



Benjamin R. Trachtman ,Esq.
Irvine, California



Primary Areas of Expertise

Commercial Construction

Current Employer-Title

Trachtman ADR / Trachtman & Motu - Managing Partner

Profession

Construction Arbitrator and Mediator

Work History

Founding and Managing Partner, Trachtman & Motu LLP, 2023-present
Trachtman & Trachtman LLP, 1997-2022; Partner, Coleman & Trachtman, 1994-1997; Associate Attorney, Murtaugh Miller Meyer & Nelson, 1988-1994.

Experience

Over 35 years of experience as a civil trial lawyer specializing in a wide array of construction disputes/litigation with a heavy emphasis on commercial construction payment disputes on both private and public (state, local and federal) works construction projects in and outside the State of California.

Represented owners, developers, design professionals, general contractors, subcontractors and suppliers in high rise commercial structures, hospitals (state, military and VA), military installations, state and federal courthouses, hotels, parking structures, industrial complexes local government facilities, solar installations, institutional complexes such as universities, residential luxury high rise structures and large scale residential housing projects. Years of experience defending architects, soils engineers, civil engineers and structural engineers in professional liability/construction defect matters. Represents several of the most successful nationwide commercial transportation (trucking and bus) companies in the country in both civil and commercial litigation matters

Handles disputes relating to differing site conditions, defects in design documents, change order disputes, product substitution claims,

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Neutral ID: 4997210

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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construction failures, delay and inefficiency claims, termination, bid protests, serious and willful misconduct claims, professional liability, performance contracting/guaranteed savings, defective construction (commercial and residential), construction site accidents, surety bond issues, lien priority disputes with lenders, breach of distribution agreements, business torts and attorney malpractice claims arising from perfecting payment rights.

Prosecuted and defended cases in state and federal courts in California, Oregon, Nevada, Texas, Illinois, New York, New Jersey, and also the U. Civilian Board of Contract Appeals.

Representative matters include:

Recovered over \$15,000,000 for general contractor in bonded stop notice dispute with multiple lenders following years of protracted litigation (airport hotel upgrade/parking structure);

For the last 25 years, has represented Global Fortune 100 Multi-National conglomerate in a myriad of state and federal public works payment disputes and has recovered tens of millions of dollars for the client; successfully defended said client in a multi-million dollar lawsuit filed for breach of a performance contract/guaranteed savings from an irrigation system replacement; and successfully defended said client against a multi-million dollar intentional interference with prospective economic advantage lawsuit arising from the construction of a waste-to-energy facility at an Army base;

Successfully prosecuted a breach of contract and Miller Act claim for \$1,000,000 for delay and inefficiency claims for a specialty subcontractor on a Federal Courthouse in Texas;

Recovered over \$4,000,000 for specialty subcontractor change order claims in construction of a hospital;

Recovered \$1,500,000 for specialty subcontractor in protracted Bankruptcy Adversary proceedings against lenders for condominium project;

Recovered over \$1,000,000 for specialty subcontractor for delays and inefficiencies on a Federal Army base;

Represented general contractor in unforeseen subsurface condition claim for MTA project;

Recovered over \$750,000 for a nationwide leader in electrical contractor against the GSA for a lighting fixture “or equal” dispute litigated in the U.S. Civilian Board of Contract Appeals;

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Alternative Dispute Resolution Experience

Successfully defended a New York-based construction attorney in a New York lawsuit filed by the attorney's developer clients for alleged failure to perfect a performance bond claim for untimely curtain wall procurement and defects;

For several years, represented nationwide home builder for construction defect matters in Northern California (East Bay) single-family housing developments.

In 2025, received the highest distinction from AAA by being selected to serve as an Arbitrator for the prestigious AAA Construction Mega Project Panel.

In 2016, AAA, in conjunction with lawyers and construction industry professionals who specialize in construction mega projects, established this unique panel of construction arbitrators. The AAA Construction Mega Project Panel is comprised of the top construction arbitrators as rated by counsel on construction mega projects. Arbitrators were selected utilizing a rating committee made up of a diverse group of advocates and in-house counsel representing owners, contractors, design professionals, and insurers with experience in disputes arising out of significant construction and infrastructure projects.

For a link to AAA's Mega Project Panel, please either click on the link below or copy and paste it to your browser:

<https://constructionmegapanel.adrapps.org/>

Additional Experience: As Arbitrator for AAA Large Complex Case Construction Panel, presided (as single arbitrator, and both as a chair and as a member on panels) over scores of disputes (ranging between \$30,000 to \$20,000,000+) involving:

--Complex Commercial Construction Disputes arising from large-scale private works, state and local public works, federal public works projects and Indian land projects;

--Exemplar projects: Hospitals, Automated Testing Facilities, Military bases, Hospitality and Commercial Centers; Universities; Multi-Family residential complexes; Automobile Testing Facilities; Retail and Indian Gaming to name several;

--Significant experience with scope/change order disputes and scheduling issues (delays and inefficiencies initiated by general contractors and subcontractors on the one hand and owner-claimed liquidated damages on the other hand); and performance-related issues including defective workmanship/defective building components;

Other exemplar disputes arbitrated include:

--Solar Wind matters;

--Custom/Luxury Homes involving High Net Worth Individuals; and

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--Contractor Licensing;

As Advocate, recovered \$5,000,000 for industry-leading electrical subcontractor involving a luxury high rise condominium project in a binding arbitration proceeding that had 52 days of hearings;

As Advocate, represented Owner of hotel project against design-build general contractor and structural engineer for construction defects on light-gauge steel structure in binding arbitration proceeding. Prevailed and was awarded \$1,500,000.

As Advocate represented specialty subcontractor against general contractor in payment dispute involving fraudulent manipulation of payment applications/conversion of payments in binding arbitration proceeding. Prevailed and was awarded \$1,000,000.

Former Orange County Judge Pro Tem.

Technology Proficiency

Available to conduct virtual hearings or preside over in-person hearings with proper protocols in place.

Education

Loyola Law School (JD - 1988); California State University, Fullerton (BA Business Administration - 1985).

Professional Licenses

Admitted to the Bar: California (1988); US Court of Appeals: 9th Circuit

Professional Associations

California Bar Association; Orange County Bar Association; and Los Angeles County Bar Association

Recent Publications & Speaking Engagements

Citizenship

United States of America

Languages

English

Compensation:

Hearing: \$600.00 per hour

Study: \$600.00 per hour

Cancellation Period: 0 days

Comment: Travel expenses including requiring lodging, flights, ground transportation, parking and/or meals will be charged at actual cost.

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