



David F. McPherson ,Esq.
Irvine, California



Primary Areas of Expertise

Construction
Public and Private Works
Contract Disputes

Professional Summary

Highly experienced complex construction and contracts attorney with over 30 years of experience in advising top fortune 400 corporations on public and private works construction disputes and contract issues. Very experienced construction arbitrator on a variety of high-stakes public an private works disputes.

Current Employer-Title

Watt, Tieder, Hoffar & Fitzgerald, LLP - Managing Partner/Senior Partn

Profession

Attorney, Arbitrator, Mediator

Work History

Managing Partner (since 2014/Partner, Watt Tieder Hoffar & Fitzgerald LLP, 1998 - Present; Associate Attorney, Booth Mitchell & Strange, 199 - 1998; Associate Attorney, Stevens Kramer Averbuck & Harris, 1994 - 1996; Clerk, The Hon. Abraham Gorenfeld, 1992.

Construction Industry Experience

Is the managing partner of the Firm’s Irvine office. For over 30 years, concentrates practice in major, high-stakes construction matters. Involve in advising clients on a broad range of issues related to the complex construction disputes and litigation. Has a broad range of experience in representing clients on virtually every type of major construction projec and provides legal representation to some of the world’s largest contractors and engineering firms as well as prominent general contractors, developers owners, and subcontractors in the western Unite States.

-All types of public and private construction projects throughout the Western United States including, power plants, water treatment plants, wastewater treatment plants, military base construction, libraries, tunneling, highways, mass transit systems, high-rise apartments, parking

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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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structures, hospitals, high-rise buildings, commercial complexes, universities, five-star resorts, international resorts, and high-end luxury homes;

- Delay Disruption, inefficiency, and extra work claims;
- Impact and acceleration claims;
- Differing site conditions (DSC) claims
- Mechanic's liens, stop payment notice, and surety claims;
- Termination;
- Professional liability of design professionals;
- Latent and patent construction and design defects;
- Change Order claims;
- All construction-related claims;
- Business litigation and shareholder disputes; and
- False Claims (California and Federal)

Major trial highlights include a \$45 million Los Angeles Federal Court Jury (98% of the claim) against the City of Los Angeles and a case of first impression under Public Contract Code Section 5110 with a verdict awarding the client 100% of the claimed damages.

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 as 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.

Past recent experience includes: (1) lead trial counsel for design-builder of power plant regeneration project - \$45 million Federal jury trial verdict against public agency; (2) lead trial counsel for design-builders of multiple public works project with project values exceeding \$500 million and up to \$1.1 billion; (3) lead trial counsel of developer and manager of international resort concerning partnership and construction defect disputes in excess of \$20 million; (3) lead trial counsel of subcontractor defense of construction claims in excess of \$10 million; (4) lead counsel for owner/developer of \$136 million mixed-use property in the prosecution of claims for construction deficiencies in excess of \$10 million; (5) lead counsel for general contractor prosecuting and defending claims in excess of \$36 million on military housing project; (6) lead counsel for contractor on 30,000 sf luxury home with claims in excess of \$5 million; lead counsel for homeowner on 35,000 sf luxury home with claims in excess of \$20 million.

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Alternative Dispute Resolution Experience

Panel chair on eight figure construction dispute through award, panelist several high-stakes infrastructure and private disputes and sole arbitrator in over 45 arbitrations.

- Complex public works projects
- Private works of improvement
- Multi-Party construction defect
- Retained for matters in California, Tennessee, Washington, Miami
- ICC arbitrator
- Virtual and in-person hearings

Mediator for multiple matters that resulted in settlement. Pro-Bono mediator, 2008 to 2019: Assisting homeowners, contractors, and developers resolve construction disputes with 90 percent success rate.

Technology Proficiency

Familiar with the various online platforms (i.e. Teams, Zoom, LoopUp, GoToMeeting) and willing to conduct arbitration and mediation sessions virtually.

Education

Southwestern University School of Law (JD-1994); University of Southern California, School of Business Administration (B.S., Business Administration - 1991).

Professional Licenses

Admitted to the Bar: California (1994); U.S. District Court: Northern, Central, and Southern District of California

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: International Construction Disputes - An Overview; Co-Author Chapter 8 - North American Construction Law, Informa Law from Routledge 2024; California Construction Law; Co-Author, HLK Global Communications, Inc. 2013

Speaking Engagements:

Numerous speaking engagements, including Key Note Address for AGC Puerto Rico Annual Construction Summit, Construction Superconference AAA-Construction Conference, ABA Forum on Construction Law and multiple trade organizations.

Citizenship

United States of America

Languages

English

Compensation:

David F. McPherson, Esq.

Hearing: \$625.00 per hour

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Study:	\$625.00 per hour
Cancellation:	\$2,500.00 per day
Cancellation Period:	25 days
Comment:	Airfare, hotel and parking expenses shall be reimbursed. No hourly fees charged for travel. Paralegal assistance with organization of exhibits/documents will be used on occasion and with the parties' express permission.

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