas A&M University construction sciences program, and University of Houston Law Center (alternative dispute resolution). Past Chair (2017-2018) Construction Law Section of the State Bar of Texas. Fellow in the American College of Construction Lawyers.

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE:

I have arbitrated over 450 cases through award and mediated approximately 3000 cases privately and for the American Arbitration Association, Better Business Bureau, FINRA, and the New

York Stock Exchange. Cases have involved commercial, construction, real estate, securities, and employment matters, among others. I have experience as the neutral in MED/ARB, ARB/MED and Dispute Review Board processes. Amounts in controversy in individual cases have exceeded one billion dollars.

ALTERNATIVE DISPUTE RESOLUTION TRAINING:

Current national instructor of the American Arbitration Association mandatory training course: Arbitration Fundamentals and Best Practices for New Arbitrators.

PROFESSIONAL LICENSES:

Admitted to the Bar: Texas and Federal Courts, 1982.

PROFESSIONAL ASSOCIATIONS:

Houston Bar Association: Alternative Dispute Resolution Section (Past Chair)
 Construction Law Section (Past Chair)

State Bar of Texas: Construction Law Section (Chair 2017-2018)
 Alternative Dispute Resolution Section

EDUCATION:

University of Texas at Austin (BA-1979, Phi Beta Kappa)
University of Houston Law Center (JD-1981)

PUBLICATIONS and SPEAKING ENGAGEMENTS:

“Lessons Learned – a panel discussion on current topics in the industry and tips learned over many years of construction law practice.”
 35th Annual Texas Construction Law Conference, 2022

“ZOOM Mediations & Arbitrations – The New Normal in ADR”
 Webinar co-presented to State Bar of Texas Construction Law Section
 October 2020

“Hot-Tubbing Makes a Splash in Construction Cases; The Water’s Warm – Come on In?”
 Dispute Resolution Magazine, Vol. 26, No. 3, by the American Bar Association
 September 2020

“SCOTUS Swings the Pendulum Back in Favor of Arbitration: Ensure Your Next Arbitration Clause is Effective and Enforceable”
 Construction Super Conference, Las Vegas, Nevada 2018

- “Nuances of Med/Arb, A Neutral’s Perspective”
Handbook on Mediation, 3d Edition, published by the American Arbitration Association, and JurisNet LLC, 2016
- “Mediating Construction Disputes: What Works and What Doesn’t”
Handbook on Construction Arbitration & ADR, 3d Edition, published by the American Arbitration Association, and JurisNet LLC, 2016
- “Construction Delivery Systems”
22nd Annual Construction Law Conference
State Bar of Texas Construction Law Section, 2009
- “Curtailing Litigation Costs: Effective use of Arbitration”, in *Building Profits*
Published by Construction Financial Managers Association –
March/April 2006
- "Arbitration 101 - What Every Advocate Should Know"
Internet streaming video CLE through legalspan.com - 2003
- “Construction Mediation, What Works and What Doesn’t,”
15th Annual Construction Law Conference, 2002
State Bar of Texas Convention, 2002
- “Construction Manager at Risk: What’s in a Name?”
14th Annual Texas Construction Law Conference, 2001
- “Construction Law/Alternative Dispute Resolution”
Texas A&M Construction Executive Program, 1996-2002
- “From the Neutral’s Perspective: What Arbitrators Want from the Process”
State Bar of Texas, Arbitration Law Course, 1998
- “Construction Liens and Bond Claims in Texas”
Lorman Educational Services, 1996
- “Residential Construction Update”
University of Texas, 7th Annual Construction Law Conference, 1993
- “Indemnity Revisited: The Duty to Defend”
State Bar Construction Law Section Newsletter, 1991 (Volume 1, No. 3)
- “Risk Shifting in Contract Documents”
University of Texas, 4th Annual Construction Law Conference, 1991

