

# JOSEPH P. MCMAHON, P.E., J.D.

Manager of Collaborative Processes LLC, and Joseph P McMahon Jr LLC  
617 Steele St, Denver, Colorado 80206-3941; Tel. (303) 333 -1960; E-mail [joe@jpmcmahon.com](mailto:joe@jpmcmahon.com)

---

## PROFESSIONAL SUMMARY

Forty years' experience as a consultant in engineering, law, conflict resolution, public policy and development/civil society – working with federal, state and local governments, large and small businesses, universities and a wide variety of civil society organisations and not for profits.

## KEY ACCOMPLISHMENTS

- Leader in dispute resolution, frequent trainer and author of numerous articles on mediation, conflict resolution and the use of multistakeholder processes. Substantial prior litigation experience and now regularly appointed as arbitrator.
- Developed skills to:
  - Effectively assist parties in conflict to make key decisions about the challenges they face and design a path forward, and avoid decision errors.
  - Facilitate technical, scientific, policy and legal experts in distinguishing areas of agreement and, where applicable, disagreement.

## EMPLOYMENT

- Collaborative Processes LLC, 2003-present. Principal - facilitating environmental, water, intergovernmental, land use, policy, strategic planning matters and conflicts.
- Mediator, Settlement Counsel & Arbitrator, Joseph P McMahon Jr., LLC. 2001- present. Serving in commercial, natural resources, environmental, construction and business disputes.
- President, Inter-Mediation International (not for profit), 2005 to present. Assisting international development programs specializing in 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)
- Pilot, United States Air Force, 1966-1972.

## RELEVANT EXPERIENCE - FACILITATION

**Facilitation.** Joe has facilitated many different processes with varied stakeholders: businesses (banks, mining, oil & gas, construction, manufacturing, law, design, power, agricultural), government agencies (federal, state, county and municipal) and civil society organisations (NGOs, citizen task force/committees, environmental, development, advocacy, health care). These processes have involved resolving disputes, developing action plans, making strategic & tactical decisions and creating recommendations.

Example engagements:

- Helped reconnect four levels of government and move from no contact to productive communication and joint action planning

- Assisted a civil society organization in planning on how to sustainably function in a dynamic and contentious social environment where religious beliefs differ widely, yet operations require collaborative efforts

**Scientific, technical, policy and expert facilitation.** Frequently, Joe has facilitated specialty technical or scientific groups in processes designed to find areas of technical agreement and clarify any disagreements. Other processes included facilitation of policy or legal issues. In some instances, these efforts are part of a larger stakeholder facilitation or mediation. Example engagement:

- Facilitated a multi-year, multi-phase geotechnical process with experts nominated by several agencies, environmental NGO, community and a Superfund PRP to assist in the design of a mine site remediation program
- Geology and groundwater – facilitated sessions on the presence and effect of geology on potential flow of contaminated groundwater.
- Facilitated policy/social service experts over the creation of an Office of Public Guardianship
- Assisting experts concerning fracking and movement of underground fluids

**Facilitation of multistakeholder processes with a wide range of stakeholders.** Joe believes a facilitator can do much more than drafting agenda, working with flip charts/pens and drafting meeting summary notes. His goal is to work to meet your specific facilitation needs – no cookie cutter approaches. Experience in environmental, water, construction, commercial and organizational matters. In addition to work with businesses, local governments, state agencies and not for profits, Joe has worked with EPA, COE, DOI, FWS, USFS, USACE, Departments of Army and Navy. Example engagements:

- Co-facilitator, Department of Interior Task Force developing multisectoral partnerships in support of the *America's Great Outdoors* initiative, 2012.
- Conflict assessment and facilitator, among EPA, State of Ohio, local NGO, local Health Commission and PRP for remediation issues at a landfill/barrel fill site - Ohio, 2014-15.
- Facilitator to assist creation of Citizens Advisory Group: EPA, State of Colorado, and communities, 2011-2015.

## RELEVANT EXPERIENCE – MEDIATION/ARBITRATION

**Mediation.** Joe received his initial mediation training in 1991 at the Center For Mediation in Law, and since that time has devoted his principal energies to the field of conflict management and resolution. He has facilitated or mediated multi-party public, environmental, organizational, and commercial matters.

**Experience in legal related matters.** Joe served as legal counsel during the period of 1978 through 1998 working as a trial and appellate lawyer in matters at all levels of federal and state courts. He has conducted numerous mediations of matters pending in court, and has been an instructor in trial advocacy and ADR. His mediations have ranged from the breakup of small businesses to matters involving hundreds of millions of dollars. Joe continues to frequently serve as an arbitrator.

On more than seventy-five occasions, Joe has been appointed as an arbitrator or a court appointed evaluator/special master. As a trial lawyer, he assisted clients in a wide variety of water, natural resources and commercial cases in both state and federal trial courts, and in appeals in the Supreme Courts of Colorado and Montana, in the U.S. Supreme Court, and in the U.S. 10<sup>th</sup> and 3<sup>rd</sup> Circuit Courts of Appeal. Arbitration qualifications: Arbitrating commercial, resource, energy, natural resource matters since 1995; 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, Oil & Gas Panel, Large Complex Case Panel

## EDUCATION

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

## PUBLICATIONS

- "Thoughtfully Addressing Water Conflict," Colo. State University – *Colorado Water*, Vol. 31, Issue 5, Nov-Dec 2014.
- [\*Distinguishing "Evaluation" from "Prediction" in Commercial Mediation\*](#), ACResolution Magazine, Winter, 2014.
- *10 Considerations Before You File That Complaint*, May 2013, Denver Bar Assn., "The Docket."
- *Decision Errors in Settlement and Mediation*, The Colorado Lawyer, April 2013, Vol. 42, No. 4
- Contributing author to *Mediation, A Training and Resource Guide for the Mediator*, edited by B. Bullen, Trafford Publ., 2013
- Author, *Moving from Mediation to Multiparty Facilitative Processes*, 5th Annual Colorado Statewide ADR Conference, 2012
- *Who is the Boss? Behavioural Guidance for the Practitioner in Complex Capacity-Development Settings*, in Capacity Development in Practice, Earthscan, Washington, 2010.
- *Self-Assessment of a Multi-Stakeholder Collaborative Process*. Findings and Lessons from a Survey of a Consortium for the Enhanced Livelihoods in the Mendera Triangle (ELMT) and Enhanced Livelihoods in Southern Ethiopia (ELSE) Program 2007-2009. Consortium Survey Report (with A. Fowler) 2010.
- *Moving Mediation Back Toward Its Historic Roots*, The Colorado Lawyer, June 2008
- Contributing author, *Ensuring Successful Partnerships*, A Toolkit, InterAction, 2006
- *Troubling Trends – Focus on Counter-Terrorism Strategies*, Au Courant (Canadian Council for International Cooperation), Spring 2006, Vol 14, #1 (with A. Fowler)
- *Using Joint "Technical Teams" to Simplify Settlement Negotiations And Mediation*, The 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

## PROFESSIONAL AFFILIATIONS

- 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., Denver Panel of Distinguished Neutrals (Denver)
- Founding member, Inter-Mediation.org, a nonprofit promoting collaboration in international development programs.
- Member, Colorado Bar Association.
- American Arbitration Association: Panel of Arbitrators – Commercial, Construction Panel, Energy Panel and Large-Complex Panel