



# Brian L. Buzby

*partner*

Brian was an active trial attorney for over 47 years trying cases throughout Ohio. His trial practice focused on significant construction projects, representing owners, contractors and architects/engineers.

In addition to his construction law practice, Brian continually represented energy clients, representing a national electric power generation company and an interstate natural gas pipeline company. Brian also provided general commercial law counsel and represented clients in real estate matters, including eminent domain and appropriation projects.

Today, Brian devotes his entire practice to serving as an arbitrator and mediator in Alternative Dispute Resolutions (ADR) matters. He is a trained and experienced arbitrator with the American Arbitration Association (AAA), serving on its Commercial Panel of arbitrators since 1980, its Construction Panel since 1984, its Real Estate panel, and its Large Complex Case Panel of arbitrators determining disputes with a value of over \$1 million since 2004. Since his initial AAA appointment in 1980, Brian has been appointed by the AAA as an arbitrator or mediator on more than 240 cases. In the last four years alone, he has issued or participated in over 30 written decisions as an AAA arbitrator on matters ranging from individual consumer disputes to a multiple-party construction dispute on a large institutional construction project that took over 40 hearing days seeking over \$19 million in damages.

In addition to his service with the AAA, Brian has been selected by the United States District Court for the Southern District of Ohio since 1990 to serve on its "Blue Ribbon" panel of mediators to mediate cases pending in that court during the court's "Settlement Week." Since 1990, he has been assigned as mediator by the court in over 90 different cases to mediate the dispute and attempt to negotiate a settlement in lieu of advancing the matter to a full trial.

He is recognized by prominent peer-reviewed publications; he is named in *Ohio Super Lawyers*<sup>®</sup>, rated as AV Preeminent by Martindale Hubbell<sup>®</sup> and is listed as by *Best Lawyers*<sup>®</sup> in the area of construction law.

## CONTACT

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## EDUCATION

The Ohio State University College of Law, J.D., *cum laude*, 1974

The Ohio State University, B.A., 1971

## SERVICES

### Litigation

- Arbitration and mediation
- Commercial litigation

### Construction

### Real Estate

- Real estate litigation
- Construction and design contracts
- Appropriation and eminent domain

### Government & Regulatory Affairs

- Government contracts

### Energy

- Oil and gas

## REPRESENTATIVE MATTERS

### Selected ADR trainings

- “Managing the Arbitration Process,” Webcast, American Arbitration Association, 2016
- “Principled Deliberations: Decision-Making Skills for Arbitrators,” American Arbitration Association, 2014
- “Construction Professionals Guide to Conducting an AAA Arbitration,” American Arbitration Association, 2014
- “Mediation: It’s Not New, So What’s Next,” American Arbitration Association, April 2011
- “Dealing with Delay Tactics in Arbitration,” American Arbitration Association, March 2010
- “Arbitration Roadmap: The Standard for Efficient and Cost Effective Arbitration,” American Arbitration Association, October 2008
- “Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics,” American Arbitration Association, August 2006

### Significant arbitrations/mediations

- After an initial mediation with another mediator failed after the first morning, successfully mediated a nine-party, \$18 million construction dispute over three days to reach a final complete settlement of all claims
- Successfully mediated claims for \$1 million-plus between project owner and contractor over design and construction of a food processing plant
- Served as the sole arbitrator in \$1 million-plus dispute between two contractors over the design and construction of an environmental remediation project
- Served as the chair of a three-person arbitration panel to resolve disputes between condominium unit owners and the developer re: payment of ongoing costs/expenses for ongoing operation
- Served on a three-person arbitration panel to determine a \$1 million+ dispute between owner and contractor concerning design and construction of mechanical piping for ethanol processing plant
- Served on a three-person arbitration panel in over 40 days of hearings in multi-party dispute between project owner, contractor, subcontractor, architect-engineer, and engineering consultant asserting \$20 million+ in claims over alleged project delays, impacts, and loss of efficiency on the construction of a hospital
- Served as mediator in a \$500,000+ dispute between excavator and public project owner over alleged unforeseen subsurface site conditions on sanitary sewer overflow detention basin project
- Served on three-person arbitration panel in an eight-day hearing on an approximate \$3.5 million claim by contractor against public owner for alleged delays, disruptions, and project impacts on a construction project for a port authority shipping loading facility
- Served as mediator in \$350,000+ multi-party dispute between contractor, public owner, and project engineer over claims due to alleged inadequate project plans and specifications for the construction of a water treatment plant
- Served as sole arbitrator in a \$500,000 dispute between subcontractor and contractor on a VA Hospital project over alleged claims for mechanical, electrical, and plumbing piping
- Served as mediator in a dispute between contractor and owner in a \$3.5 million construction project for construction of a community wellness center
- Served as sole arbitrator on numerous consumer claims pending between individuals and companies, including car dealerships, property insurance companies, and banks on consumer claims under such acts as the Consumer Sales Practices Act, the federal Equal Credit Opportunity Act, and the federal Truth in Lending Act

- Served as a mediator since 1990 on numerous cases selected by the United States District Court for the Southern District of Ohio to mediate all types of cases pending before the Court, including claims for personal injury claims, employment-labor claims, and general commercial and contract disputes

#### BAR ADMISSIONS

- Ohio
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of Ohio

#### PRESENTATIONS

- “Ohio Construction Law Forum,” Ohio State Bar Association, Course Planner, 2004-2016
- “Managing the Arbitration Process,” American Arbitration Association, January 2016
- “Ohio Construction Law Annual Update,” Ohio State Bar Association, Webcast, 2013-2016
- “Eminent Domain — Trial Strategies,” National Business Institute, December 2014
- “Litigation and Enforcement of Mechanics’ Liens,” September 2014
- “Principled Deliberations: Decision-Making Skills for Arbitrators,” American Arbitration Association, January 2014
- “Construction Professionals Guide to Conducting an AAA Arbitration,” American Arbitration Association, January 2014
- “Construction Contracts - Understanding Key Provisions,” Construction Law for Public Projects, Nov. 6, 2013

#### PROFESSIONAL ASSOCIATIONS

- American Bar Association, Dispute Resolution Section
- Ohio State Bar Association, Fellow, Class of 2006

#### HONORS | AWARDS

- *The Best Lawyers in America*®
- Ohio Super Lawyers
- Martindale-Hubbell®, AV Preeminent

#### COMMUNITY

- Nationwide Children's Hospital Invitation Golf Tournament, Volunteer, 2011-2014
- First Community Church, Member
- Grove City Council, Councilman, 1988-1993; President, 1992-1993
- Central Ohio Builders' Exchange; Construction Law Group; Chairperson, 1997-1998