

## EXPERTISE



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### Arbitrator and Mediator Curriculum Vitae

**Randall L. Erickson, Esq.**

#### **Current Employer/Title**

Crowell & Moring LLP  
Administrative Partner, Irvine Office  
Co-Chair, Firm Construction Practice Group  
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#### **Profession**

Administrative Partner and Construction Practice Group Co-Chair  
Advocate – Construction, Environmental, Government Contracts  
Mediator/Arbitrator – Construction, Commercial, Environmental, Government Contracts

#### **Education**

Duke University School of Law, Durham, North Carolina, Juris Doctor, 1971  
Research Editor, Duke Law Journal  
University of Wisconsin, Madison, Wisconsin, Bachelor of Science, English, 1965

#### **Military**

Infantry Platoon and Company Commander, United States Marine Corps (1965-1968), decorated for combat action in Vietnam. Retired Lieutenant Colonel USMCR.

#### **Work History**

Law Clerk, Honorable O.D. Hamlin, U.S. Court of Appeals, Ninth Circuit, 1971-1972  
Thelen, Marrin, Johnson & Bridges, 1971-1992; Managing Partner,  
Orange County Office, 1980 - 1992

#### **Professional Licenses**

Licensed to practice in California, Wisconsin and various Federal Courts

#### **Awards and Honors**

Who's Who Legal, The International Who's Who of Business Lawyers 2005  
AGC of California, Associate Achievement Award, 1998

#### **Experience**

Successfully mediated over 30 disputes

## **Representative Cases Handled as Arbitrator**

In 2008, served for 10 weeks in Las Vegas, Nevada on a three member arbitration panel hearing a dispute between Clark County and A.F. Construction/Fireman's Fund. The dispute concerned the construction of the Clark County Regional Justice Center, a project that was completed 4 years late and tens of millions of dollars over budget. The Panel issued a 195 page, \$52M reasoned award to the contractor and its bonding company.

Several disputes between Clark County, Nevada (Las Vegas) and various contractors concerning the design and construction of three expansions of McCarran Airport, a highway bypass, a flood control channel, a detention center and a Criminal Justice center

Myriad arbitrations between several different residential home builders and purchasers/homeowners associations for said developments

Dispute between a large international contractor and a private developer of an alternative energy site in the Salton Sea

Dispute between the structural steel erector and its fabricator for the San Diego Padres Ballpark, PETCO facility

Claim by contractor for delay and excess costs associated with the construction of a river boat gambling casino along the Missouri River in Council Bluffs, Iowa

Claim by a developer against a maritime contractor in connection with the expansion of a marina at Lake Arrowhead, CA

Several claims by the franchisor of several retail stores against the contractor for delay and cost overruns

Claims by the lender for negligent construction against the EPC contractor on two fossil fuel facilities

## **Representative Cases Handled as Mediator**

Two matters referenced with the parties' permission

### **County of San Bernardino, et. Al. v. Arlon Shreve, et al.**

This was a complex mediation lasting over two years. Sixty contractors and/or truckers had, for some time, been dumping road construction detritus at an unpermitted site without incident until they also began to dump organics, which ultimately caught fire. The resultant smoke cloud necessitated the closure of the Cajon Pass. The County of San Bernardino was the lead agency pursuing the landowner and the sixty defendants. Also involved were the Office of the Attorney General, U.S. Army Corps of Engineers, Air Quality Management District, California Regional Water Quality Control Board, California Integrated Waste Management Board, San Bernardino County Flood Control, U.S. Fish & Wildlife Service, San Bernardino Environmental Health Service, San Bernardino Fire Department, and the California Department of Fish and Game. Negotiations were extremely complicated due to the fact that several of these agencies had their own competing agenda, which involved mini-mediations on those issues.

### **Valley Engineering v. City of Vernon**

This dispute involved a claim by a contractor for delay and extra costs. The City cross-complained under the California False Claims Act. The case was high profile (see attached article). When the city audited the contractor's books, it learned that, not only had the contractor not overcharged, it had actually billed the City for less than it had earned. The City then asserted the novel concept that the claim was, nevertheless, false.

Three Franchise/Franchisee disputes involving a large national franchisor

Construction dispute involving claims for delay and disruption in construction of a 150 mile pipeline

Construction dispute for residential defect regarding concrete/sulphate reaction issue

Real Estate Transaction dispute regarding interpretation of real estate conveyance documents and related disclosure issues

Construction defect dispute regarding claim for extra costs and cross-complaint for construction defect in a large housing tract

Insurance Coverage dispute involving construction of luxury condominiums

Dispute involving alleged defects in roadway construction which involved interpretation of certain CALTRANS specifications

Construction dispute regarding claim for environmental remediation of a Brownfield's site

Construction dispute regarding delay and extra cost claims in freeway construction in San Diego

Construction dispute regarding sufficiency and timeliness of owner furnished mechanical equipment

Construction dispute regarding claim for delay and disruption in airport construction

Construction dispute regarding construction of professional hockey arena in Nashville, Tennessee

Construction dispute regarding claim for alleged defects in specialty garage doors in a 100 unit condominium complex

Dispute with Municipality regarding a developer's entitlements for construction of a high rise office building

Breach of Contract dispute regarding scope of work on a sports park complex

Construction dispute regarding delays and cross-claim for defects regarding construction of a church

Dispute among joint venturers concerning their respective rights and obligations

*vis-à-vis* a mixed use development

Dispute regarding interpretation of land sales contract

Engineering specification dispute regarding a manufacturing plant

Dispute regarding swimming pool construction

Dispute regarding residential construction claim for extra costs associated with ground water contamination

Dispute regarding golf course construction

Dispute regarding land development issues in mixed use project

Construction dispute regarding claims for delay, acceleration and extra costs with cross claim for defective construction of a large hospital complex

#### **Alternative Dispute Resolution Related Training**

- ABA Forum on the Construction Industry Annual Meeting, May 2006
- Dispute Resolution Board Foundation - The 2006 DRB Administration & Practice Workshops Administered in Conjunction with Caltrans, April 2006
- American Arbitration Association - Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, November 2005

- American Arbitration Association Neutrals Conference, October 2004
- ABA, Forum on the Construction Industry, January 2004
- Andrews Conferences, Inc., The Construction Superconference, December 2004
- Andrews Conferences, Inc., The Construction Superconference, December 2003
- Andrews Conferences, Inc., The Construction Superconference, December 2002
- Andrews Conferences, Inc., Superconference, December 2002
- AAA, Arbitrator II Workshop, November, 2002
- AGC, Legal Advisory Report, September 2002
- ABA, Forum on Construction Industry, January 2001
- State Bar of California, Urban Storm Water Mitigation, October, 2000
- AAA, Mediator Conference, September 2000
- State Bar of California, Environmental Law Conference, October 1999
- AAA, Mediation Week Conference, March 1999
  - OCBA, Accounting Issues for the Construction Law Practitioner, February 1999
- Paul, Hastings, Janofsky & Walker LLP, The Big Ones: Pursuing and Resisting Large Damage Verdicts, California, February 1999
- AGC, Construction Claims Evaluation and Resolution, California, January 1999 Andrews Conferences, Inc., The Construction Superconference, and December 1998 San Diego Mediation Center, Legal Update: The New California Mediation Law, California, and February 1998
- AAA, ADR 1997 Case Law/Statute Developments, California, January 1998 AAA, Case Law & Statutes re: Arbitration, California, January 1998
- AGC, Update & Changes in Form A201, December 1997
- AAA, Advanced Mediation Construction Workshop, December 1997 OCBA, 7<sup>th</sup> Annual Construction Law Symposium, November, 1997
- State Bar of California, 1997
- Environmental Law Institute, October 1997;
- AGC, Fourteenth Annual Legal Retreat, September 1997
- AAA Construction Industry Arbitrator Training Workshop, May 1997
- AAA Orange County Symposium; AGC, Attempting to Compel Surety to Arbitration Construction Disputes, March 1997
- AAA Large Complex Case Program, Summer Conference, July 1995

### **Professional Associations**

American Bar Association  
 Past Vice-Chairman of the Construction Claims Division of the Public Contract Law Section  
 Commercial Banking and Litigation Sections

Federal Bar Association, Orange County Chapter  
 Former Board of Directors Member

Orange County Bar Association  
 Construction Law Section  
 Business Litigation Section

American Arbitration Association  
 Mediator/Arbitrator, Lecturer  
 Member of California Advisory Committee  
 Large and Complex Case Project

Dispute Resolution Board Foundation  
 Member

Associated General Contractors of California  
Legal Advisory Committee (Past Chairman)  
Legislative Committee  
Joint Engineering Committee  
AGC Legal Seminar, Chairman 1992  
Orange County Board of Directors of AGC  
  
Association of Business Trial Lawyers  
Orange County Chapter, Founding Member  
  
Continuing Education of the Bar  
Lecturer  
  
Commodities Future Trading Association  
Arbitrator