

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

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PROFESSIONAL SUMMARY

Forty five 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 organizations 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 organizations (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, BLM, USBR, 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.

Arbitration. Approximately 100 occasions, Joe has been appointed as an arbitrator. 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. 10th and 3rd 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

RELEVANT EXPERIENCE – WATER

Worked in a wide variety of water matters including:

- Long range water supply planning
- Aquifer and basin water management plans
- Conjunctive management
- Ground water protection
- Interstate water matters
- Water litigation
- Surface water hydrology
- Irrigation water usage
- Surface ground water disputes
- Ground water flow patterns.
- Design, construction and use of reservoirs
- River rehabilitation programs
- Urban drainage
- Water Conservancy Districts and their operations and management
- Water rights including appropriation, sale, transfer and usage

RELEVANT EXPERIENCE – MINING/RESOURCES/ENERGY

- Royalties (oil & gas, mining, NPI)
- Coal facilities design and construction
- Validity of claims
- Contract mining
- Private condemnation for mining
- Exploration and development
- Environmental compliance
- Minerals – gold, silver, moly, coal, talc and industrial use minerals
- Coal production, transportation and use
- Power plant operations
- Force majeure
- Geothermal exploration and development
- Compliance with transmission agreement
- Geothermal exploration delays and required reporting
- Court administered breakup of energy partnership
- Gas re-pricing contract clauses
- Pipeline transportation fees and accounting
- Coal fired generation
- Power Sales Agreements
- Power delivery point
- Coal supply disputes
- Coal repricing and equitable adjustments
- Refinery construction
- Coal royalties
- Mine plan and acquisition agreements

RELEVANT EXPERIENCE – ENVIRONMENTAL

- Superfund sites
- Endangered Species Act
- Clean Air Act
- Landfills and barrel fill sites
- RCRA
- Mine site/waste pile remediation
- Clean Water Act
- Mill site cleanup
- Groundwater monitoring
- Aquifer flow, declines and pollution
- Geohydrology, preferential pathways
- Slope stability, geoengineering
- Oil & gas drilling/aquifer affects
- Cleanup of former military sites
- River flow and hydrology disputes
- NEPA
- Growth management and environment
- Groundwater pollution
- Cost sharing among PRPs
- Barrel Fill Site remediation

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 to present