



Daniel M. Gross ,Esq.
Denver,Colorado



Primary Areas of Expertise

Government Contracts

Construction ADR

Construction claims/disputes

Current Employer-Title

Woods & Aitken LLP - Of Counsel

Profession

Attorney; Construction and Commercial ADR

Work History

Of Counsel, Woods & Aitken, LLP, 2014 - Present; Partner, Berg Hill Greenleaf & Ruscitti LLP, 2006-2014; Partner, Oviatt Clark and Gross L.L.P., 1986-2006; Associate, Smart De Furio and McClure, 1985-1986; Associate, Skelton Oviatt and O'Dell, 1982-1985.

Experience

As of mid-2023, practice focus is ADR. 40 plus years experience as a construction law attorney representing public and private owners, general contractors, subcontractors, suppliers and design professionals in matter in 30 States. Took 85 court and arbitration proceedings to verdict or award. 35 years experience as a AAA construction arbitrator with more 100 appointments and 40 handled through award. Active as an mediator since 2024.

Law practice encompassed broad range of construction law, including transactional documents; insurance, risk management, and loss avoidance bonds; and especially claims such as terminations, differing site conditions, scheduling and productivity issues (sequencing, delays, acceleration, impact and disruption) and defective specifications. Knowledgeable about construction insurance, UCC in construction, and alternative project delivery methods including EPC, design-build, P3, at job order contracting.

Representative mega project disputes experience:

- \$1 billion+ P3 widening of major inner-city highway involving

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Neutral ID: 106113

The AAA's Rules provide the AAA with the authority to administer an arbitration including, arbitrator appointment and challenges, general oversight, and billing. Accordingly, arbitrations that proceed without AAA administration are not considered AAA arbitrations, even when the parties select an arbitrator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual arbitrator and may, or may not, be a complete reflection of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in an arbitrator's resume. If you have any questions about an arbitrator's experience or background, you are encouraged to contact your case manager.

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- multiple roadway and rail bridges and construction of a tunnel (counsel)
- Cutting-edge industrial plant for manufacture of textiles (arbitrator)
- Forest product manufacturing facility (arbitrator, taken through award);
- Mid-nine figure wind farm construction project (arbitrator);
- \$1 billion+ Super Fund cleanup of a major waterway (arbitrator, taken through award);
- Mid-nine figure design build prison complex (panel chair);
- MLB stadium project (counsel);
- \$1 billion+ hospital complex (counsel);
- Concentrated solar project (counsel).

Cases as counsel and arbitrator often involve technical issues such as materials, sufficiency of design, scheduling and complex damages.

Building construction matters include high rise residential and office buildings, multi-family housing, schools, hospitals, prisons, airport and transit facilities, hotels, sports and entertainment venues, warehouses, swimming pools, and large metal buildings.

Heavy/highway and industrial experience includes power plants and alternative energy (hydro, wind, PV, biogas recovery, and concentrated solar); process manufacturing; water and sewage treatment plants (mechanical, electrical, and controls); construction and rehabilitation of hydro facilities (tunnels, gates, spillways, and turbines); concrete and asphalt highways (including pavement design); tunnels; bridges; mass earth operations; airport infrastructure (runways, taxiways, drainage, and lighting); large concrete structures; subdivision infrastructure; water, wastewater, and gas pipelines; canals and levies; steel fabrication and erection; rail construction; water storage tanks; high voltage electrical; demolition; and environmental remediation (CERCLA, UMPTRA and ACM).

Considerable experience with single family and multi-family residential defects, including pertinent insurance.

Cases have involved multiple areas of specialty subcontracting such as caissons, foundations, retaining walls, soil stabilization, specialty concrete, steel erection, waterproofing and building envelope integrity, welding, electrical, mechanical and plumbing (including heating/cooling controls, generators, pumps and low voltage systems), life safety system masonry, drywall, finishes, flooring, roofing, glazing, landscaping and reclamation, and fencing.

Commercial

Approximately 15% of practice involved construction clients' commercial matters (UCC transactions and disputes; partnership, closely held shareholder and LLC member disputes and dissolutions; trade secret, no

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compete, and NDA matters; and real estate and lease transactions and disputes).

**Alternative Dispute
Resolution Experience**

Arbitrator in excess of 100 matters including 40 handled through award. On numerous AAA Large, Complex arbitrations with damages demands as much \$80 million. Sole arbitrator on several complex multiparty residential matters. Active mediator since 2024 with more than 30 completed. DRB panelist for Colorado Department of Transportation. Experienced with e-discovery; completed American College of e-Neutrals e-Discovery 2.0 training.

Technology Proficiency

Well-grounded in construction scheduling (P6, MS Project), electronic discovery, and virtual meeting platforms. Have conducted several virtual mediations and arbitrations and am open to virtual proceedings if appropriate.

Education

University of Denver (JD-1982); University of Colorado (BA-1977).

Professional Licenses

Admitted to the Bar: Colorado (1982); U.S. District Court: Colorado (1982); U.S. Court of Appeals: Tenth (1982) and Federal (1983) Circuit; U.S. Court of Federal Claims (1982).

Professional Associations

American Bar Association (Forum Committee on Construction Industry Public Contract Law Section); Colorado Bar Association (Construction Law Section); Martindale/Avvo Av rated (1990-present); Best Lawyers (2018-present); Super Lawyers (2023-present)

**Recent Publications &
Speaking Engagements**

Numerous articles for construction industry publications and newsletter; and many client education seminars and presentations.

**Locations Where Parties Will
Not be Charged for Travel
Expenses**

Greater Denver area

Citizenship

United States of America

Languages

English

Compensation:

Hearing: \$450.00 per hour

Study: \$450.00 per hour

Cancellation: \$2,000.00 per day

Cancellation Period: 14 days

Comment: No travel charge for matters in the Denver area. Cancellation fee applicable only to cases with five or more hearing days scheduled.

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