



Michael J. Timpane, Esq.

Engineering & Construction Dispute Resolution Experience

Michael Timpane has extensive experience resolving complex construction matters, in addition to business/commercial litigation, construction defect, real property, surety, insurance coverage and bad faith claims. A full-time neutral since 2003, Mr. Timpane has resolved more than 350 cases serving as a mediator, early neutral evaluator, arbitrator, court-appointed referee, special master, project neutral, or chair of dispute resolution boards. Moreover, prior to 2003, he was a trial lawyer for 19 years specializing in construction, surety, construction defect, real estate, insurance coverage, and complex commercial litigation matters.

"The opportunity to leverage my experience and expertise to help parties reach resolution has been immensely rewarding and satisfying."

Representative Matters

- Court-Appointed Referee over 14 consolidated actions, evaluated multi-million dollar contract and subcontract balance claims where residential portion of development and corresponding financing had been halted by historic state action; analyzed owner's claims for over-billing and defective construction, and settled all subcontractor and contractor payment claims, facilitating refinancing, and escrow payments at close (2006-2007)
- Dispute Review Board Chair for a new electrical substation for six large pumps controlling outflow from a major storm water facility, settled electrical/general contractor's potential claims in exchange for operational relief on pump switchover windows which allowed the project to complete on time with no further claims
- Early neutral evaluator and mediator: Settled public parking garage case by evaluating and issuing advisory opinion on 51 issues including schedule, and then mediating final resolution of all claim issues, allowing \$12+ million project to close out upon project completion (2006-2007)
- Early neutral evaluator: Conducted evidentiary hearing and rendered advisory opinion on coatings selection and performance issues on single-family home (2007)
- Facilitated exchange of missing/disputed cost and extra work records, and settled via follow-up telephone conversations, all disputes between a general contractor and a major control systems provider (2005)
- Mediator and early neutral evaluator on schedule issues, settled public university dormitory construction case with contract value of \$85 million and claims in excess of \$15 million (November 2007)
- Mediator: Settled a completing surety's claims based on \$16 million costs of repairing and completing defectively installed 20-mile Texas pipeline (October 2007)
- Mediator: Settled all claims at conclusion of \$10+ million elementary school project, including payment and competing delay and alleged defect claims (2007)
- Mediator: Settled all claims between large trade subcontractor, financially troubled general, and surety on not just large public project initially briefed but two other projects as well (November 2003)
- Mediator: Settled all claims of general contractor for delay and overruns, and owner counter claims for delay on \$13+ million condominium project (2007)
- Mediator: Settled claims by earthwork contractor on sludge pond dredging project against city, involving complex issues of lump-sum vs. unit-pricing; claims in excess of \$750,000 were resolved and the parties' relationship restored (January 2008)
- Mediator: Settled claims of transit agency against new switchyard general contractor, track designer, and manufacturer for million dollar damages from train collision (2006)
- Mediator: Settled general contractor's and electrical subcontractor's large claims on \$16+ million project to construct the elevated trackway for an airport tram system (2004)
- Mediator: Settled schedule and outstanding change order claims by general contractor against city park and recreation department on \$17 million project for construction of new city recreational center (2004)
- Project Neutral: \$45+ million housing project (appointed March 2008)
- Project Neutral: \$50+ million police station project (appointed February 2008)
- Project Neutral: Retained at conclusion of large state laboratory project by general contractor, electrical subcontractor, and controls sub-subcontractor; assisted in resolution of complex control and payment issues with no attorney involvement (2006)

Honors, Memberships, and Professional Activities

- Mediator, Arbitrator, Settlement Mentor, or Judge Pro Tem for Superior Courts of Marin, Alameda, and Contra Costa, 2003-present
- Mediator, San Francisco Early Settlement Program, Bar Association of San Francisco, 1995-present
- Mediation Panel, District Court, Northern District of California, 2006-present
- Member, Forum on the Construction Industry, Fidelity and Surety Law Committee, Insurance Coverage Litigation Committee-ABA Tort and Insurance Practice Section, 1988-present
- Member, Dispute Review Board Foundation, 2005-present
- Member, Association of Conflict Resolution, 2003-present
- Member, ABA Section for Dispute Resolution, Arbitration Committee, 2005-present
- AV rated by Martindale-Hubbell
- Author, "Payment Clauses and the Surety: If or When?" presented at the Construction Superconference, 1997
- Author, "Aggressive Representation of the Performance Bond Surety," presented at American Bar Association Convention, 1992
- Co-editor, "California Fidelity and Surety Bond Practice," California Continuing Education of the Bar, 1991 Supplement

Background and Education

- ADR Training
 - Large/Complex Arbitration Training, American Bar Association Section of Dispute Resolution, 2007
 - Dispute Review Board Advanced Chair Training, Dispute Review Board Foundation, 2006
 - Dispute Review Board Member Training, Construction Dispute Resolution Service, 2006
 - Arbitrator Training, American Arbitration Association, 2006
 - Arbitrator Training, Construction Dispute Resolution Service and the University of New Mexico Law School, 2006
 - Mediating the Litigated Case, Straus Institute for Dispute Resolution, Pepperdine University School of Law, 2004
 - Advanced Mediation Training for Insurance Coverage Disputes, ABA Section of Dispute Resolution, Insurance Coverage Litigation Committee, 2003
 - Advanced Mediation Skills Training, American Bar Association Section of Dispute Resolution, 2002
 - Certified as mediator by American Academy of Attorney Mediators, 1992
- Full-time Neutral, JAMS, 2008-present
- Full-time Mediator and Arbitrator, Timpane ADR Services, 2003-2008
- Co-Founder and Managing Partner, Wolkin & Timpane, LLP (currently known as Wolkin Curran, LLP), 1995-2003
- Partner (1991-1995) and Associate (1984-1991), Knecht, Haley, Lawrence & Smith (formerly Dingus, Haley and Foust), 1984-1995
- J.D., Boalt Hall School of Law, University of California, Berkeley, 1984
- B.A., with distinction, University of Virginia, Echols Scholar, 1981