



David F. McPherson ,Esq.  
Irvine, California



**Current Employer-Title**

Watt, Tieder, Hoffar & Fitzgerald, LLP – Managing Partner

**Profession**

Attorney, Arbitrator, Mediator

**Work History**

Partner/Managing Partner (2014 – Present), Watt Tieder Hoffar & Fitzgerald LLP, 1998 – Present; Associate Attorney, Booth Mitchell & Strange, 1996 – 1998; Associate Attorney, Stevens Kramer Averbuck & Harris, 1994 – 1996; Clerk, The Hon. Abraham Gorenfeld, 1992.

**Experience**

Primarily engaged in the litigation and arbitration of the complex construction issues. Construction practice has focused on representing some of the world's largest contractors and engineering firms and well a prominent general contractors, developers, owners, subcontractors, lenders and sureties in complex construction disputes and litigation throughout the United States. Litigation and project experience: PPP, public and private construction works of improvement throughout the United States including, power plants, solar plants, desalination plants, water treatment plants, wastewater treatment plants, highways, mass transit systems, rail systems, light rail systems, universities, schools, libraries, military facilities and housing, hospitals, high-rise buildings, commercial complexes universities, five-star resorts, international resort high-end luxury homes and multi-family developments.

In 2018 after a 30-day trial, a Los Angeles Federal Court Jury awarded a \$45 million judgment (98% claimed damages) against the City of Los Angeles and rejected all but 0.05% the City's \$163 million claim. The Daily Journal highlighted the verdict as the 9th largest verdict in the State of California and largest construction verdict in California for 2018. Also in 2018, in a case of first impression under Public Contract Code Section

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*Neutral ID: 157989*

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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5110, received a multi-million dollar verdict against California Department of Corrections for 100% of the claimed damages. In 2019, currently serving as counsel for two joint ventures (PPP and City of Los Angeles) on projects valued at approximately \$1 billion each. One project has claims on one aspect of the project in excess of \$110 million. Also litigating a \$65 million private construction dispute.

Past experience includes: (1) lead trial counsel for developer and manager of international resort concerning partnership and construction defect disputes in excess of \$20 million; (2) lead counsel for general contractor prosecuting claims valued over \$17 million relating to construction and renovation of museum; (3) lead trial counsel of subcontractor in defense of construction claims in excess of \$10 million; (4) lead counsel for owner/developer of \$136 million mixed-use property in the prosecution claims for construction deficiencies in excess of \$10 million; (5) lead counsel for general contractor prosecuting and defending claims in excess of \$3 million on military housing project; (6) lead counsel for contractor on 30,000 sf luxury home with claims in excess of \$5 million.

### **Alternative Dispute Resolution Experience**

Panel chair on \$12 million construction dispute, panelist in one arbitration and served as lead arbitrator on 21 construction disputes through December 2019.

Mediator for two arbitration matters that resulted in settlement. Pro-Bono mediator, 2008 to present: Assisting homeowners, contractors, and developers resolve construction disputes with 90 percent success rate.

### **Technology Proficiency**

Video conferencing and video hearing capable.

### **Education**

Southwestern University School of Law, Los Angeles (JD-1994); University of Southern California, School of Business Administration (BS-1991).

### **Professional Licenses**

Admitted to the Bar: California, 1994.

### **Professional Associations**

Fellow, Construction Lawyers Society of America, Associated General Contractors Legal Advisory Committee, American Bar Association; California Bar Association; Orange County Bar Association.

### **Recent Publications & Speaking Engagements**

Published Decisions: Amwest Surety Insurance Company v. Patriot Homes, Inc., 135 Cal. App. 4th 82 (2005).

Publications: "California Sets The Green Building Pace With Nation's First Statewide Green Building Standard Code - The CALGreen Code," FROM THE GROUND UP, Spring 2010; "Why The New Economy And Regulations Mean Contractors Must Be Ready To Deliver Under LEED Is 'Green' the New 5-Star Standard," FROM THE GROUND UP, Summer 2009; "Avoiding Disputes Through Contract & Project Management," CFMA BUILDING PROFITS, Construction Financial Management Association, March/April 2006; "The Surety's Rights under Federal

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Contracts, 1998 Revision Note," Construction Briefings; "The Owners Authority to Make Final Contract Determinations."

Speaking Engagements: "Public Contracts & Procurement Regulations in California," Palm Springs, July 2009; "Public Contracts & Procurement Regulations in California," Santa Monica July 2008; panelist, "Making the Most of Project Specific Insurance," Associated Owners & Developers National Conference West, May 2008; "Everything a Construction Player Should Know About Insurance in California," Costa Mesa, December 2007; "Administering Construction Claims in Nevada," Las Vegas, October 2007; "The Fundamentals of Construction Contracts: Understanding the Issues in California," San Bernardino and Pasadena, California, September 2007; "AIA Contracts: Ten Terms That Can Affect Your Profit Margin," Orange, August 2007; "How Design Documents Can Prevent or Cause Construction Claims," Oxnard, March 2007; "Design-Build Contract Negotiation Work Shop," Pasadena, California, March 2007; "Public Contracts and Procurement Regulations in California," Palm Springs, California, February 2007; "If It Isn't Written, It Didn't Happen: Project Documentation and Record Keeping," multiple locations in California, 2007; "California Construction Claims Under California Law," multiple locations in California, 2006; "California Construction Law: From Contract To Closeout," Pasadena, California, September 2006; "AIA Contracts: Understanding the Issues," Santa Barbara, California, August 2006; "AIA Contracts: Understanding the Issues," Fresno, California, July 2006; "If It Isn't Written, It Didn't Happen: Project Documentation and Record Keeping," multiple locations in California, 2006; "Avoiding Construction Disputes Through Contract and Project Management," Southern California Construction Institute Regional Conference, Costa Mesa, May 2006; "How Design Documents Can Prevent or Cause Construction Claims," Los Angeles, April 2006; "California Construction Law: From Contract To Closeout," San Bernardino, April 2006; "California Construction Claims Under California Law," multiple locations in California, 2005; "AIA Contracts: Understanding the Issues," Bakersfield, California, June 2005; "California Construction Law: Understanding the Issues," San Bernardino, California, April 2005; "AIA Contracts: Understanding the Issues," Long Beach, California, February 2005.

**Citizenship**

United States of America

**Languages**

English

**Compensation:**

Hearing: \$530.00 per hour

Study: \$530.00 per hour

Cancellation: \$1,000.00 per day

Cancellation Period: 10 days

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Comment:

Airfare, hotel and parking expenses shall be reimbursed. No hourly fees charged for travel. Associate assistance with basic legal research will be used on occasion. Paralegal assistance with organization of exhibits/documents will be used on occasion. Cancellation rate of \$1,000 per each scheduled hearing day.

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