

Facilitation, Conflict Management & Dispute Resolution

Joseph P. McMahon Jr., J.D., P.E.

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Providing facilitation and conflict related services for business, environmental, construction, technology, community, international development and organizational disputes.

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Birth July 13, 1944, Evanston, Illinois

Citizenship United States of America and Ireland

Education/Licenses

B.S., Engineering Science, U.S.A.F. Academy, CO., 1966

M.S., Civil & Environmental Engineering, Univ. of Denver, CO., 1973

J.D., Univ. of Denver, CO., 1978

Registered Professional Engineer, CO., 1975, Commercial Pilot's License, 1968

Bar Admissions

Colorado, 1978; 10th Circuit Court of Appeals, 1979; 3rd Circuit Court of Appeals, 1991; United States Supreme Court, 1985

Employment

- Mediator, Settlement Counsel & Arbitrator, Joseph P McMahon Jr., LLC. 2001- present. Serving in commercial, natural resources, environmental, construction and business disputes.
- Collaborative Processes LLC, 2003-present. Principal, facilitating environmental, water, intergovernmental, land use, policy, strategic planning matters and conflicts.
- President, Inter-Mediation International (not for profit), 2005 to present. Assisting international development programs specializing on conflict resolution and development of international development partnerships.
- Partner, Associate, Law clerk, Davis, Graham & Stubbs, Denver, 1977- 2001 (mediator, arbitrator, settlement counsel, natural resource and commercial trial lawyer; Instructor/Program Director, National Institute for Trial Advocacy, Basic Trial Advocacy, and Teacher Training Programs, 1988-1995).
- Consulting Engineer, Wright Water/Wright McLaughlin Engineers, Denver, 1974-77 (working in projects in hydrology, surface water, irrigation, South Platte River Improvements, Confluence Park-Denver, dam and reservoir design, construction supervision, resident engineering and expert testimony)
- Teaching Assistant, Civil & Environmental Engineering, Univ. of Denver, 1972-74.

Memberships/Service

- Senior Fellow, Center for Natural Resources and Environmental Policy, University of Montana.
- National Roster of Environmental Conflict Resolution and Consensus Building Professionals, U.S. Institute for Environmental Conflict Resolution, Tucson, AZ.
- CPR Institute for Dispute Resolution, N.Y., N.Y.
 - Panel of Distinguished Neutrals (Denver)
- American Arbitration Association
 - Panel of Arbitrators – Commercial
 - Construction Panel.
 - Energy Panel
- Founding member, Inter-Mediation.org, a nonprofit promoting collaboration in international development programs.
- Member, Association for Conflict Resolution
- Member, Colorado Bar Association.
- Member, International Association of Facilitators

Representative ADR Presentations/Lectures

General

- *Engineers' Guide to Arbitration, Mediation and Conflict Resolution*, co-presenter, American Council of Engineering Companies of Colorado, April 2009.
- *Urban Regional Governance: the challenges of voluntary and mandatory approaches*, co-presenter, 18th Rocky Mountain Land Use Institute Conference, March 2009.
- *Why Do Large Group Processes Go Badly?* Co-presenter, Environmental Conflict Resolution 2008, Tucson, May 2008.
- *Has Dispute Resolution Failed to Reach its Potential?*, Colorado Statewide ADR Conference, Denver, CO., Sept 2007.
- *Conflict Transformation in Business*, Colorado Bar Assn, 8th Annual Business Law Institute, Vail, CO., Aug 2007.
- *Transactional Lawyer as Manager of Conflict*, Colorado Bar Assn, Business, Tax and ADR sections, Denver, CO., May 2007.
- *Lawyer as Problem Solver*, Law Society of Upper Canada, Toronto, April, 2007
- *The Understanding Model of Mediation*, lecture, Colorado Bar Assn basic mediation course, January, 2007.
- *Lawyer as Problem Solver*, Colorado Bar Assn., Denver, July 28, 2006.
- *Mediation Styles*, Colorado Bar Assn., basic mediation course, lecturer, May, 2005.
- *Using Technical Teams in Mediation and Settlement*, Colorado Bar Assn., ADR Section, Denver, May, 2005.
- *Engaging Attorneys and Clients in Interest-Based Bargaining*, co-facilitator, ABA 6th Annual Dispute Resolution Section Conference, NY, NY, April 2004.
- *Bringing Your True Self to the Table*, co-presenter, Association For Conflict Resolution, Annual Family Section Conference, Denver, CO., July, 2003
- *A Mediation Process to Increase Value in Settlement*, Moye Giles O'Keefe & Vermeire, Denver, CO., Apr, 2003
- *Improving Communications in Mediation & Removing Barriers to Settlement*, presented at Wheeler, Trigg & Kennedy, Denver, CO., July, 2003; Holme Roberts & Owen, Denver CO., June, 2003; Holland & Hart, Denver, CO., Jan., 2003; Univ. of Colorado Hospital (Legal Dept), Dec, 2002; Morrison & Foerster, Denver, CO, Oct. 2002; Hydrosphere, Inc., Boulder, CO, Oct. 2002; Ireland, Stapleton, Woods & Levy, Denver, CO, Sept. 2002; Sherman & Howard, Denver, CO, Sept 2002; Isaacson, Rosenbaum, Woods & Levy, Denver, CO, Sept. 2002; Snell & Wilmer LLP, Denver, CO., May 2002.
- *Improving Communication in Mediation*, Colorado Bar Assn., ADR Section, Denver, Sept. 2002.
- *Improving the Resolution of Commercial Disputes*, Front Range Association of General Counsel, Broomfield, CO., August, 2002
- *Improving Communications in Mediation and Removing Barriers to Settlement*, Colorado Association of Corporate Counsel, Denver, June, 2002.
- *Negotiation & Appropriate Dispute Resolution*, American Corporate Counsel Assn., Denver, CO., January 2001.
- *Negotiation & Appropriate Dispute Resolution*, Colorado Assn. of Corporate Counsel, Denver, CO., February 2001.
- *Better Negotiations and Improved Settlements*, Colorado Attorney General's Office, Spring, 1999.
- *Better Negotiations and Improved Settlements*, Colorado Bar Assn., Jan 2001
- *Better Negotiations and Smarter Settlements*, Colorado Bar Association, January, 2001
- *Guiding Institutions Through Conflict; Moving from Litigation to Mutual Gains Bargaining*, ABA Dispute Resolution Conference, San Francisco, April 2000.
- *Online Dispute Resolution, Harnessing the Internet to Efficiently and Effectively Resolve Disputes*, October, 2000, Phoenix, Arizona.
- *Serving as Settlement Counsel*, Duke Univ. Law School, December 2000.

Intellectual Property

- *Using ADR in IP Controversies*, ABA Litigation Section Roundtable, Merchant & Gould, Denver, CO., Jan., 2003

Environmental

- *ADR in NEPA and Environmental Disputes*, NEPA, 5th Annual Conference, CLE Intl, Denver, December, 2007.
- *Using Conflict Assessments in Environmental ADR*, CLE Intl. 4th Annual NEPA Conference, Denver, January, 2007.
- *Interest-based Bargaining in Environmental Disputes*, Rocky Mountain Association of Environmental Professionals, May 2001.
- *Ethics in Environmental Negotiation*, Colo. Bar Assn., Environmental Law Section, December 1999.
- *Interest-based Bargaining in Environmental Disputes*, Colo. Bar. Assn., Environmental Law Section, January 2001.
- *Mediation Styles*, US Institute for Environmental Conflict Resolution, May 2000.
- *Guiding Institutions and Organizations Through Mediation: A Hypothetical Based on the Snake River Adjudication*, panel facilitator, U.S. Institute For Environmental Conflict Resolution program on ADR and Natural Resources/Environment, May 2000.
- Visiting Professor and role-play facilitator in the mock negotiation of the San Francisco Airport Runway Expansion Negotiations, *Advanced Negotiations Course*, Stanford Law School, Program on Mediation and Negotiation, April 2001.

Land Use

- *Urban Growth Management, Challenges of Voluntary and Mandatory Approaches*, 2009 Rocky Mountain Land Use Institute, Denver, March 2009.
- *Mediating Land Use Disputes*, lecturer, Colorado Municipal League 81st Annual Conference, Pueblo, CO., June 2003.

Natural Resource & Energy

- *Using Conflict Assessments in Power Disputes*, BPA Legal Dept, Portland, Oct., 2006
- *Improving Natural Resource and Energy Dispute Resolution*, Colorado Bar Natural Resource and Energy Section, Denver, CO., March 2004.

Employment

- *ADR in Employment Disputes*, Univ. of Denver Law School, Oct., 2002, 2004.
- *ADR in Employment Disputes*, Univ. of Colorado Law School, May 2000.

Government ADR

- *Confidentiality in ADR: Challenges and Emerging Solutions*, Panel Member, ACR Annual Convention, San Diego, August 2002.
- Training facilitator, *Confidentiality in Government ADR Processes*, US Institute for Environmental Conflict Resolution, Tucson, AZ., March, 2002.

Publications

- *Moving Mediation Back Toward Its Historic Roots*, Colorado Lawyer, June 2008.
- Contributing author, *Ensuring Successful Partnerships, A Toolkit*, InterAction, 2006
- *Using Joint "Technical Teams" to Simplify Settlement Negotiations And Mediation*, Colorado Lawyer, June 2005.
- Co-author with Ken Caplan and Barbara Evans, "*The Partnership Paperchase, Structuring Partnerships Agreements in Water and Sanitation in Low-Income Countries*," BPD Water and Sanitation, September 2004.
- "A Role for Partnership Facilitation, Negotiating Goodbye While Saying Hello," Vol 9, No 2, *Alliance*, June 2004.
- *Negotiating and Drafting Agreements-Lessons from the Courthouse*, 41 Proceedings of the Rocky Mountain Mineral Law Institute 4-1 (1995).
- Co-Author, *Selecting a Securities Mediator: Exercising Your Options*, ABA Securities News, Fall 1997.

- Co-author with EM Thiessen, *Beyond Win-Win in Cyberspace*, discussion of resolution of environmental disputes using "negotiation support systems" and facilitation, *The Ohio State Journal of Dispute Resolution* (15 Ohio S. J. of Disp. Res. 643 (1999)).
- Author of *Annual Summary of ADR Law-1999* and 2000, Colorado Bar Associations' Annual Summary of Law.

Dispute Resolution Training Received

Center for Mediation in Law: Advanced Mediation Training, "Mediation in the Commercial Setting," 3/96; "Power Imbalance in Mediation," 10/92; Introductory Mediation Training, 10/91; American Arbitration Assn.: Basic, Construction and Advanced Training, 5/97, 4/99, 10/02); "Mediating Land Use Disputes," 11/02 and 11/03, CBI & Lincoln Land Institute; Victim-Offender Reconciliation Program (various trainings).