

DR. KATHLEEN M. J. HARMON
Harmon/York Associates, Inc.
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EXPERIENCE

- 1983 to present President
Harmon/York Associates, Inc., New Jersey
Consultants to the construction industry providing project management, scheduling, claims preparation and defense, and dispute prevention and resolution services.
- 1981 to 1983 Construction Claims Analyst
Fogel & Associates, Inc., New York
Typical duties included the preparation and defense of claims with regard to extra work, acceleration, delays, impact costs, and analysis of project schedules. Project management support.
- 1979 to 1981 Titan Group, Inc., New Jersey
Duties included the preparation of claims and defense of Miller Act suits. Assisted counsel with defense and preparation of litigation.

EDUCATION

- 2018 Nova Southeastern University, Ft. Lauderdale, Florida
Doctor of Humane Letters, *honoris causa*
- 2003 Nova Southeastern University, Ft. Lauderdale, Florida
Ph.D. - Conflict Analysis and Resolution
- 1991 Rutgers University, Newark, New Jersey
Master of Arts
- 1984 New Jersey Institute of Technology, Newark, New Jersey
Construction Technology Program
- 1977 Rutgers University, Newark, New Jersey
BA History/Social Studies Education

AWARDS

- 2004 Finalist – Outstanding Alumni of the Year Award, Nova Southeastern University, Fort Lauderdale, Florida.

- 2003 American Society of Civil Engineers Best Peer Reviewed Paper Award for “Conflicts between Owners and Contractors: A Proposed Intervention Process”, *Journal of Management in Engineering*, 19(3), 121-125.
- 2003 Distinguished Alumni of the Year Award, Graduate School for the Humanities and Social Sciences, Nova Southeastern University, Fort Lauderdale, Florida.

MEMBERSHIP

American Arbitration Association
Construction Panel of Arbitrators since 1988

American Bar Association - Associate Member
Section on Dispute Resolution
Forum on the Construction Industry

American Society of Civil Engineers – Committee for the development of
Developing Standards for Calculating Loss of Productivity and
Journal Referee

International Association for the Advancement of Cost Engineering
(AACE) – Board of Directors New Jersey Chapter, Member and
Journal Referee

American Society of Civil Engineers (ASCE) - Loss of Productivity
Committee and Journal Referee

New York City Procurement Policy Board
Contract Dispute Resolution Board Neutral since 2002

New York City Metropolitan Transportation Authority East Side Access
Project - Pre-qualified Dispute Review Board Panelist

Association for Conflict Resolution – Member

International Association for Conflict Management – Member and Journal
Referee

Sullivan University - Conflict Management Advisory Board

PUBLICATIONS

Harmon, K.M.J. & Cole, B. (June 2018). Cumulative Impact Claims – Methods of Calculating and Proving Damages. *Construction Briefings*.

Harmon, K.M.J. (2017). Loss of Productivity: Using the Leonard Study in Support of a Modified Total Cost Calculation. *Journal of Professional Issues in Engineering Education & Practice*, (9)3,1-9.

Harmon, K.M.J. (June and July 2016). The Calculation and Recovery of Loss of Productivity Damages – What to Do and What to Use. Parts 1 and 2. *Construction Briefings*

Harmon, K.M.J. (2012). Using DRBs to Maintain Control of Large, Complex Construction Projects. *Dispute Resolution Journal*, (67)1,70-75.

Harmon, K.M.J. (2011). To Be or Not to Be - That is the Question: Is a DRB Right for Your Project. *Journal of Professional Issues in Engineering Education & Practice*, (3)1,10-16.

Harmon, K.M.J. (2010). Success, Failure, and Referrals. *Journal of Professional Issues in Engineering Education & Practice*, (2) 3, 139.

Harmon, K.M.J. (2009). A Case Study as to the Effectiveness of Dispute Review Boards on the Central Artery/Tunnel Project. *Journal of Professional Issues in Engineering Education & Practice*, (1)1,18-31

Harmon, K.M.J. (2006). The Effective Mediator. *Journal of Professional Issues in Engineering Education & Practice*, (132)4, 326-333

Harmon, K.M.J. & Cole, B. (2006). Loss of Productivity Studies – Current uses and misuses: Parts 1 and 2. *Construction Briefings*, 8 & 9 (August and September).

Vestal, A. & Harmon, K.M.J. (2004). Teaching Conflict Resolution to Culturally Diverse Preschoolers. *ACResolution*, (4)1, 18-19.

Harmon, K.M.J. (2004). Cost Effective Strategies for Arbitration: A few strong instincts and a few plan rules. *Journal of Management in Engineering*, (4)4, 148-153.

Harmon, K.M.J. (2004). Dispute Review Boards: Elements of a Convincing Recommendation. *Journal of Professional Issues in Engineering Education & Practice*, (130)4 289-295.

Harmon, K.M.J. (2004). Dispute Review Board Effect on Bid Prices. *Cost Engineering*, 46(6), 30-34.

Harmon, K.M.J. (2003). Construction Conflicts and Dispute Review Boards: Attitudes and Opinions of Construction Industry Professionals, *Dispute Resolution Journal*, 58(4), 66-75.

Harmon, K.M.J. (2003). The Effectiveness of Dispute Review Boards, *Journal of Construction Engineering and Management*, 129(6).

Harmon, K.M.J. (2003). Resolution of Construction Disputes: A Review of Current Methodologies, *Leadership and Management in Engineering*, 3(4), 187-201.

Harmon, K.M.J. (2003). Conflicts between Owners and Contractors: A Proposed Intervention Process, *Journal of Management in Engineering*, 19(3), 121-125.

Schaub, C.E. & Harmon, K.M.J. (2003, May). Dispute Review Boards and the Central Artery Tunnel Project. *The American Bar Association, Forum on the Construction Industry Annual Meeting*, Boston, MA.

Harmon, K.M.J. (2002). Mediation: Satisfaction in the Process and Outcome. *Construction Briefings*, 6.

Harmon, K.M.J. (2001). The East Side Access Project - Changing the Paradigm for Disputes. *Forum*, 6(2), 1+.

Harmon, K.M.J. (2002). The Role of Attorneys and DRBs. *Currents*, 7(1)6-9.

Harmon, K.M.J. (2001). Dispute Review Boards - The Power to Cure. *Forum*, 5(2), 1-9.

Harmon, K.M.J. (2001). Pseudo Arbitration Clauses in New York City Construction Contracts. *Construction Briefings*, 7.

SEMINARS GIVEN:

- 2017 New Bottles for Old Wine: Innovation in the Dispute Resolution World, NYS Bar Association Fall Meeting, October 26, New York, NY
- 2012 How to Win at Mediation. *Presented with Steven I. Weber, Esq. Annual meeting of the Association for the Advancement of Cost Engineering, San Antonio, TX July 8-11.*
- Use of Project Controls on Mega-Projects to Minimize Disputes. *Presented with Bruce Stephan, J.D., P.E. Annual meeting of the Association for the Advancement of Cost Engineering, San Antonio, TX July 8-11.*
- AIA Contracts – AIA Construction Agreement A101 and A201. *Sponsored by Lorman Educational Services, Inc., Parsippany, NJ, May 4.*
- 2011 Bringing Home the Bacon – Home Office Overhead and the Law. *Presented with Kathleen O. Barnes, Esq. Annual meeting of the Association for the Advancement of Cost Engineering, Anaheim, CA, June 20-23.*
- 2010 The Pros and Cons of DRBs. *Presented with Kathleen O. Barnes, Esq. Annual meeting of the Association for the Advancement of Cost Engineering, Atlanta, GA June 28-30.*
- 2009 Using Dispute Boards to Corral Construction Disputes - Perspectives on the DRB Process. *Sponsored by Dispute Resolution Board Foundation, the American Bar Association Forum Committee on the Construction Industry and the American Arbitration Association. Houston, TX October 2, 2009.*

- 2007 DRBs and the Central Artery Tunnel - Were They Effective? *Annual meeting of the Association for the Advancement of Cost Engineering*, Nashville, TN, July 16-18.
- 2007 Construction Delay Claims in New Jersey *presented with Bruce Stephan, Sponsored by Lorman Educational Services, Inc.*, East Brunswick, NJ, March 13, 2007
- 2006 Presenting Delay Claims – An Arbitrator’s Perspective. *New Jersey Bar Association – Construction Law Section*, New Brunswick, NJ, November 15, 2006.
- 2006 Arbitration in the Construction Industry: Reducing Time and Costs. *Association for Conflict Resolution Annual Meeting*, Philadelphia, PA, October 25-28.
- 2006 On-Line Conflict Resolution Education: Practical Applications for Real Life Experiences *presented with Carol Biver and Judith McKay, Ph.D. Association for Conflict Resolution Annual Meeting*, Philadelphia, PA, October 25-28.
- 2006 The Central Artery Tunnel: DRBs and Bid Savings. *Dispute Resolution Board Foundation Annual Meeting*, Orlando, FL, October 7-8.
- 2006 Construction Conflicts and Delay Claims *presented to the School Construction Corporation of New Jersey*, June 5, 2006.
- 2006 Cumulative Impact Claims *presented with Todd Metz, Esq., Sponsored by Lorman Educational Services, Inc.*, Edison, NJ, June 9.
- 2006 The Effective Mediator *presented with Steven I. Weber, Esq., American Bar Association, Section on Dispute Resolution Annual Meeting*, Atlanta, GA, April 5 to 8.
- 2006 Construction Delay Claims in New Jersey *presented with Bruce Stephan, Sponsored by Lorman Educational Services, Inc.*, Edison, NJ, March 22.
- 2006 Pricing Productivity Losses in an Effective Manner *presented with Bradley Cole, Esq., at the 50h Annual Meeting of The Association for the Advancement of Cost Engineering* Las Vegas, NV, June 20 to 22.
- 2005 Success in Claims Recovery *presented with Bruce Stephan at the 49th Annual Meeting of The Association for the Advancement of Cost Engineering*, New Orleans, LA, June 27-29.

- 2004 A Pound of Cure? The Changing Role of the Construction Lawyer: Dispute Avoidance, Mitigation and Resolution. *The 2004 State Bar Association of Arizona Annual Convention*. Scottsdale, AZ, June 9-12.
- 2004 Cost Effective Strategies in Preparing for Arbitration *presented with Bruce Stephan at the 48th Annual Meeting of The Association for the Advancement of Cost Engineering*, Pittsburgh, PA, June 13-16.
- 2003 The Perfect Approach for Resolving Disputes, Session 114. *The 18th Annual Construction Industry Superconference*. San Francisco, CA. December.
- 2003 Innovative Conflict Resolution in the Construction Industry: The Use of Dispute Review Boards. *Association for Conflict Resolution Annual Meeting*, Orlando, FL, October
- 2003 Writing a Board Decision/Recommendation. *7th Annual Meeting of The Dispute Resolution Board Foundation*, Washington, DC, October.
- 2003 Importance of the Panel to the DRB Process. *7th Annual Meeting of The Dispute Resolution Board Foundation*, Washington, DC, October.
- 2002 Construction Conflicts - Wrestling a Pig in the Mud *presented with Bruce Stephan at the 2002 Structures Congress* in Denver, CO, April.
- 2001 Claim Avoidance Techniques *presented with Bruce Stephan at the 45th Annual Meeting of The Association for the Advancement of Cost Engineering*, Pittsburgh, PA, June.

Teaching:

- 2004 - 2011 Adjunct – Nova Southeastern University, Ft. Lauderdale, Florida
 Department of Conflict Analysis and Resolution
 Qualitative Research II (On Line)
 Dispute System Design (On Line)
 Negotiation (Hybrid- On Line and In Class)
 Social Theories of Conflict and Conflict Resolution (On Line)
 Teaching and Training (On Line)
 Fundamentals of Arbitration (Hybrid - On Line and In Class)
 Practicum II (On Line)
 Foundations of Conflict and Conflict Resolution (On Line)
- 2005 - 2008 Adjunct – University of North Carolina at Greensboro
 Department of Conflict Analysis and Resolution
 Dispute System Design (On Line)

- 2006 – 2007 Adjunct – Sullivan University, Lexington, Kentucky
Department of Business
Negotiation (On Line)
- 2002 - 2004 Guest Lectures:
Stetson University Law School, Clearwater, Florida
Topics:
Starting Your Law Practice – Avoiding the Pitfalls and
Reaping the Rewards
Negotiating Effectively
- Rutgers University Law School, Newark, New Jersey
Topics:
Gender Differences in Negotiation Tactics
Mediation – Theory and Practice
Mediator Ethics
- 2002 New York University, New York, NY
Topic:
Alternative Dispute Resolution in the Construction Industry