

Dr. Patricia D. Galloway
Chartered Arbitrator
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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 (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:

President, Galloway Arbitration, 2018-present; Board Director, Stantec (NYSE: STN, TSE: STN), 2020-present; Board Director, Granite Construction, Inc. (NYSE: GVA), Chair of Nominating and Governance Committee, 2017-present; Emeritus Board Director, SCANA Corporation (NYSE: SCG) Chair of Special Litigation Committee, 2018-January 2019 (SCANA merged with Dominion Energy on January 2, 2019); Chairman, Pegasus-Global Holdings, Inc., 2018-present; Board Member, American Arbitration Association, 2010-2020; 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 neutral including experience with on-line arbitration and dispute review board (Zoom and Microsoft Teams). Dr. Galloway is a Chartered Arbitrator and Fellow of the Chartered Institute of Arbitrators (CIArb), a member of the Distinguished Academy of Neutrals, and a Fellow of the College of Commercial Arbitrators (CCA), being the first non-lawyer elected to the college. Has over 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/International Centre for Dispute Resolution (AAA/ICDR), 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 Mega Projects, Large Complex Cases, Construction, Energy, and Commercial Panels (Member of AAA Board of Directors and Past Chair of its National Construction Dispute Resolution Committee)
- Member of the ICDR Panel of Arbitrators including its International Energy Arbitrators List (Serves on ICDR Publications Committee and the ICDR Working Group on Technology and Life Science Disputes)
- Member of the International Centre for Conflict Prevention and Resolution (CPR) Energy, Construction and Cross Border Panels
- Member of the Chartered Institute of Arbitrators Panel of Arbitrators (CIArb)
- Member of the USCIB ICC panel (Serves on ICC Commission Task Force on ADR and Arbitration)
- Member of the London Court of International Arbitration (LCIA) North America Users Council
- Member of the International Council for Commercial Arbitration (ICCA)

Representative Arbitration/ADR Engagements:

Examples of pending and prior arbitrations and ADR matters include:

Energy

- ICC Dispute Review Board: EPC/pre-commissioning and commissioning and start-up assistance for the Main Process Units for a US\$4 billion+ Refinery Project located in the Middle East. (Neutral DRB Panel Member)
- Special Litigation Committee Chair of the Board of a public regulated utility regarding derivative action involving the construction and abandonment of a nuclear power plant.
- Canadian arbitration between consortium and owner regarding disputes relating to the equipment supply and installation for a transmission and distribution station for a Hydro Plant. (Neutral Panelist)
- 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 arbitration relating to alleged delay and productivity issues with respect to the construction of a large solar farm. (Neutral Panelist)
- Wind energy dispute between the owner of a large wind power generation project and a large public utility over alleged curtailment issues involving technical engineering issues arising under a long-term power purchase agreement. (Panel Chair)
- Energy U.S. 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)
- 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 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)

Construction/Commercial

- International Commercial ICDR Arbitration between equipment supplier and EPC Contractor regarding dispute for non-payment and counterclaims with respect to equipment defects. (Sole Arbitrator)
- Construction arbitration between Owner and Contractor related to design impact, delay and productivity damages on a high-rise hotel. (Panel Chair)
- Dispute Review Board: Bridge Repair and Painting Contract regarding State Highway Bridge. (Neutral DRB Panel Member)
- Construction arbitration between Owner and Contractor regarding unpaid amounts and alleged defects on a major petrochemical process plant. (Neutral Panelist)
- Construction arbitration between Owner and Design-builder related to alleged breaches of contract, warranty and professional negligence covering work performed in the design and construction of a food processing facility. (Panel Chair)
- Construction arbitration between General Contractor and Subcontractor related to alleged breaches of contract regarding payment of prevailing wages in accordance with the Davis Bacon Act under a government facilities contract. (Panel Chair)
- Commercial arbitration between General Contractor and Subcontractor regarding alleged damages as the result of alleged defects in the construction of a dual phase extraction system. (Sole Arbitrator)
- Med/Arb: Construction arbitration between Owner and Contractor regarding alleged breaches of contract, unpaid contract balances, delays, cost-overruns, change orders, productivity losses, consumer fraud, and workmanship on a large big box shopping complex development. Various matters were resolved thru mediation during the arbitration with Chair serving as mediator. (Neutral Panelist)
- International ICDR arbitration between U.S. Owner and International European (German) Supplier of machinery and equipment regarding alleged breaches under the purchase order agreements related to issues of delay and performance of machinery and equipment for an ethanol plant. (Neutral Panelist)
- Commercial dispute between the EPA's designated cleanup parties and the remediation contractor regarding an EPA environmental cleanup of a landfill for battery casings and acids concerning contract scope of work, soil sampling, waste disposal, and associated cost overruns and delay-related damages. (Neutral Panelist)
- Construction arbitration between Owner and Architect regarding alleged breaches of standard of care on an addition to a large hospital. (Neutral Panelist)
- Construction Arbitration regarding alleged termination/abandonment of contract of a school project as the result of alleged non-payment. (Neutral Panelist)
- Construction arbitration between Homeowner and Contractor regarding alleged latent defects. (Sole Arbitrator)
- Commercial arbitration between an individual and a Debt Relief Company regarding a Consumer Protection Act complaint for damages alleging issues of conspiracy, criminal and predatory business practices in violation of State Statutes that protect customers from predatory debt adjuster fee practices. (Sole Arbitrator)

Alternative Dispute Resolution Training (Last 5 years only):

- Cyber-Security Awareness Training for AAA Panelists (AAA), 2020

- Zoom Training for Mediators and Arbitrators (CPR, ICC and CIArb), 2020
- Cyber-Security-A Shared Responsibility (AAA), 2019
- Case Finances-What Arbitrators Need to Know (AAA), 2019
- 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, (Oxford, Jesus College), June 2015

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 matters including oil and gas, petrochemical, renewable energy including solar power, wind power, geothermal, hydro, biomass, nuclear, IGCC, coal, coal ash basin cleanup, and natural gas combined cycle. Has also worked on heavy infrastructure projects, including process and transportation projects. Has significant work experience in Latin America (Mexico, Venezuela, Brazil), the Middle East, 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 and renewable energy (wind power, solar power, geo-thermal, biomass, hydro power, nuclear power), transmission and distribution (including sub-sea cable), storm hardening and resilience, and electric base-load generation construction (nuclear including over 52 plants involving construction, outages and decommissioning, 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; power purchase agreements/cost-sharing agreements including curtailment issues; coal asset and production leases; decommissioning; and coal-ash removal/cleanup.
- Independent Monitor regarding new capital megaprojects including nuclear, transmission and distribution, storm hardening and resiliency and LNG facilities.

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, petrochemical, 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, Progressive Design-Build, 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, and fraud.

- Independent Review Panels for megaproject execution.
- Advisor for Program and Project Management, Program and Project Execution Plans, and Governance.
- Extensive experience with Dispute Review Boards, Mediation and Settlement Negotiation of contract issues.

Awards (Partial listing):

- 2019 Women's Inc.- One of the Most Influential Corporate Board Directors, 2019
- Albert Nelson Marquis Lifetime Achievement Award-Marquis Who's Who-January 2019
- Chartered Arbitrator, Chartered Institute of Arbitrators, 2018
- National Academy of Distinguished Neutrals, 2017
- National Leadership Fellow, National Association of Corporate Directors, 2017
- Fellow, Chartered Institute of Arbitrators, 2015
- Fellow, College of Commercial Arbitrators, 2014
- AAA Outstanding Director, 2014
- Honorary Doctor of Science from the South Dakota School of Mines, 2011
- Presidential appointee to the U.S. National Science Board (2006-2012)
- Member of the National Academy of Construction
- First woman President of the American Society of Civil Engineers, 2004
- Member of the Pan American Academy of Engineers
- Engineering News Record-Top Women in Construction
- Purdue University Distinguished Engineering Alumni Award

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)
- Chartered Engineer:
 - Province of Manitoba, Canada
 - Australia
- Registered Professional Engineer in 15 U.S. States

Professional Associations:

- National Academy of Distinguished Neutrals
- College of Commercial Arbitrators (Fellow)
- Chartered Institute of Arbitrators (Chartered Arbitrator, Fellow)
- Dispute Review Board Foundation (DBRF)
- International Bar Association
- American Bar Association
- InterPacific Bar Association
- International Council for Commercial Arbitration
- London Court of International Arbitration
- Society of Construction Law

- National Association of Corporate Directors (Leadership Fellow)
- Women Corporate Directors
- American Nuclear Society
- American Society of Civil Engineers (Past President, Fellow)
- Institution of Civil Engineers (UK, Fellow)
- Engineers Australia (Fellow)
- Project Management Institute (College of Scheduling, Past Board Chair)
- Royal Institute of Chartered Surveyors

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

- Panelist, “Can We Reach a Fair Settlement?”, Online Webinar with Eric Schatz, American Arbitration Association, January 2020
- Panelist, “How Arbitrators Evaluate the Testimony of Schedule and Damage Expert”, Construction SuperConference, Ranch Palos Verde, California, December 16, 2019
- Panelist, “Horses for Courses: Effective Use of Different ADR Mechanisms in the Energy Sector”, CPR Canada Conference, Calgary, October 16, 2019
- Panelist, “Arbitration-Best Practices, Hot Topics, and Insights from the Panel”, ABA Webinar, ABA Section of Litigation, October 8, 2019
- Panelist, “Contract Drafting to Minimize and Resolve Disputes”, “25th Annual Northwest Dispute Resolution Conference, Seattle, Washington, March 28, 2019
- Panelist, “International Construction Arbitration-Mega Projects”, iLaw2019, The ILS Global Forum on International Law, Miami, Florida, February 22, 2019
- Panelist, “What Arbitrators Expect from Schedule and Damages Experts”, Construction SuperConference. Las Vegas, Nevada, December 10, 2018
- Panelist, “Perceptions vs. Reality: What Some Clients Are Saying About the Arbitration Process and What You Can Do About It”, AAA RoundTable, Seattle, Washington, November 15, 2018
- Panelist, “After the Dust Settles: Exploring Common Causes and Cures of Mega Projects”, Society of Construction Law Annual Conference, Chicago, Illinois, September 27, 2018
- ABA Webinar, “SCOTUS Swings the Pendulum Back in Favor of Arbitration: Ensure That Your Next Arbitration Clause Is Effective and Enforceable”, May 10, 2018
- Panelist, “International Arbitration”, 12th 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”, Santa Monica, California, March 23, 2018
- Panelist, “Interim Measures in Arbitration”, 24th Annual Northwest Disputes Resolution Conference, Seattle, Washington, March 27, 2018
- 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, Nevada, December 4, 2017
- Panelist, “International Arbitration in the Construction and Technology Sectors: Advantages Made-Challenges Ahead”, ICDR-AAA/ICC/ICSID 34th Joint Colloquium on International Arbitration, New York, New York, December 1, 2017
- Panelist, “Modern Challenges and Ethical Dilemmas at Arbitration”, Construction SuperConference, Las Vegas, Nevada, 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”, AAA’s Forum on the Construction Industry, April 2015

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

- “International Construction Arbitration From an Arbitrator’s Perspective”, *Dealing with Delay and Disruption*, Thompson Reuters, First Edition, 2020
- “Presenting Delay Evidence From an Arbitrator’s Perspective”, *Dispute Resolution Journal*, Vol 74, No. 3, 2020
- “Recommended Tools and Techniques for Effective Management of Arbitration Under ICC Arbitration Rules”, ICC Commission on Arbitration and ADR, Contributing Editor, 2018
- “After the Dust Settles-Exploring Common Causes and Cures of Mega-Project Failures”, Society of Construction Law, 8th Annual International Conference Proceedings, September 26-28, 2018.
- “The Art of Allocating Risk in an EPC Contract to Minimize Disputes”, *The Construction Lawyer*, Journal of the ABA Forum on Construction Law, Vol. 38, No. 4, Fall 2018
- “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

Personal Data:

Nationality: United States

Married

Age: 63