



Robert B. Thum ,Esq.
Solvang, California



Current Employer-Title

Arbitrator - Construction Claims and Disputes

Profession

Attorney, Arbitrator, Referee/Special Master

Work History

Arbitrator, 1985 - Present; Partner, Pillsbury Winthrop Shaw Pittman LI 2011–2022 (Retired); Partner, Howrey LLP, 2008–2011; Partner, Theler Marrin Johnson & Bridges LLP, 1994–2008; Partner, Pettit & Martin LLP, 1974–1994; and Special Court Martial Judge, U.S. Marine Corps (Judge Advocate Division), 1970–1974.

**Construction Industry
Experience**

Experience

Practiced construction/engineering law for nearly 50 years as partner in prominent national and international law firms prior to becoming a full-time neutral in 2022.

Handled disputes on a wide variety of complex projects, including heavy engineering (rail, bridges, tunnels, highways, aqueducts, wastewater treatment), power generation (nuclear, fossil fuel, hydro/pumped storage, geothermal, solar), petrochemical (refineries, pipelines), industrial and manufacturing plants, mining, military and defense, medical care (hospitals, MOBs, long-term care), scientific (laboratories, reactors, particle accelerators), educational (research and administrative buildings, dormitories), art museums, office buildings, commercial (shopping centers, convention centers, mixed use developments, warehouses), hospitality (hotels and resorts) and high-end residential.

Cases involved federal, state, and local governments, public and private

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Neutral ID: 51944

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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universities, major philanthropic organizations, national and international developers, public and private utilities, industrial corporations, construction companies (general contractors and major trade subcontractors), suppliers and sureties.

Honors and Recognitions:

Fellow, American College of Construction Lawyers

Chambers USA rated "First Band Construction Lawyer" and "Senior Statesman"

Best Lawyers' named "Construction Lawyer of the Year - Los Angeles"

Best Lawyers' named "Construction Litigator of the Year - Los Angeles"

U.S. News and World Report - Best Lawyers in America rated "1st Tier California"

Southern California Super Lawyers - Construction Law and Litigation

Northern California Super Lawyers - Construction Law and Litigation

Who's Who Guide to World's Leading Construction Litigation Lawyers

Alternative Dispute Resolution Experience

Served as construction Arbitrator for nearly four decades in Southern and Northern California and throughout the Western United States. Currently appointed to the AAA's Mega-Project Panel, Large Complex Disputes Panel and National Construction Panel.

As Chair, Panel Member or solo Arbitrator, presided over multi-party cases (in-person and via Zoom), involving high-speed and conventional rail, public transit, highways, bridges, dams and reservoirs, power plants, airports, military facilities and base housing, industrial manufacturing plants, natural disaster recovery projects, environmental restoration, hotels and destination resorts, hospitals and long-term nursing facilities, college campuses, shopping centers, product distribution centers, hazardous material abatement, high-rise buildings, mixed-use developments, condominiums, luxury single family residences, seeking damages ranging over \$500 million, punitive damages and injunctive relief. Also served as a Discovery Master, including technical ESI disputes, and Early Neutral Evaluator in complex cases.

Among other construction, architectural and engineering issues, heard major claims involving defective or incomplete design/specifications; non-conforming work and repair; differing site or changed conditions; additive and deductive scope changes (express and constructive); delay site access or owner-furnish-property; failures of supervision and management; force majeure; over- and under-manning; failure or refusal to complete work; terminations for default and for convenience; cost management audits; delay, acceleration and complex CPM scheduling (Primavera P3/P6 and other); loss of labor, equipment and/or management productivity; abandonment of contract and cardinal change; total cost award jury verdict damages; limit of liability clauses; interest and prompt pay penalties; consequential damages and waivers; economic losses; contractor's license issues; pay-if and pay-when clauses; no-damages-for-delay clauses; subcontractor pass-through claims; performance, payment

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fidelity and license bonds; surety take-overs upon default; false claims and truth in negotiation; and tort claims for fraud, misrepresentation, concealment, and negligence.

Education

Cornell University (JD, Editor, Cornell Law Review-1970); Princeton University (AB, cum laude-1967).

Professional Licenses

Admitted to the Bar: California (1974), Ohio (1970); U.S. District Courts Northern, Central, Eastern and Southern Districts of California, District Nevada, District of Idaho; U.S. Court of Appeals: Ninth and Federal Circuits; U.S. Court of Federal Claims; U.S. Supreme Court (1975).

Professional Associations

American College of Construction Lawyers; American Bar Association (Forum on Construction Law, Sections on Public Contract Law and Litigation); California Lawyers Association (Construction, Real Estate and Litigation Sections); Los Angeles and San Francisco Bar Associations.

Recent Publications & Speaking Engagements

PRACTICAL CONSTRUCTION LAW, Federal Publications, 2014; "Contribution, Equitable Indemnity and Good Faith Settlement," in CONSTRUCTION CONTRACTS, DEFECTS AND LITIGATION, California Continuing Education of the Bar, 2009; CALIFORNIA CONSTRUCTION LAW, Federal Publications, 2009; "Authority to Issue Changes," in CONSTRUCTION CHANGE ORDER CLAIMS, 2nd ed., Aspen, 2005; "Trying a Complex Construction Case to a Jury," ABA Forum Committee on Construction Industry, 2004; "Construction Defects," in CALIFORNIA CONSTRUCTION CONTRACTS AND DISPUTES, 3rd ed., California Continuing Education of the Bar, 2000; HANDBOOK OF CALIFORNIA CONSTRUCTION LAW, 1993; "Bid Guarantees," in CONSTRUCTION BIDDING LAW, Wiley Law, 1991; "Changes," CONSTRUCTION SUBCONTRACTING: LEGAL GUIDE Wiley Law, 1990; "Liability of Designers and Contractors to the End-User", ABA Forum Committee on the Construction Industry, 1985; "Claims and the Project Schedule," in SCHEDULING AND PROOF OF CLAIMS, Federal Publications, 1985; "The Owner's Warranty of Plans and Specifications," 14 PUBLIC CONTRACT LAW JOURNAL 240, 1984; "Interpretation of Plans and Specifications," in GOVERNMENT CONSTRUCTION CONTRACTING, Federal Publications, 1982.

Locations Where Parties Will Not be Charged for Travel Expenses

Citizenship

United States of America

Languages

English

Compensation:

Hearing: \$650.00 per hour

Study: \$650.00 per hour

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Cancellation:	\$2,600.00 per day
Cancellation Period:	30 days
Comment:	The Cancellation Rate applies to scheduled Evidentiary Hearing days where cancellation occurs 30 or fewer days prior to the first Hearing day, or settlement occurs within the five days of the Hearing. The Travel Rate applies to non-working travel to and from Evidentiary or other in-person Hearings.

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