

biography

Randall Erickson



Randall L. Erickson
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- Practice Areas
- Alternative Dispute Resolution
 - Construction
 - Environment & Natural Resources

Randall L. Erickson is a senior partner in the Irvine office of Crowell & Moring and chair of the firm's Construction group. He has over 30 years' experience in the construction industry, specializing in construction claims and construction defect disputes, public contracts and bid disputes, labor law issues, real estate development, and related environment concerns. He has represented clients in arbitrations, trials and mediations. In addition to his extensive experience as an advocate, Mr. Erickson has served as an arbitrator, mediator, and expert witness. He currently serves on the Large and Complex Case panel at the American Arbitration Association, is a Public Works Contract certified arbitrator, and a Dispute Resolution Board Foundation member. He has been actively involved in a variety of environmental remediation disputes.

Mr. Erickson is a graduate of the University of Wisconsin at Madison, and Duke University School of Law, where he served as research editor of the *Duke Law Journal*. He served as a law clerk to The Honorable O.D. Hamlin on the United States Court of Appeal, Ninth Circuit.

He served as an Infantry Platoon Commander in the United States Marine Corps and has been decorated for combat action.

Mr. Erickson is on the Federal Bar Association of Orange County's Board of Directors. In 1998, he served as an Officer for and in 1995 was the Chairman of the Legal Advisory Committee for the Associated General Contractors ("AGC") of California. He was a member of the Legislative Committee of the AGC, former Vice-Chairman of the Construction Claims Division of the Public Contract Law Section, a member of the Forum on the Construction Industry of the American Bar Association and member of the Association of Trial Lawyers of America.

Mr. Erickson is an expert in the unique legal issues contractors, owners and design professionals face in environmental remediation projects. He has lectured and written numerous articles on construction claims, contracting, and related environmental remediation issues. He has authored two books: *Environmental Law Considerations in Construction Projects*, *Environmental Remediation Contracting*, and co-author of *Environmental Reports and Remediation Plans: Forensic and Legal Review*, and myriad monographs.

Representative Engagements as an Advocate

- Handled negotiation and litigation of residential and commercial Land Sales Contracts and Infrastructure Contracts.
- Handled applications for: Conditional Use Permits, Zone Changes, Tract Maps, Lot Tie Agreements, Hospital
- Certificates of Need, and formation of Landscape Maintenance Districts.
- Negotiated and litigated Tenant Improvement Contracts.
- Handled both judicial and non-judicial real estate foreclosures.
- Handled both residential and commercial eviction matters.
- Defended class action litigation concerning representations in residential sales literature.
- Negotiated office leases.
- Representation of a wind power facility in a dispute against a Fortune 50 company concerning contractual performance of constructing a 26-mile long transmission line and 5 substations. After several months of hearings, the award was to the C&M client.
- Representation of owner in series of disputes regarding construction of five cogeneration facilities throughout the United States.
- Arbitration between a construction company and a law firm concerning the opulent tenant improvements in the firm's Los Angeles office. After a hearing, the award to our client included \$1 million in attorney's fees.
- Representation of a land development company in a dispute with a federal agency.
- Arbitration between two development companies. The award to client included \$250,000 in attorney's fees.
- Representation of a power provider in a claim against a technology engineering service provider. The matter settled favorably to the client after Mr. Erickson put on the case in chief and cross examined one of the other party's witnesses.
- Representation of a contractor who built an intensive care unit for a US pharmaceutical and medical services company.

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- Representation of a construction company in a dispute with developers concerning the rehabilitation of a power plant.
- Representation of a steel and tubing company against a mass grading and site preparation contractor in a dispute concerning alleged deficiencies in pipe and material used in construction of a dam and reservoir.
- Representation of the construction of a nuclear power plant in connection with a dispute between it, a combination natural gas and electric utility, and a nuclear electric fuel provider concerning a nuclear generating station. Mr. Erickson handled the case with co-counsel.
- Representation of international construction company in myriad of highway construction claims.
- Representation of contractor in a series of disputes concerning construction of sewage lines in San Diego.
- Representation of major hotel chain in dispute with contractor
- Representation of largest private land owner in the United States against contractor and various public agencies in litigation concerning a flood control channel construction.

Representative Service as an Arbitrator

- Served on a three member panel involving a construction dispute in Las Vegas with a final award of \$52.6 million.
- Served on a three member panel in a dispute involving the structural steel fabrication at San Diego Petco Ballpark.
- Serves in an ongoing capacity on a panel of three arbitrators concerning various disputes involving construction in Las Vegas, Nevada. Three disputes concerned work on the expansion of the McCarran International Airport; two others involve the construction of a Detention Center and Criminal Justice Center. Mr. Erickson has served on this panel for the past ten years.
- Served as a party arbitrator on a dispute concerning the construction of a riverboat gambling casino on the Missouri River.
- Served as a single arbitrator in a dispute between a construction company and a city in San Diego County in a matter involving the widening of several streets.
- Served as a single arbitrator in a dispute concerning the expansion and upgrading of a marina on Lake Arrowhead.
- Served as a sole arbitrator in two separate disputes between a landlord and prominent local law firms.
- Served as the sole arbitrator in approximately eight different disputes between contractors and small local developers in arbitrations lasting less than 5 days.

Significant 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 caught fire. The resultant smoke cloud necessitated the closure of the Cajon Pass. (See attached Article) 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 agendas, 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.

Additional Representative Cases Handled as Mediator

- Alleged inefficiencies, mismanagement and delays dispute involving the construction of a high school and two middle schools.
- Three Franchise/Franchisee disputes involving a large national fast food franchisor.
- Construction dispute involving claims for delay and disruption in construction of a 150 mile fuel pipeline.
- Construction dispute for residential defects regarding concrete/sulphate reaction issue.
- Real Estate Transaction dispute regarding interpretation of conveyance documents and related disclosure issues.
- Construction defect dispute regarding claim for extra costs and cross-complaint for construction defect subsidence in a large

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- housing tract.
- Insurance Coverage dispute involving construction of luxury condominiums in Long Beach.
 - 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 in a hotel.
 - 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 on agricultural site for planned winery.
 - Engineering specification dispute regarding a chemical manufacturing plant.
 - Dispute regarding swimming pool construction.
 - • Dispute regarding residential construction claim for extra cost associated with ground water contamination on condominium site.
 - 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.

Recent Public Presentations

- "Navigating Success Through ADR," 2007 Construction Superconference and 2008 CalTrans Contract Law Workshop
- Electronic Discovery and Litigation Readiness: Litigating Under the New Federal Rules, The Construction Superconference, Vendome

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Group, San Francisco, California, December 2006 [[Click for presentation](#)]

- The Construction Manager at Risk by Contract or Conduct, The Construction Superconference, Andrews Conferences, December 2005.
- ABA Fundamentals Conference – Fundamentals of Construction Law, November 2005
- ABA Fundamentals Conference – Fundamentals of Construction Law 2004
- ABA Fundamentals Conference – Fundamentals of Construction Law 2003
- ABA Fundamentals Conference – Fundamentals of Construction Law 2002
- E-Contracting for Bricks and Mortar: New Challenges, Risks, and Opportunities for Public Works in the Cyber-Era, The Construction Superconference, Andrews Conferences, San Francisco, California, December 13-14, 2001

Awards and Honors

- Orange County's Top 50 Lawyers, 2008
- Who's Who Legal, The International Who's Who of Business Lawyers, 2005-2006
- California Super Lawyer, Los Angeles Magazine, 2006-2010
- Who's Who Legal, The International Who's Who of Business Lawyers, 2005
- AGC of California, Associate Achievement Award, 1998

Education

University of Wisconsin, B.S., 1965

Duke University School of Law, J.D., 1971

Affiliations

Admitted to practice: California, Wisconsin

Publications

"Tactics and Strategies for Mediating the Multi-Party Complex Construction Case," *Orange County Lawyer*, Vol. 52, No. 3 (March 2010).
Author: Randall L. Erickson.

"Mediation of Construction (and other) Disputes: A Laundry List for Litigants and Advocates," *California Constructor*, Vol. 37, No. 3 (March 2007). Author: Randall L. Erickson.

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"E-Discovery: Implications for the Construction Industry," *California Constructor*, Vol. 36, No. 12 (December 2006). Co-Authors: Randall L. Erickson, Theresa C. Lopez and Julie A. Harris.

"The Construction Manager At Risk: By Contract And By Conduct," (November 2005). Co-Authors: Randall L. Erickson, Stuart J. Einbinder and Deborah E. Arbabi.

"Summary of Recent Developments in California Construction Law," (Fall 2001). Author: Randall L. Erickson.

"State Bid Protests," (Fall 2001). Author: Randall L. Erickson.

"Common Ground - Mediation Blends Science, Skill and Compromise to Reach a Consensus in Environmental Disputes," *Environmental Protection* (October 2000). Author: Randall L. Erickson.

"EPA's Administrative Enforcement: Where The Action Is," *Crowell & Moring Toxic Torts & Environmental Litigation Newsletter* (Spring 2000). Co-Author: Ridgway M. Hall, Jr.

"Tort Claims Act for Contract Claims," *AGC California Constructor* (June 1998). Co-Authors: Randall L. Erickson and Donald Bradley.

"Environmental Reports and Remediation Plans," Wiley Publications (November 1994). Author: Randall L. Erickson.

"Changes Resulting from Ambiguous Specifications," *Changes Resulting from Ambiguous Specifications*, Wiley Publications (Fall 1993). Author: Randall L. Erickson.

"Environmental Remediation Contracting," Wiley Publications (October 1992). Author: Randall L. Erickson. October 1992

"Mechanic's Lien Actions; New Statutory Amendments and Future Trends," *Los Angeles Lawyer* (February 1992). Author: Randall L. Erickson.

"Recovery for Extra Work," *Los Angeles Lawyer* (January 1991). Co-Author: Randall L. Erickson.

"Choosing a Contracting Format," *Wiley Construction Law Update* (1991). Co-Author: Randall L. Erickson.

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Speeches & Presentations

"Mechanic's Liens," Associated General Contractors Fall Conference (October 29-30, 2009). Co-Presenters: Randall L. Erickson, Theresa C. Lopez, and Rosemary K. Carson.

"Rewards and Risks to Green Building Construction," Associated General Contractors Annual Legal Retreat (October 23-25, 2009). Co-presenters: Randall L. Erickson, Rosemary K. Carson and Bernadette M. Stafford.

"Green Building Construction: Rewards, Rules and Risks," The 24th Annual Construction Superconference (December 2009). Moderator: Randall L. Erickson; Presenters: Rosemary K. Carson, Bernadette M. Stafford and Thomas A. Kruza.

"The 10 Things You Must Do in Complex Arbitration," Orange County Business Litigation Section Meeting (June 2009). Presenter: Randall L. Erickson.

["California Wage and Hour Issues: What You Don't Know Will Cost You," The Construction Superconference](#) (December 2008). Moderator: Randall L. Erickson; Panelists: Kendra D. Miller, Theresa C. Lopez and Rosemary K. Carson.

"Constructing Success Through ADR," Andrews Superconference (2007). Moderator: Randall L. Erickson.

["Electronic Discovery and Litigation Readiness: Litigating Under the New Federal Rules," The Construction Superconference, Vendome Group - San Francisco, California](#) (December 7-8, 2006). Co-Presenters: Randall L. Erickson, Stuart J. Einbinder, Christine Cwiertny and Christopher Wall (*Kroll Ontrack*).

"Forum on Construction: Fundamentals of Construction Law," American Bar Association (November 2004). Speaker: Randall L. Erickson.

["There's A Fungus Among Us: The Current Epidemic of Toxic Mold Litigation," Construction Users Roundtable Quarterly Member Meeting, Houston, Texas](#) (September 9, 2003). Presenters: Randall L. Erickson and Theresa C. Lopez.

["How to Effectively Mitigate Claims and Resolve Disputes," Construction Users Roundtable 2002 National Conference, Tucson, Arizona](#) (2002). Speaker: Randall L. Erickson.

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["ADR Update: Changes in Arbitration Laws and Arbitration Organizations and Mediation Tips," AGC of California Legal Retreat, Carmel, California](#) (2002). Speaker: Randall L. Erickson.

"Mediation of an Illegal Dumping Case," California Integrated Waste Management Board, Tahoe City, California (2001). Speaker: Randall L. Erickson.

"Hot Topics: Public Work Contracts and Public Entity Law," Orange County Bar Association – Construction Law Section, Irvine, California (2001). Speaker: Randall L. Erickson.

"Construction Contracting in the 21st Century," Crowell & Moring LLP, Newport Beach, California (2001). Speaker: Randall L. Erickson.

"Construction Contracting for Public Entities in California," Lorman Education Services, Santa Monica, California (1999). Speaker: Randall L. Erickson.

"2000 & Beyond Construction Industry Update," Hard Hat Seminars, Irvine, California (1999). Speaker: Randall L. Erickson.

"Construction Law in the 21st Century - What Will the Future Hold For the Practitioner," The Seventh Annual Construction Law Symposium, Orange County Bar Association – Construction Law Section, Costa Mesa, California (1997). Speaker: Randall L. Erickson.

"New Developments in Managing Construction Claims and Environmental Risks," High-Point Rendel, Irvine, California (October 26, 1995). Speaker: Randall L. Erickson.

"Environmental Considerations," Law Seminars International, San Francisco, California (September 28-29, 1995). Speaker: Randall L. Erickson.

"Environmental Implications in Construction," Orange County Bar Association — Construction Law Section, Orange California (June 15, 1995). Speaker: Randall L. Erickson.

"The Construction Superconference," Andrews Conferences, Inc., San Francisco, California (November 10-12, 1994). Speaker: Randall L. Erickson.

"Construction Law Symposium," Orange County Bar Association —

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Construction Law Section, Newport Beach, California (December 7, 1993).
Speaker: Randall L. Erickson.

"Construction Performance Problems," Andrews Construction Superconference New York and San Francisco; The Real Property Law Section of The State Bar of California, 11th Annual Retreat (April 24-26, 1992). Speaker: Randall L. Erickson.

"Alternative Dispute Resolution: A Hindrance or Help?," Associated General Contractors of California (February 1991). Speaker: Randall L. Erickson.

"Effective Construction Contracting," Institute for International Research, Chicago, Illinois and Newport Beach, California (June 1990). Speaker: Randall L. Erickson.