

**Dr. Patricia D. Galloway**  
**International Arbitrator and Mediator**  
**Galloway Arbitration, Inc.**  
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**Profession:**

Arbitrator and Mediator-international large and complex energy and construction matters; Advisor – Megaproject construction in the Energy and Infrastructure Industries.

**Education:**

Purdue University (BS, Civil Engineering); New York Institute of Technology (MBA, Finance); Kochi University of Technology (Japan) (PhD, civil engineering); Pepperdine University School of Law Straus Institute for Dispute Resolution (Certificate in Dispute Resolution); Oxford, Jesus College, Diploma in International Commercial Arbitration (CIArb).

**Work History:**

Board Director, Granite Construction, Inc. (NYSE: GVA), 2017-present; Chairman, Pegasus-Global Holdings, Inc. 2018-present; President, Chief Executive Officer and Chairman, Pegasus Global Holdings, Inc. 2008-2018; US National Science Board, 2006-2012 (Vice Chair 2008-2010); Chief Executive Officer/President/Executive Vice President/Chief Financial Officer/Senior Consultant & Project Manager, The Nielsen-Wurster Group, Inc., 1981-2008; Chief Executive, Nielsen-Wurster Asia-Pacific PTY, Ltd., 2001-08; President Nielsen-Wurster/ESB, 1985-87; CH2M Hill, 1978-81.

**Alternative Dispute Resolution Experience:**

Experience includes arbitration, mediation, dispute review boards, and project neutrals. Dr. Galloway is a Fellow of CIArb and a Fellow of the College of Commercial Arbitrators (CCA), being the first non-lawyer elected to the college. Has 40 years of experience and over 35 years of experience in US domestic and international arbitration, having served as Chair, member of three-member tribunals on large complex cases, and a sole arbitrator. Prior to 2008, served as both a consulting or testifying expert in numerous arbitration forums including; American Arbitration Association (AAA), International Chamber of Commerce (ICC), UNCITRAL, Singapore International Arbitration Center (SIAC), and London Court of International Arbitration (LCIA) with disputes ranging from US\$1 million to US\$ 6 billion. Her ADR panel membership includes:

- Member of the AAA Master Mediation Panel
- Member of the AAA Energy, Mega Projects, Large Complex Cases, Construction, and Commercial Panels (Member of AAA Board of Directors)
- Member of the ICDR Panel of Arbitrators including its International Energy Arbitrators List
- Member of the International Centre for Conflict Prevention and Resolution (CPR) Energy, Construction and Cross Border Panels
- Member of the USCIB ICC panel

**Representative Energy Arbitration Engagements:**

Examples of pending and prior energy arbitrations include:

- UNCITRAL international arbitration between an equipment supplier/EPC contractor and oil and gas company conglomerate regarding delay and productivity issues on an LNG Plant. (Neutral Panelist)

- Energy domestic arbitration between two regulated public utilities regarding curtailment issues alleged to be the result of lack of prudent good utility practices in the maintenance of equipment under a Transmission Support Agreement. (Panel Chair)
- Energy international construction ICDR arbitration between a Canadian general contractor and a Canadian subcontractor relating to alleged workmanship issues in the construction of a large power plant. (Panel Chair)
- Wind energy dispute between the owner of a large wind power generation project and a large public utility over alleged curtailment issues arising under a long-term power purchase agreement. (Panel Chair)
- Commercial arbitration relating to disputes regarding certain coal leases under a long-term asset purchase and production agreement. (Panel Chair)
- Dispute Review Board: Conversion of existing coal and oil-fired plant to a 674MW combined cycle plant under an EPC contract. (DRB Panel Chair)
- Energy arbitration relating to alleged delay and productivity issues with respect to the construction of a large solar farm. (Neutral Panelist)
- Energy arbitration relating to the interpretation of the power purchase agreement (PPA) concerning payment of capacity and energy charges. (Neutral Panelist)
- Energy construction arbitration between a general contractor and a subcontractor regarding alleged workmanship issues dealing with the drilling operations of a gas pipeline project. (Neutral Panelist)
- Energy construction arbitration regarding a horizontal drilling and gas pipeline contract between a general contractor and a subcontractor regarding alleged breaches of contract relative to workmanship and delay and counterclaims regarding alleged non-payment for extra work performed due to unanticipated soil conditions. (Neutral Panelist)

#### **Alternative Dispute Resolution Training (Last 5 years):**

- Improving Your Judgment-Better Negotiations, Mediations and Settlements Through Better Case Valuation, (AAA), 2017
- ICDR International Symposia in Advanced Case Management Issues, (ICDR), 2016
- Navigating the Evidence and Discovery Roadmap in Arbitration, AAA webinar, (March 2016)
- CIArb Diploma in International Commercial Arbitration (June 2015); Oxford, Jesus College
- Pepperdine Law School Straus Institute Certificate in Dispute Resolution Program, May 2014 (International Arbitration and the National Courts; Arbitration Theory and Practice; International Arbitration Study Course LCIA, ICDR, ICC, WIPO; Negotiation Theory and Practice; Mediation Theory and Practice; Psychology of Conflict; Interviewing, Counseling, and Planning)
- Construction Essentials Guide to Conducting an AAA Arbitration (AAA), 2013

#### **Consulting Experience:**

##### General

Has been an international Engineer/Construction Consultant traveling and working in over 100 countries for 40 years concentrating primarily on megaproject construction. Has served as an arbitrator since 1987. Has worked on major energy and heavy infrastructure projects in Asia, Africa, Australia, Europe, the Middle East, North America and South America and Antarctica. Has significant work experience in Latin America (Mexico, Venezuela, Brazil), Japan, China, Malaysia, Singapore, Australia, South Africa, Canada, and the United Kingdom.

##### Energy

- Substantial experience working with Merchant Utilities, Regulated Public Utilities, Public Service Commissions, FERC, Independent Power Producers, Wind and Solar Developers, and major oil and gas companies.
- Multiple types of energy projects including oil and gas (refineries, LNG, steam-flood, pipelines, offshore platforms), alternative energy (wind, solar, geo-thermal, biomass), transmission and distribution, storm

hardening and resilience, electric base-load generation construction (nuclear, combined cycle, coal, IGCC, and hydro).

- Extensive experience in evaluating and assessing construction claims; auditing and assessment of prudent decision-making, corporate policies and procedures and/or processes; contract risk reviews; advising re: transmission support agreements (TSAs); power purchase agreements (PPAs)/cost-sharing agreements including curtailment issues; coal asset and production leases; decommissioning; and coal-ash removal/cleanup.
- Independent Monitor regarding new capital projects.

#### Transportation/Heavy Infrastructure

- Extensive experience with multiple types of transportation projects including airports, bridges, highways, mass transit (both light and heavy rail), canals, and ports. Heavy infrastructure projects include mining (coal, iron-ore, gold, and cobalt/nickel), process plants, and tunnels.
- Substantial experience in analyzing and assessing claims: contract issues (FIDIC, ENAA, EJCDC, AGC, AIA, Standard Forms and Agreement), Contract Delivery Issues (Design-Build, EPC, P3, Design-Bid-Build), breach of contract, contract interpretation, contract termination, schedule delay/acceleration, cumulative impact, standard of care, productivity/disruption, accounting and financial issues, fees, lost profits, errors and omissions, construction defects, construction failures, engineering issues, delay damages, quantum merit, consequential damages, subsurface utility engineering (SUE), and fraud.
- Advisor for Program and Project Management, Program and Project Execution Plans, and Governance.
- Extensive experience with Dispute Review Boards (DRBs), Mediation and Settlement Negotiation of contract issues.

#### **Professional Licenses:**

- Diploma in International Commercial Arbitration (CIArb)
- Certificate in Dispute Resolution (Pepperdine Law School, Straus Institute)
- Project Management Professional, Project Management Institute (PMI)
- Certificate of Director Education (NACD)
- Professional Member of the Royal Institute of Chartered Surveyors (RICS), (Risk Management and Project Management Colleges)
- Chartered Engineer-Australia and Province of Manitoba, Canada:
- U.S Registered Professional Engineer-15 states:

#### **Arbitration Faculty Training/Speaking Engagements (Last 5 years only):**

- ABA Webinar, “SCOTUS Swings the Pendulum Back in Favor of Arbitration: Ensure That Your Next Arbitration Clause Is Effective and Enforceable” taking place May 10, 2018, 1:00 – 2:00 PM ET.
- Panelist, “International Arbitration”, 12<sup>th</sup> Annual WCCAS Energy Mining and Resources Arbitration Conference, Calgary, Canada, May 8, 2018
- Panelist, “What Arbitrators Expect from Schedule and Damage Experts, 2018 AAA Construction Conference, “Adapting Dispute Resolution Strategies”, March 23, 2018, Santa Monica, CA.
- Panelist, “Interim Measures in Arbitration”, 24<sup>th</sup> Annual Northwest Disputes Resolution Conference, March 27, 2018, Seattle, Washington.
- Panelist, “International Arbitration Awards-Examining and Discussing the Drafting of International Awards and Data from a Review of ICDR International Awards”, iLaw2018 Annual Conference, Miami, Florida, February 16, 2018
- Panelist, “Getting Off on the Right Foot: How Effective Preliminary Hearings Ensure Efficiency and Economy”, Construction Superconference, Las Vegas, NV, December 4, 2017
- Panelist, “International Arbitration in the Construction and Technology Sectors: Advantages Made-Challenges Ahead”, ICDR-AAA/ICC/ICSID 34<sup>th</sup> Joint Colloquium on International Arbitration, New York, NY, December 1, 2017

- Panelist, “Modern Challenges and Ethical Dilemmas at Arbitration”, Construction Superconference, Las Vegas, NV, December 6, 2016
- Panelist, “Design-Build/EPC Contracts: Legal and Practical Issues Encountered”, International Bar Association Annual Conference, Washington, D.C., September 20, 2016
- Panelist, “International Construction and Infrastructure Projects; The Latest Conflict-Management Options”, Rio de Janeiro, Brazil, November 18, 2015
- Panelist, “Effective Advocacy and Management in Arbitration: The Efficient Hearing,” American Arbitration Association (AAA)’s Forum on the Construction Industry, April 2015
- Panelist, “Retooling Arbitration for Mega Project Construction Claims”, Santa Monica, CA, March 2015 and Construction Superconference, Las Vegas, NV, December 2014
- Faculty, “Construction Mediation and the User Experience: Pathways to Settlement and Satisfaction,” American Arbitration Association (AAA) Webinar, presented with Harold Coleman, November 20, 2014
- Faculty, “Streamlining the Arbitration Process Through Innovative Methods of Handling Fact Witnesses, College of Commercial Arbitrators Annual Meeting, November 8, 2014
- Faculty, “Streamlining the Arbitration Process Through Innovative Methods of Handling Fact Witnesses,” College of Commercial Arbitrators (CCA) Annual Meeting, Marina del Rey, CA, August 2014
- Faculty, “Construction Mediation and the User Experience: Pathways to Settlement and Satisfaction,” Associated General Contractors (AGC) of America, presented with Harold Coleman, June 25, 2014
- Panel Member, “What In-House Counsel Say About Arbitration: The Neutral’s Response”, Construction Superconference, San Francisco, CA., December 13, 2013
- Panel Member, “Recent Construction Case Law Blitz,” Construction Superconference in San Francisco, CA, December 13, 2013
- Panel Member, “Innovative Project-Related Business Solutions: Too Big to Fail: Success through Dispute Boards; Western Association of State Highway and Transportation Officials (WASHTO), August 6, 2013
- Panel Member, “The Art of Attorney Advocacy in Complex Energy and Commercial Arbitration”, Energy Bar Association in cooperation with the CPR Energy Committee, Washington, D.C., June 7, 2013
- Facilitator, “The Future of Dispute Boards in the Power Industry,” Dispute Resolution Board Foundation (DRBF) Conference, Miami, FL, September 2013
- Faculty, “Using Experts Efficiently and Effectively in Arbitration”, American Arbitration Association Webinar presented with Stan Sklar, April 30, 2013
- Panel Member, “Online Dispute Resolution”, 20<sup>th</sup> Annual Northwest Dispute Resolution Conference, Seattle, Washington, March 29, 2013

#### **Recent Articles on Alternative Dispute Resolution (Last 5 years):**

- “The Do’s and Don’ts of Arbitrator Interviews and Dilemmas Not Often Considered”, *Juris, American Journal of Construction Arbitration and ADR*, Vol 1, Issue 1, October 2017
- “Streamlining the Arbitration Process Through Innovative Methods of Handling Fact Witnesses”, *IBA Construction Law International*, Vol II, Issue 2, June 2016
- “Is Construction Arbitration Ready for Online Dispute Resolution?” *International Construction Law Review*, Informa, Volume 30, Part 2, April 2013
- “Engineering a Successful Negotiation,” *Journal of Legal Affairs & Dispute Resolution in Engineering and Construction*, American Society of Civil Engineers, Volume 5, Number 1, February 2013
- “Dispute Resolution Under FIDIC – The Parties’ Options,” co-authored with L Martinez and M Marra, *Transnational Dispute Management (TDM) Journal*, TDM 7 November 2012, [www.transnational-dispute-management.com](http://www.transnational-dispute-management.com)
- “Using Experts Effectively and Efficiently in Arbitration,” *Dispute Resolution Journal*, American Arbitration Association, September/October 2012