

LARRY R. LEIBY, Esq.

Attorney, author, law professor, arbitrator, and mediator (construction only)

Of counsel to Leiby Stearns and Roberts, P.A. Phone: 954-382-9199 Fax: 954-382-9063
e-mail: LRL@LEIBYLAW.COM

Born: 1947, Philadelphia, PA

Education: University of Miami (B.M. 1969); University of Miami School of Law (J.D. 1973)

Bar admissions: Florida Bar 1973; U.S. Supreme Court, 1980; U.S. Court of Appeals, Eleventh Circuit (1981); U.S. District Court, Southern District, 1979; U.S. District Court Middle District, 1984.

Publications: Author of the following:

Florida Construction Law Manual, (1981, 1988, 1994) text originally published by Shepard's/McGraw-Hill. The book is now published annually by The West Group, Thomson-Reuters, and is on-line as a part of Westlaw, the Florida Practice Series.

"Bid Mistakes: When Does it Matter? What Can Be Done?" *Stetson Law Review*, 1987

"Survey of Construction Law" *Nova Law Review*, 1992 and 1994

Florida International University Technical Publication No. 110, *The Role and Liability of the Qualifying Agent in a Corporate Structure* (1993)

"Licensing for Construction: A Legal Mechanism of Control", *Comparative Studies in Construction Law: The Sweet Lectures*, published by Construction Law Press, London, United Kingdom (1996)

"1998 Changes to the Florida Construction Lien Law" *Florida Bar Journal*, September, 1999.

"Construction Liens and Bonds" and "Construction Contracts" chapters in *The Contractor's Manual*, Associated Builders and Contractors (2002, 2006) (text for Florida state contractors' licensing examinations)

"Contractual Indemnity in Construction for Your Own Negligence – What Year Is It?" *Florida Bar Journal*, July/Aug 2003.

(Co-author) "How to Comply with Chapter 558 Florida Statutes: Current Challenges and Future Changes" *Florida Bar Journal*, February 2009.

Professional leadership and teaching:

Founder and Chairman of the Florida Bar Construction Law Committee (1976 -) (Chair, 1976-1994).

Initial Member, and later chair, of the Florida Bar Construction Law Certification Committee (2004-). Inaugural class of Florida Bar Board Certified Construction Lawyers (2005).

American Bar Association Forum Committee on the Construction Industry, member (1975-); Public Contract Law Section, Florida state chairman (1990-95), member (1975-); Alternate Dispute Resolution Section (2007-)

Adjunct Professor teaching Construction Law, Florida International University School of Law, 2009- Adjunct professor at Florida International University Department of Construction Management teaching: Construction Law; Case Studies; and Construction Claims (1992-95).

Lecturer for seminars on Construction Law topics for The Florida Bar, Dade County Bar Association, American Arbitration Association, Stetson Law School, University of Miami Law School, University of Central Florida, American Subcontractors Association, Associated Builders and Contractors, Associated General Contractors, Builders Association of South Florida, Construction Specifications Institute, and several other construction industry trade associations. Mr. Leiby is also a continuing education provider for the Florida Construction Industry Licensing Board.

Member of Board of Directors of Associated Builders and Contractors Florida East Coast Chapter (1997-)

Professional Memberships:

Florida Bar [Construction Law Committee (1976 -) and Construction Law Certification Committee (2005 -); American Bar Association [Forum Committee on the Construction Industry, Alternate Dispute Resolution Section]; Association for Conflict Resolution; International Mediation Institute; Miami International Arbitration Society;

Awards and recognition:

Lifetime Achievement Award from the Florida Bar Construction Law Committee, 2008; Excellence in Construction Education Award from the Florida Institute of Technology Construction Industry Advisory Board, 2005; American Subcontractors Association's Leonard A. Weiss Legislative Achievement Award, 1988. He has been selected for the following distinctions in construction law by peer review: Martindale-Hubbell AV rating and Register of

Preeminent Attorneys in Construction Law; American Research Corporation "Leading Florida Attorney"; Woodard/White's Best Lawyers in America; Chambers USA America's Leading Business Lawyers (Elder Statesman); List of Top Lawyers in South Florida by South Florida Legal Guide; the International Who's Who of Construction Lawyers.

Alternate Dispute Resolution: Florida Circuit Court-Civil Mediator (1997-); Arbitrator trainer for AAA construction industry arbitrators (basic and advanced case management courses); Arbitrator, and member of Large Complex Case Panel of American Arbitration Association (1980-); AAA Construction Mediator (1997-); Florida Dispute Resolution Center Annual seminar (2006); Florida Bar, "Arbitration – Behind the scenes" (2008).

For a list of representative reported appellate cases and representative clients see the firm website at www.lcibylaw.com.

Employment history

1973-1976	Associate, Law Offices of Daniel A. Kavanaugh
1976-1981	Partner, Kavanaugh & Leiby
1981-1985	Partner in Leiby and Elder, P.A.
1985-1996	Partner in Leiby, Elder, Ferencik, Libanoff & Brandt, P.A.
1997-2006	Partner in Leiby Stearns & Roberts, P.A.
2006-	Of counsel, Leiby Stearns & Roberts, P.A.

Construction ^{no} payment yet
→ LMB

DATE: August

CPR Panelist Questionnaire

This form will permit CPR staff to access your information when disputants seek panelists.

1. IDENTIFICATION DATA

Name Larry R. Leiby

Courtesy title:

Applicable suffix: Esq.

Firm/Company: Leiby Stearns and Roberts, PA

Street: Suite 552, 1000

PO Box (if any):

City:

State: FL

Zip:

Country:

Preferred Phone:

Secondary Phone:
(not cell phone) Check here to restrict to CPR Use only

Fax:

Cell Phone:
 Check here to restrict cell to CPR Use only

e-mail:

Web Site (if any):

Responses to the following questions on Race, Gender and Citizenship are optional.

RACE:

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above five races.

GENDER: Male Female

CITIZENSHIP: List Citizenship (*If multiple, list with commas between*):

LANGUAGES: Please check your language ability in any foreign languages below (other than English) and indicate if you are fluent (can conduct an ADR proceeding in that language) or have read-only ability:

Fluent	Fluent	Fluent
N/A	N/A	N/A

PATENT OFFICE. Are you licensed to practice before the U.S. Patent & Trademark Office? Yes

CERTIFIED PUBLIC ACCOUNTANT. Are you a Certified Public Accountant? Yes

GOVERNMENT SECURITY CLEARANCE: Have you ever had a U.S. Government Security Clearance? Yes

Dates
Level (e.g., Confidential, Top Secret)

Note: A resume may be substituted for Items 2-3.

2. EDUCATION & LICENSES

A. Enter your most significant university educational degrees starting with the most recent.

Year	School	City/State	Degree (spell out acronyms)

B. Specify any licenses, jurisdiction and date of licensure: (Include Bar Admissions for lawyers and/or other professional licenses that apply; i.e., Architect, Engineer, etc.) (Spell out acronyms)

License	Year Issued	State/Country	Current (Y or N)

3. WORK HISTORY

Provide a list of your work history starting with the most recent position.

Use the codes from the table below in Column 5.

Note: Judicial experience appears separately at Question 5, below.

Duties if a Lawyer in this Position	Duties if a Non-Lawyer in this Position
(1) Litigator (law firm, government, public interest) (2) Partner (3) Associate (4) Managing Partner (5) Shareholder (6) Transactional attorney (7) In-house counsel in any capacity (8) General Counsel (9) Assoc. General Counsel (10) Arbitrator (11) Mediator (12) Law Professor: Full Time (13) Adjunct Professor (14) Judge (must specify title)	(Specify duties and division/department tersely) (16) Engineer: Civil, Structural, Mechanical (17) Architect (18) Contractor (19) Sub/Contractor (20) President (21) Vice President (22) Director (23) Head of Division (24) Corporate Business Person: (specify division or department functions tersely; E.g., Corporate Sales; Construction Management; Technology Development) (25) Other

(15) Other

<u>Col 1</u> Dates of Service	<u>Col 2</u> Company/Firm Name	<u>Col 3</u> City/State	<u>Col 4</u> Your Title	<u>Col 5</u> Duties/ Functions (See box above)	<u>Col 6</u> Primarily represented Plaintiffs (Insert "P") or Defendants (Insert "D") or leave blank if NA **
				1	
				1	
				1	
				1	
				1	
				1	
				1	
					** Insurance Industry - • Use "P" for Policy Holder Representation • Use "D" for Insurer Representation

4. ADR NEUTRAL EXPERIENCE

a. Neutral and Advocate Roles:

Please provide your best estimate of the number of times you have been a Neutral and/or an Advocate in the following types of ADR procedures, if applicable to you: *

		Overall	Last 12 Months
Arbitration	Total # Neutral Arbitrator Service	None	None
	# of total as Sole Arbitrator	None	None
	# of total as Tribunal Chair	None	None
	# of total as Class Action Arbitrator	None	None
	# as Advocate in Arbitration	None	None
Mediation	Total # Neutral Mediator Service	None	None
	# of total as a Co-Mediator	None	None
	# of total as a Multi-Party Mediator	None	None
	# of total as a Process Design Mediator	None	None
	# as Advocate in Mediation	None	None
Early Neutral Evaluation	Neutral	None	None

		Overall	Last 12 Months
	Advocate	None	None
Facilitation of Multi-Party Defense	Neutral	None	None
	Advocate	None	None
Mini-trial Chair	Neutral	None	None
	Advocate	None	None
Private Judging	Neutral		
	Advocate	None	None
Reg – Neg	Neutral	None	None
	Advocate	None	None
Special Master	Neutral	None	None
	Advocate	None	None
Summary Jury Trial	Neutral	None	None
	Advocate	None	None
Dispute Review Board Member	Neutral	None	None
Dispute Review Board Chair	Neutral	None	None
Partnering Neutral	Neutral	None	None
Ombudsperson		None	None
Other			

*If you feel that the numerical range you checked off does not fully reflect the depth of your experience (e.g., you served as mediator just once but it was an unusually protracted and complex matter, please describe:

5. PROFESSIONAL AND ADR CONCENTRATIONS

I want to be considered as an: Arbitrator Mediator

CPR maintains the following Specialty Rosters that may involve peer review. Please indicate whether you wish to be considered for any such rosters:

- | | |
|---|--|
| <input type="checkbox"/> Arbitration Appeal(Appellate Judges only) | <input type="checkbox"/> Franchise |
| <input type="checkbox"/> Banking, Accounting and Financial Services | <input type="checkbox"/> General Counsel (former GCs of Fortune 500 corporations only) |
| <input type="checkbox"/> Bio-Tech | <input type="checkbox"/> Healthcare & Life Sciences |
| <input type="checkbox"/> Certified Public Accountants | <input type="checkbox"/> Insurance |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Insurer-Policy Holder Coverage |
| <input type="checkbox"/> E-Discovery | <input type="checkbox"/> International |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Judicial Roster |
| <input type="checkbox"/> Energy, Oil & Gas | <input type="checkbox"/> Sports Law |
| <input type="checkbox"/> Entertainment | <input type="checkbox"/> Taxation |
| <input type="checkbox"/> Environmental | <input type="checkbox"/> Technology |
| | <input type="checkbox"/> Trademark |

A number of the specialty panels (Construction, Employment, Energy, Insurance, International and Technology) require completion of an addendum at the end of this questionnaire. If you have indicated an interest in a specialty panel, please describe your qualifications for the specified panel(s), e.g., percent of time spent in training or practice in that area, description of cases handled, etc.:

Please detail your areas of concentration with “P” for a primary area of practice and “S” for a subsidiary area of practice. Note: these are areas in which you already have experience, rather than areas in which you are interested.

AREAS of Concentration	Col.2 Professional	Col. 3 Arbitrator	Col. 4 Mediator
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	Concentrations/Specialties (as lawyer, business person, advocate or judge but not as arbitrator or mediator)	Concentrations	Concentrations
<i>Construction Specialists</i>			
Construction Defects			
Claims for Delay			
Claims for Extras			
General Building Construction			
Government Contracts			
Hazardous Waste			
Health Facilities			
Industrial (Mills, Refineries, Pharma)			
Insurance Indemnity & Contribution			
International (incl. FIDIC)			
Manufacturing Construction			
Marine			
Mold			
Petroleum			
Power			
Sewage/Solid Waste			
Available Under Construction Expedited Rules			
Telecommunications			
Transportation (Bridges, Roads, Tunnels, etc.)			
Water Supply			
Construction Other			
<i>Employment Specialists</i>			
Civil Rights and Compensation			
Employee Benefits/Erisa			
Executive Compensation			
FLSA			
Statutory Discrimination Claims			
Other - Employment			
<i>Energy, Oil & Gas Specialists</i>			
Electric Generation			
Electrical Transmission			
Electric Distribution			
Electric/Power Marketing			
Alternative/Renewable Energy			
Oil & Gas			
Oil/NG Exploration/Production			

Natural Gas Pipeline			
Oil/NG Distribution			
Oil/NG Marketing			
Oil Pipelines			
Coal Industry			
Liquefied Natural Gas			
Refining & Petrochemical			
Selected Upstream Issues			
Selected Natural Gas Issues			
Selected Oil Issues			
Risk Management Services			
Rural Electric Co-op Industry			
Expropriation			
Other – Energy			
<i>Healthcare & Life Sciences</i>			
Biotech			
Food, Drug & Cosmetics			
Healthcare			
Hospital Law			
Licensing (Medical)			
Life Sciences			
Malpractice (Medical)			
Managed Care			
Medical Devices			
Medical Research Ventures			
Peer Review			
Pharmaceuticals			
Physicians			
Reimbursement Disputes			
<i>Insurance Specialists</i>			
Construction Defect Insurance			
Directors & Officers Insurance			
Environmental Insurance			
Fidelity Bond			
Financial Institutions Insurance			
Insurance General			
Insurance Health			
Insurance Life			
Insurance Property & Casualty			
Reinsurance			
Insurance Telecommunications			
Insurance Other			
<i>Technology/Intellectual Property</i>			

<i>Specialists</i>			
Aeronautics			
Biology			
Biotechnology			
Business Methods			
Materials (polymers, ceramics, etc)			
Chemistry			
Computers & Software			
Electrical			
Electronics			
Intellectual Property			
Internet			
Mechanical			
Medical Devices			
Nanotechnology			
Optics			
Patents			
Pharmaceuticals			
Privacy/EU Safe Harbor			
Robotics/Machine Vision			
Semiconductors			
Signal Process/Video/CommSysts			
Telecommunications			
Textiles			
Other - Technology/IP			
<i>General Concentrations</i>			
Accounting - Forensic			
Accounting - General			
Accounting - Litigation			
Accounting - Valuation			
Administrative law			
Agriculture			
Antitrust			
Asbestos			
Automotive			
Aviation/Aerospace			
Banking			
Bankruptcy			
Business Disputes			
Chemicals			
Civil Rights & Liberties			
Class Action (Defendant Side)			
Class Action (Neutral)			

Class Action (Plaintiff Side)			
Commercial Law			
Commodities			
Communications & Media			
Community Organizations			
Computer law			
Construction			
Consumer Affairs			
Contract-Government			
Contract-Manufacturing			
Copyright			
Corporate (Financing)			
Corporate (General)			
Corporate (Governance)			
Corporate (Transactions)			
Corporate (Underwriting)			
Debtor/Creditor			
Defamation/First Amendment			
Domain Name			
Employment			
Energy, Oil & Gas			
Entertainment			
Environmental (Cleanup)			
Environmental (General)			
Environmental (Regulatory)			
False Advertising/FTC			
Financial Services			
Franchise			
Fraud/Misrepresentation			
Housing & Urban Development			
Information Technology			
Insurance			
Intellectual Property			
International (Environmental)			
International (General)			
International (Trade)			
International (Transactions)			
Labor Relations			
Leasing			
Licensing (General)			
Licensing (Software)			
Malpractice (Legal)			
Manufacturing			

Maritime			
Merger & Acquisition			
Mining			
Municipal Law			
Natural Resources			
Non-Profit Organizations			
Partnership Disputes			
Patents/Trade Secret			
Personal Injury			
Product Liability			
Professional Fees			
Real Estate (Banking & Finance)			
Real Estate (Development)			
Real Estate (General)			
Real Estate (Land Use/Zoning)			
Real Estate (Leasing)			
Regulated Industries			
Reinsurance			
Religious Entities			
RICO			
Securities			
Sports Law			
Taxation (Corporate)			
Taxation (General)			
Taxation (Individual)			
Taxation (International)			
Taxation (Partnership)			
Technology/Science			
Torts (Business & Property)			
Torts (General)			
Torts (Mass)			
Torts (Toxic)			
Trademark			
Trade Secrets			
Transportation			
Trusts & Estates			
Unfair Competition			
Water Law			
Workouts			

Representative Matters; e.g.:

1. FIAT v. Suriname, 88 Civ. 6639 (SDNY Oct. 11, 1989) (advocate; motions to confirm/vacate arbitral award).

2. Medical device manufacturer v. Patentholder (arbitrator in multimillion dollar patent dispute).
- 3.

6. ADR ROSTER LISTINGS

Complete tables if you are currently listed on the roster or panel of neutrals maintained by any ADR organizations (e.g., AAA, JAMS, CEDR, ICC, International Academy of Mediators, Regional Provider, Government Agency Roster, Court Roster, Other?) Include CPR Institute Panels you are already on, if any.

a. *ARBITRATOR* ROSTERS of ADR ORGANIZATIONS

Organization	Arbitration Roster (& any sub-roster)	Years on Roster	Estimate Average Amount in Claim in Cases from Each Organization	Best Estimate of the Number of Cases on which You Served as an <i>Arbitrator</i> for this Organization
<i>Example: AAA</i>	<i>Large Complex Case Panel</i>	<i>3 years</i>	<i>\$3 Million average</i>	<i>2 cases</i>

b. *MEDIATOR* ROSTERS of ADR ORGANIZATIONS

Organization	Mediation Roster (& any sub-roster)	Years on Roster	Estimate Average Amount in Claim in Cases from Each Organization	Best Estimate of the Number of Cases on which You Served as a <i>Mediator</i> for this Organization
<i>Example: JAMS</i>	<i>Los Angeles Panel</i>	<i>2 years</i>	<i>\$2 Million average</i>	<i>4 cases</i>

7. ADR TRAINING

a. List MEDIATOR Skills Training Sessions you have taken

Sponsoring Organization & Location	Primary Model Fostered by Training: (e.g., Facilitative, Evaluative, Transformative, Caucus, Non-Caucus)	% of Time Spent in Role-Plays/Exercises	Year Taken	Duration: Hours of Training

b. Statement of Philosophical Approach to Mediation

c. List ARBITRATOR Skills Training Sessions you have taken

Sponsoring Organization & Location	Skills Emphasized	% of Time Spent in Role-Plays/Exercises	Year Taken	Duration: Hours of training

8. ADR REFERENCE INFORMATION

You must provide references from each side of the same case.

CPR may not publish reference contact information.

Reference as Arbitrator

	Dispute Type, Amount in Dispute and Year	Name of Counsel, Firm Name and Location of Firm	Phone and E-mail address
for Claimant			
for Respondent			

Reference as Mediator

	Dispute Type, Amount in	Name of Counsel, Firm Name and	Phone and E-mail address

	Dispute and Year	Location of Firm	
for Claimant			
for Respondent			

9. OTHER

Provide any honors, publications or other information you believe are relevant to your application.

The Addendum should be completed only if you are interested in being considered for the Specialty Panel it covers.

Construction Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been construction-related (Required):

1 to 25%

2. **Have you had significant construction practice in the last ten years** representing or working with the following client groups:

- | | |
|--|--|
| <input type="checkbox"/> Private Owners/Developers | <input type="checkbox"/> Insurers/Sureties |
| <input type="checkbox"/> Government Entities | <input type="checkbox"/> Engineers/Architects |
| <input type="checkbox"/> Contractors | <input type="checkbox"/> Sub-contractors/suppliers |

3. **Have you had significant construction practice in the last ten years** devoted to the following dispute processes:

- | | |
|---|--|
| <input type="checkbox"/> Litigation | <input type="checkbox"/> Dispute Management (in house) |
| <input type="checkbox"/> Arbitration (as Neutral or representing parties) | <input type="checkbox"/> Transactions |
| <input type="checkbox"/> Mediation (as Neutral or representing parties) | <input type="checkbox"/> Other |

Describe 'Other'

Employment Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been employment-related (Required):

1 to 25%

2. **Have you had significant employment practice in the last ten years** representing or working with the following client groups:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Management | <input type="checkbox"/> Non-executive employees |
| <input type="checkbox"/> Executives | <input type="checkbox"/> Other Describe 'Other' |

3. **Have you had significant employment practice in the last ten years** devoted to the following dispute processes:

Underwriting

Broker/Producer

Broker/Claims Consultant

Consultant/Expert Witness-Policyholder

Claims

Consultant/Expert Witness-Ins. Co.

Reinsurance

International Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been international (Required):

1 to 25%

Foreign clients 1 to 25%

Foreign opponents 1 to 25%

Negotiations for such clients 1 to 25%

Litigation before foreign courts 1 to 25%

2. What **percentage** of your arbitration or mediation practice or business *for the last ten years* has been international (Required):

1 to 25%

International Arbitration 1 to 25%

International Mediation 1 to 25%

3. What **languages** have you used in your international arbitration and mediation practice:

Languages used as an arbitrator

Languages used as a mediator:

Proceedings conducted in other languages

Awards made in these languages

4. Training or degrees acquired abroad

5. Practice or other relevant sojourns abroad

Technology/Patent Specialists Addendum

1. What **percentage** of your law practice or business *for the past ten years* has been related to technology/intellectual property (Required):

1 to 25%

2. Has your technology/intellectual property professional practice *in the last ten years* included:

Litigation

Prosecution

Transactions

ADR

Conflict Management

Other

Describe 'Other'