

Ernest Brown ADR | Alternative Dispute Resolution

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Ernest C. Brown, Esq., P.E. Mediator & Arbitrator

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE Mr. Brown is a highly effective Mediator, Arbitrator, and Special Master with more than 30 years of litigation and alternative dispute resolution experience. He has resolved more than 2,500 disputes in construction, public works, real estate, business, partnerships, Uniform Commercial Code, toxic torts, technology, insurance coverage, aviation, and manufacturing.



Mr. Brown is on the American Arbitration Association's National Roster of Arbitrators and Mediators and acts as an Arbitrator for the State of California Office of Administrative Hearings. He is also a Hearing Office for the California State Contractor's License Board and a Judicial Referee and Judicial Arbitrator for the California Superior Courts.

Mr. Brown has been a panelist on the National Construction Panel for the American Arbitration Association since 1982 and an American Arbitration Association Large

Complex Case panelist since 1993. As a panelist for the National Construction Panel, he has mediated more than 600 construction cases on matters ranging up to \$100 Million.

PRACTICE AREAS

Aviation

Business & Commercial

Construction

Energy & Environmental

Engineering & Manufacturing

Toxic Torts

Government Contracts & Public Works

Insurance Coverage

International Law

Real Estate

Science & Technology

Personal Injury & Wrongful Death

REPRESENTATIVE PARTIES

Kiewit Corp.	CB&I
Fluor Corp.	CH2M Hill
Flatiron Construction Corp.	Lend Lease
Department of Water Resources	California Department of Transportation
PCL Construction Enterprises, Inc.	City of Loyaltan
DPR Construction	Mountain States Steel
Swinerton, Inc.	RM Harris
Webcor Builders	Diversified Concrete Cutting, Inc.
ECC	Security Paving Company, Inc.
Teichert Construction	El Camino Community College District
Solano Beach	Federal Mogul Asbestos Settlement Trust
Alaska Air National Guard	Granite Construction
Sukut	Walsh Construction Company
Chromolloy Corporation	Strabag
Clark Group	Shimmick Construction Company
Balfour Beatty US	

PROJECT COUNSEL AND LITIGATION EXPERIENCE Mr. Brown has advised on more than \$10 billion in US and International construction projects. He has also been Chief Trial Counsel in global construction disputes such as the Central Arizona Project Pipeline failure (\$146 million, Defense Verdict) and the June 9, 1985, Southern California Edison Powerplant Disaster (\$250 million in property damage and six deaths; minimal settlement for his client).

Mr. Brown has thirty years of experience advising Owners, Builders and Architect/Engineers in major United States and International construction projects, including "megaproject" contract drafting and negotiation, claim development and analysis, crisis management, dispute resolution, environmental and OSHA compliance, project audits and ADR resolution of major claims ranging from \$250,000 to \$250 million.

Mr. Brown has acted as lead trial counsel representing major clients such as airport, casinos, sports arena, power plants, pipelines, transit systems, refinery, roadways and bridges, schools and universities, high technology, industrial, and treatment plants.

He has created and contributed to legal resources for the California State Bar, county Bar Associations, American Arbitration Association, Associated General Contractors, American Society of Civil Engineers, and the National Society of Professional Engineers.

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REPRESENTATIVE PROJECTS

[Presidio Parkway, Doyle Drive P3 Project - San Francisco](#)

Project Counsel for the Design-Build Joint Venture on the \$1.2 billion project that serves as the new gateway to San Francisco.

[Oakland Airport Connector \(BART\)](#)

Project Counsel to the Oakland Airport Connector Project, a \$450 million design-build transit system.

[John Wayne Airport](#)

Project Counsel for the County of Orange for the John Wayne Airport Project, including the design and construction of the new \$340 million airport.

[Central Arizona Siphons](#)

Lead trial counsel in litigation and defense verdict in a \$146 million pipeline claim in Arizona.

[Alfred-Zampa Memorial Bridge in California](#)

Project Counsel for the Construction Joint Venture on the \$340 million Alfred-Zampa Memorial Bridge project.

[San Diego Sprinter Light Rail](#)

Litigation Counsel for the light rail project contractor in the prosecution and settlement of \$26 million delay and extra work claims.

[Crystal Springs Pipeline - California](#)

Lead defense counsel in litigation and settlement of \$43 million pipeline claim involving the City of San Francisco.

[Coal Storage Silos - Casper, WY](#)

Litigation Counsel to EPC Contractor in defects claim regarding concrete silo structures in Wyoming.

[Anaheim Ducks Arena](#)

Project Counsel for the design and construction of the Anaheim Arena.

[Van Ness Improvement Project](#)

Project Counsel for the \$135 million upgrade to the Van Ness Corridor in San Francisco

[Tri-Valley Water Plant in New Jersey](#)

Special Counsel for a Hudson River Wastewater Treatment Utility on a \$40 million construction claim.

[Laughlin, Nevada SCE Power Plant Explosion](#)

Lead trial counsel for the general contractor defending \$250 million in claims associated with the Southern California Edison - Laughlin, Nevada - Power Plant Explosion.

[Nuclear Power Plant Project in Wisconsin](#)

Representation of EPC contractor in nuclear power plant project.

[Manufacturer Defects Litigation](#)

Served as lead counsel in claim against wire manufacturer for defective pre-stressing wire and various related insurance coverage and bankruptcy matters (1996).

[Ethanol Plant Construction Dispute](#)

Representation of ethanol plant owner in construction dispute in Iowa.

[Dam Project in New Mexico](#)

Investigation of uranium tailings dam failure project in New Mexico.

[Arbitrator for Utilities Claim in Nevada](#)

Chairman and Arbitrator on a public utilities claim for costs associated with a coal gasification power plant claim against various engineering firms.

[Reno International Airport Construction Work](#)

Special Counsel for Reno International Airport on contracts development for runway extension and airside and landside facility expansion efforts.

[Arbitrator for Casino Construction Claims Action](#)

Chairman and Arbitrator for a casino's claim against designers and builders of the facility for project delay, code violations, and project abandonment.

INTERNATIONAL PROJECTS While at Fluor Corporation, one of the world's largest engineering and project management companies, he advised large and complex international projects. These included the Saudi Petrochemical Project (\$3.4 billion), the PERTAMINA Oil Refinery in Cilacap, Indonesia, the Kemya Project in Saudi Arabia, and several projects in Alaska, Chile, Canada, and the UAE.

WORK HISTORY

- Arbitrator and Mediator, Ernest Brown & Company, January 2016-Present
- Special Counsel, Smith Currie & Hancock, January 2016-March 2016
- Managing Principal, Smith Currie & Hancock, LLP, 2011-2015
- Ernest Brown & Company, 1989-2011 (merger of firms)
- Senior Vice President and Executive Consultant, Hill International (NYSE: HINT), 2000-2002
- Partner, Stradling, Yocca Carlson & Rauth, 1986-1989
- Partner, Natkin Weisbach & Brown, 1984-1986
- Corporate Counsel, Fluor Daniel, 1981-1984
- Litigation Attorney, Bronson, Bronson & McKinnon, 1978-1981
- Civil Engineer, Dames & Moore, 1975-1978

EDUCATION

- Massachusetts Institute of Technology, B.S., Civil and Environmental Engineering, 1975
- University of California at Berkeley, J.D., 1978; MSCE, Project Management, 1978
- Harvard Law School, Graduate Study in International Law

AWARDS & HONORS

- Founder and Leader, Orange County Bar Association, Pro Bono Committee for Desert Storm, Probono Law Clinic (1990-91) assisted 187 soldiers, sailors and their families
- USMC - USMAS El Toro Community Service Award
- American Jurisprudence Award, Boalt Hall, 1978
- Harmon Writing Prize, Boalt Hall, 1978
- Karl Taylor Compton Prize, MIT Community Service Award, 1975

PROFESSIONAL LICENSES

- Admitted to the Bar, California, 1978
- Registered Civil Engineer, California, 1980

SPEAKING ENGAGEMENTS & SEMINARS

[Legal Aspects of Modular Construction in the Health Care Industry - November 15, 2015 - Washington, DC](#)

[Drones in Construction, AGC California Conference - October 22, 2015 - Rancho Mirage, CA](#)

[Webinar - The "Eyes" Have It Optimizing Your Use of Demonstrative Evidence in Arbitration - October 6, 2015](#)

[Presentation at Nevada American Planning Association Conference - September 13, 2015 - Reno, NV](#)

AGC Legal Advisory Committee - "Drones in the Construction Industry - FAA & Local Regulation" - May 19, 2015

[AGC Federal Contractors Conference Presentation - FAA Rule Impact on Construction - May 14, 2015 - Washington, DC](#)

[AAA Construction Conference "Role of Experts in Arbitration" - March 27, 2015 - Santa Monica, CA](#)

SCH Annual Seminar "Design Build Risks and Strategies" - February 26-27, 2015 - Atlanta, GA

[Construction Superconference - "Unsolicited Proposals for P3 Projects" - December 2, 2014 - Las Vegas, NV](#)

[ABA Forum Committee on Construction Law - "Contractor Strategies for Success" - October 16-17, 2014 - Chicago, IL](#)

[Moderator, Construction & Development Summit - Los Angeles, CA - April 24, 2014](#)

[Workshop on Financing and Constructing P3 Projects - March 12, 2014 - Seattle, WA](#)

[AGC National Convention - "P3 Project Development" - March 4, 2014 - Las Vegas, NV](#)

[December 12, 2013 - Construction Superconference - San Francisco, CA](#)

[November 6, 2013 - Florida P3 Workshop](#)

[October 4, 2013 - SCH Attorneys Keynote Speakers at DBIA Regional Conference](#)

[August 8, 2013 - Construction ADR Tools in the Field](#)

[March 8, 2013 - SCH Presentation at AGC National Convention](#)

[February 21-22, 2013 - SCH Construction Law Update Conference 2013, Atlanta, GA](#)

[December 13, 2012 - ConsensusDocs Program at Construction Superconference 2012](#)

[November 15, 2012 - 3rd Annual Federal Construction Law Update Seminar](#)

[November 1, 2012 - Best Practices for Contracting with the Federal Government](#)

[June 14, 2012 - SCH Presentation at Harris Martin IP Conference](#)

PUBLICATIONS

- *California Infrastructure Projects: Successful Contracting and Dispute Resolution*, Recorder Books, (2015).
- *A Practical Guide to Public-Private Partnerships*, Publisher Design Group, Inc. (2015).
- CEB's *California Public Contract Law* handbook.
- Editor, *Construction Contracts and Disputes* Continuing Education of the Bar.
- Co-author, Federal Publications and Cambridge Institute course manuals on architect-engineer malpractice.
- *California Public Works: Contracts & Litigation* (1999).
- *Architect/Engineer Malpractice*, Federal Publications, (1980).
- "What Lawyers Must Know About Asbestos," ABA Journal, Nov. (1987).
- "Architect/Engineer Liability Under California Law", Cambridge Institute (1992).

ADR TRAINING

- Faculty, AAA Construction Conference – Keeping Arbitration Lean, 2015
- AAA Advanced Mediator Training, 2009
- AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2007
- AAA Dealing With Delay Tactics in Arbitration (ACE004), 2005
- Faculty, San Francisco Bar Association, Construction Mediation, 2005
- AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2004
- Faculty, State Bar of California, Construction Mediation, 2004
- AAA Construction Arbitrator II Training: Advanced Case Management Issues, 2002
- AAA Arbitrator Update 2001
- AAA Construction Industry Arbitrator Training, 199;
- AAA Mediation Training, 1996
- Various other ADR training.

TEACHING

- Adjunct Faculty, Construction Law, University of California Extension (1979 - 2015)
- Adjunct Faculty, Construction Law, UCI Extension (1983-84)
- Adjunct Faculty, Construction Law, Cal Poly Pomona (1981-82)
- Adjunct Faculty, Construction Law, School of Architecture, University of California (1979-1980)

PROFESSIONAL ASSOCIATIONS

- Co-Chairman, California State Bar Association, Construction Law Section
- Member, American Bar Association Forum on the Construction Industry
- Member, Bar Association of San Francisco
- Mediator and Arbitrator, Northern California Commercial Association of Realtors
- Member, National Society of Civil Engineers (former)
- Member, American Society of Professional Engineers (former)
- Associated General Contractors
- California League of Cities
- County Counsel Association & American Institute of Architects
- International Mediation Institute (IMI) Certified Mediator

FEES

MEDIATION

\$8,000 per day, divided equally between the parties. The fee includes administrative costs, preparation, one full day of mediation and travel expenses for mediations taking place in the western United States, including: California, Nevada, Oregon, Washington, Arizona, Idaho, and Montana. Mediations taking place outside of these western states are subject to additional travel expenses including, but not limited to: lodging, airfare, and rental car. Mediations taking place outside of the listed western states are also subject to a preparation fee of \$600 per hour.

ARBITRATION

\$6,000/day worldwide, plus travel and lodging expenses at cost; \$600/hour for preparation. Estimated arbitration fees are charged in advance and the cancellation policy is a fee equal to the rate for one day of hearings (\$6,000) for cancellation or postponement of each scheduled week (full or partial) of arbitration when such cancellation or postponement is made less than 30 days in advance of the date on which the arbitration is scheduled to begin.

SCHEDULING

To inquire about availability or to schedule a proceeding with Mr. Brown, contact Kelly Francis at kf@constructionlawyers.com, 800-832-6946, or 415-523-0302, ext. 701.

You may also view Mr. Brown's availability at www.californianeutrals.org/ernest-brown