

Michael J. Bayard, Esq.

Mediator / Arbitrator / Umpire

Current Full-time ADR Neutral

Professional Attorney (1979-Present)

Work History Full-time ADR Neutral (2000-Present); Adjunct Professor, Construction Management, Graduate Program in Real Estate Development, USC (1988-Present); Partner and National Chair, Construction Law Practice Group, Sonnenschein Nath & Rosenthal (1994-1999); Partner and National Chair, Construction Law Practice Group, Pillsbury Madison & Sutro (1987-1994); Associate and Partner, Wickwire, Gavin & Gibbs (1984-1987); Associate, Shapiro & Maguire (1979-1984)

Legal Experience ADR practice limited to construction and policy appraisal disputes. Construction Arbitrator, Umpire and Mediator or Project Neutral—from small residential projects to multi-million dollar construction claim and construction defect disputes. Prior to becoming full-time Neutral worked as full-time Construction Attorney: 50% of time spent on drafting and negotiating construction related agreements and other 50% of time spent on construction litigation, arbitration, and mediation. As National Chair of Construction Law Groups at Pillsbury and Sonnenschein firms specialized in complex construction related agreements and construction disputes valued at in excess of \$1 million. Nationally recognized authority on the drafting and negotiation of major construction-related documents.

Mediation Experience Private projects have included office buildings, shopping centers, condominiums, apartments, single family homes, churches, theme parks, resorts/hotels, and stadiums. Public projects have included port improvements, airports, schools, community centers, infrastructure projects, military bases, and convention centers. Have mediated virtually every conceivable type of construction claim, including design and construction defects, extra work and delay claims, and complex insurance coverage disputes. Claim values in construction mediation cases have ranged between \$25,000 and \$25 million. Recently served as mediator on large claim on Port of Los Angeles. Previously served as mediator on one of the largest shopping center projects in Southern California.

Arbitration Experience Arbitrated over 150 private and public cases. Today most of cases involve multiple parties and large (LCCP) claims. Served as Arbitrator on a number of high-profile disputes since becoming full-time Neutral. Arbitrated virtually every type of claim, including claims on single-family homes, planned residential communities, apartments and condominiums, shopping centers, industrial projects, commercial office projects, and local, state, and federal public works projects. Served as sole arbitrator on largest single-family home construction claim in Los Angeles County. Claim values in construction arbitrations have ranged from \$25,000 to \$250 million.

AMCC Arbitration, Mediation & Conciliation Center

Multi-Party Disputes	Mediated and arbitrated cases with two to twenty-five parties. Particular experience in insurance coverage issues related to design/construction defect claims and allocation of defense costs and indemnity obligations among multiple carriers.
ADR Training	Completed all of AAA basic and advanced Arbitrator trainings. Attended AAA National ADR Retreats (Chicago—2003, 2000, Orlando—1998)
Licenses	Admitted, California State Bar (1979); US District Court, District of California (1979); US Supreme Court (1979).
Education	University of California, Berkeley (AB with Highest Honors, Phi Beta Kappa—1976); University of California, Hastings College of the Law (J.D., Associate Executive Editor, Hastings Law Journal—1979).
Professional Legal Associations	American Bar Association (Construction Forum Committee and Section on Dispute Resolution); California State Bar, Real Property Section (Past Co-Chair, Construction Law Subsection); Los Angeles County Bar Association, Real Property Section (Past Chair of Construction Law Subsection and Past Chair of Real Property Section).
Professional ADR Associations	American Arbitration Association (AAA—Member, Los Angeles Regional Office Advisory Committee; Chair, Los Angeles Construction Advisory Subcommittee; Member, National Construction Mediation and Arbitration Panels); California Dispute Resolution Council (CDRC); Los Angeles County Bar Association, (LACBA), Dispute Resolution Services (DRS).
Publications	Author of over thirty (30) publications on Construction Law and Construction ADR topics. Served as seminar participant or featured lecturer for ABA, California State Bar, LACBA, and numerous construction industry and ADR organizations. Recent seminars and publications include “Project Neutrals and Judicial References in Construction Arbitrations,” AAA Arbitration Day on B2B Disputes, 2003; “ADR Design for Construction Projects” and “ADR Advocacy—Preparing and Presenting Your Case,” Pepperdine Law School; 2003; “Ten Commandments of Effective Arbitration Advocacy that Aren’t in the ADR Rules or the ADR Books,” 2003; “ADR Advocacy Tips for Construction Consultants,” 2003; “How to be a Better LCCP Arbitrator,” 2003.
Fees	\$ 450.00 per hour, Mediator \$ 375.00 per hour, Arbitrator / Umpire \$ 3,500.00 per Arbitration Hearing Day \$ 4,500.00 per Mediation Day