

Giovanni Ruscitti – ADR Services

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CORE FOCUS AREAS

Arbitration | Mediation

Arbitration

Giovanni brings nearly 30 years of experience to the arbitration process, having served as sole arbitrator and panel member in several hundred complex construction and commercial disputes, with matters ranging from \$10 million to over \$1 billion in dispute across more than 16 U.S. jurisdictions. He sits on the American Arbitration Association's (AAA) Mega Construction, Construction, Energy, and Complex Commercial Litigation Panels, and has presided over disputes spanning construction defects, delays, M&A, healthcare, energy, intellectual property, and corporate governance, among many other practice areas.

Mediation

Giovanni applies the same depth of transactional and litigation experience to his mediation practice, helping parties navigate complex, high-stakes disputes with a practical, solutions-oriented approach. Having spent decades as both lead counsel and a neutral on large-scale construction, commercial, and energy matters, including EPC and infrastructure projects valued at billions, he is uniquely positioned to facilitate productive dialogue, identify common ground, and guide parties toward efficient, effective resolution.

ADR Experience

Giovanni is a founding member of Berg Hill Greenleaf Ruscitti LLP, based in Boulder, Colorado. He presently serves as the firm's chairman and general counsel and maintains a robust transactional and litigation practice in the commercial and construction industries.

Giovanni also serves as a mediator and arbitrator for the American Arbitration Association on the commercial, employment, construction, and construction mega project panels.

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

Giovanni has completed hundreds of arbitrations as both sole arbitrator and panel member, spanning disputes from \$10M to \$1B, bringing deep experience across 16+ U.S. jurisdictions before the AAA, International Centre for



Dispute Resolution (ICDR), and other ADR entities. Notable matters include a high-profile breach of fiduciary duty with more than \$600 million at issue and a healthcare payor/provider dispute exceeding \$800 million, alongside numerous large-scale construction and commercial cases involving hundreds of millions in dispute.

AREAS OF EXPERTISE

Construction

Delays, disruptions, acceleration, defective design, differing site conditions, terminations, subcontractor defaults — across industrial, energy, defense, infrastructure, and mega projects.

Healthcare

Medicare/Medicaid, the Social Security Act, the Budget Control Act of 2011, medical necessity, and payor/provider disputes.

Intellectual Property

Copyright, licensing, and royalty disputes.

Cannabis

Construction, financing, and M&A.

M&A Disputes

Stock & asset purchase agreements, representations & warranties, indemnity, earnouts, purchase price adjustments, working capital, and fraud.

Energy & Natural Resources

Mining, oil & gas, renewable energy, resource feasibility, and project finance.

Commercial Disputes

Breach of contract, real estate, valuation, environmental, indemnity, fraud, consumer finance, corporate governance, trade secrets, and unfair competition.

Technology & Discovery

AI, electronically stored information (ESI), third-party pre-hearing discovery, and complex motion practice.

JURISDICTIONS

- Arizona
- Idaho
- New Jersey
- Tennessee

- California
- Illinois
- New York
- Texas
- Colorado
- Maine
- Oklahoma
- Utah
- Florida
- Nebraska
- Oregon
- Washington

FORUMS

- American Arbitration Association
- International Center for Dispute Resolution
- Other ADR entities

Legal Background

CONSTRUCTION

Substantial experience in representing owners, general contractors, subcontractors, suppliers, sureties, and insurers in complex construction disputes, including defect, delay, lost productivity, scheduling, breach, bid protest, OCI Mitigation plans, coverage and complex litigation, including airport, broadband/fiber optics, data centers, energy, highway, infrastructure, mining, oil & gas, solar, wind, office building, multi-use, and condo construction projects. Advises clients on policies and procedures, lessons learned, and contracting guidelines. Extensive experience in drafting EPC, Prime, Subcontract, Supplier and Framework Agreements.

COMPLEX COMMERCIAL LITIGATION & ARBITRATION

Extensive experience on complex domestic & international litigation and arbitration matters up to \$2.6B in dispute, including matters involving: cybersecurity; cryptocurrency; environmental law; fiduciary duty and corporate governance; healthcare; patents, trademark and copyright infringement, trade secrets, and unfair competition; cannabis; regulatory FTC; SEC; TCPA; FCPA; consumer protection; fraud; ERISA and withdrawal liability; financial transactions; corporate and consumer finance; real estate; and insurance disputes.

MERGERS & ACQUISITIONS (M&A)

Substantial experience with M&A transactions and disputes involving stock and asset purchase agreements, various merger types, reps and warranties, indemnity, purchase price adjustments, working capital issues.

MINING/OIL & GAS/ENERGY/POWER

Extensive experience representing producers, suppliers, developers, investors and contractors in mining, oil and gas, power and energy disputes, including master service agreements, contract mining, management, breach of contract, fraud, investment, finance, supply agreement, and royalty litigation.

Substantial experience in: acquisitions and divestitures of operating coal, oil, and gas, and energy properties and companies; negotiating and drafting purchase and sale documents; project finance; negotiating and documenting financing arrangements; and coal and energy supply agreements, including cost-plus, indexed and market-based pricing contracts.

CORPORATE/GOVERNANCE

Extensive experience in litigation involving: buy-sell and shareholder agreements; stock option plans, profit interests agreements, and equity and stock agreements; corporations/LLCs/JVs/partnerships, and business divorces; employment agreements; corporate governance, fiduciary duty, and covenants not to compete.

COMMERCIAL CONTRACTS/TRANSACTIONS/REAL ESTATE/BANKING

Substantial experience in as lead counsel in negotiating, structuring, drafting and enforcing various commercial agreements such as master services agreements, forbearance agreements, M&A (stock and asset purchase agreements, and various merger types in many industries), NDAs, financing agreements, professional service agreements, executive employment contracts, physician agreements, teaming agreements, development agreements, JV agreements, and franchise agreements. Advises clients on organizing business entities, structuring strategic alliances, structuring commercial and IP transactions, and creating and protecting IP rights. Substantial experience representing companies in connection with private placements, financing alternatives, including secured and unsecured credit facilities, and debt or equity offerings. Extensive experience in developing and implementing various exit strategies, including mergers, divestitures and succession planning, and has implemented various corporate restructurings, and re-capitalizations. Substantial experience in all aspects of real estate transactions (office, retail, mall, and mixed-use), including development, leasing, and transactions for regional and national parties.

PROJECT FINANCE

Substantial experience representing parties in large project finance construction projects.

Credentials & Affiliations

EDUCATION

- University of Denver College of Law (JD-1993)
- University of Colorado (MBA, Accounting-1993, BA, Economics-1989)

PROFESSIONAL LICENSES

- Admitted to the Bar: New York (2017), Colorado (1993)
- U.S. District Court: District of Nebraska, District of Colorado
- U.S. Court of Appeals, Tenth Circuit
- Federal Court of Claims

WORK HISTORY

- Chairman & General Counsel, Berg Hill Greenleaf Ruscitti, 2024-Present
- Managing Partner, Berg Hill Greenleaf & Ruscitti, LLP, 2016-2024
- Founding Partner, Berg Hill Greenleaf & Ruscitti, LLP, 2001-Present
- Special Counsel, Porzak Browning & Johnson, LLP, 1999-2001
- Special Counsel, The Hustead Law Firm, 1997-1999
- Associate, Popham Haik Schnobrich & Kaufman Ltd., 1993-1997

PROFESSIONAL ASSOCIATIONS & BOARDS

- Fellow, College of Commercial Arbitrators
- Member of AACE International
- American Bar Association (Torts and Insurance Section; Business Section; Litigation Section; IP Section)
- ABA Dispute Resolution Committee
- Colorado Bar Association
- New York Bar Association
- American Trial Lawyers Association
- DRI Complex Commercial Litigation and ADR Subcommittees; 2017-18 Chair of Publications
- DRI ADR Subcommittee Rocky Mountain Mining Association
- Colorado Mining Association
- Associated General Contractors of Colorado – Associate Counsel
- Associated General Contractors of Colorado – Legislative Committee
- Chair of the Boulder Economic Council
- Member of the Board of Directors of the Boulder Chamber of Commerce

HONORS & AWARDS

- BizWest – Most Influential Business Leaders in Colorado (2022; 2023)
- Best Lawyers (2020-present)
- 5280 Magazine Top Construction Lawyers and Hall of Fame
- BizWest – Top Arbitrator/Mediator

RECENT PUBLICATIONS & SPEAKING ENGAGEMENTS

Numerous presentations to senior management for corporate clients and organizations on a broad range of topics:

“Learning from Each Other: A Roundtable of Arbitrators Discussing Key Arbitration Issues” (College of Commercial Arbitrators Annual Meeting 2024 – San Diego)

“Arbitration Fundamentals and Best Practices for New AAA Arbitrators (Hawaii, 2024)

“Breakfast with General Counsel – What Keeps Them Up at Night in the Era of Emerging Technologies” (AAA Construction Conference, 2024 – Miami)

“Hot Topics for Arbitrators” (College of Commercial Arbitrators Annual Meeting, 2023 – Wash. DC)

“Builder’s BootCamp” – Best Practices for Construction Disputes (2023, Northern Colorado)

“The Best Defense is a Good Offense – Keys to Claims Prevention and Mitigation” (Construction SuperConference, 2023 – Miami)

“Anatomy of a Construction Arbitration” (AAA Case Manager Presentation, 2023)

“Breakfast with General Counsel – Collaborating to Minimize Risk from the Construction Team Perspective” (AAA Construction Conference, 2023 – Santa Monica)

“Breakfast with General Counsel – Clients’ Perspectives in Construction Arbitration” (AAA Construction Conference, 2022 – New York)

"Construction of Alternative Energy Projects: Global Challenges" (Construction SuperConference, 2022 – Las Vegas)

"Failure to Properly Consider Damages Could be Catastrophic for Your Construction Claim – From an Arbitration Perspective" (Construction SuperConference, 2021 – Orlando)

"Fireside Chat with General Counsel – Managing Construction Disputes Systematically" (AAA Construction Conference, 2021)

"Preparing for Virtual Arbitration Hearings: Tips and Best Practices for Counsel" (Presentation for AAA, 2021)

"Advocacy in Arbitration 2021: COVID and Beyond" (Presentation for Colorado Bar Association, 2021)

"Construction Industry Best Practices: Adapting to COVID-19," (2020)

"Customizing Mediation Techniques for Complex Construction Dispute and Avoiding the Mediator Shuffle" (Construction SuperConference, 2019 – Miami)

"Breakfast with General Counsel – Arbitration from the Client's Perspective" (Presentation for AAA, 2019 – Santa Monica)

"Complex AAA Construction Cases – Lessons Learned to Maximize Efficiency" (Presentation for AAA, 2018)

"Simplifying Your Case for Arbitrators and the Value of Formal Arbitration Rules and Administration" (Presentations for AAA, 2018)

"Managing Innovation – The General Counsel's and CEO's Perspective" (Presentation, 2018)

"Managing Risk in Construction Industry" (Presentation, 2018)

"Hot Topics in Construction Industry – 2018 and Beyond" (Presentation, 2018)

"Managing Project Risk – From Contract Negotiation to Dispute Resolution, and All Stages in Between" (Presentation, 2018)

"Defective Defect Laws" (Presentation and Paper, 2016)

"Restrictive Covenants in the Construction World" (Presentation and Paper, 2016)

"Flow-Down Provisions: A Case Study" (Presentation and Paper, 2016)

"Best Practices with UCC Warranties" (Presentation and Paper, 2016)

"Best Practices in Negotiating Environmental Reclamation and Remediation Contracts" (Paper, 2015)

"Issues in Project Finance" (Presentation and Paper, 2015)

"What to Do When a Good Project Goes Bad" (Presentation and Paper, 2014);

Contributing author and/or editor on BHGR articles relating to:

"Conflicting Interest Transaction," (2009)

"Buying or Selling a Business? Consider a Non-Compete Agreement," (2009)

"New Ruling in Non-Compete Agreements with Employees," (2009)

Construction Delays – Proving and Pricing Claims, 2003 (Presentation and Paper)

Liability of Surety for Loan to Principal from Estate, The Law of Probate Bonds, 2001 (ABA TIPS Section)

Good Faith and Fair Dealing – Rocky Mountain Handbook, 1997



Contributing author, "Law and Economics," ECONOMICS, Byrns and Stone, 5TH ed.

Contact

For immediate assistance and scheduling, contact Abigail Thompson at abigail.thompson@bhgrlaw.com

Please be prepared to provide your name or firm name, the involved parties, the time frame, your email, and your phone number.