



Ernest C. Brown ,Esq.  
San Francisco, California



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### Professional Summary

Has developed a nationally recognized Construction ADR practice. Uniquely qualified to quickly understand, analyze, and act to resolve project disputes. Has a remarkable breadth and depth to serve large construction and real estate clients and advise ongoing global projects.

### Current Employer-Title

Ernest Brown ADR - Mediator/Arbitrator

### Profession

Full-time Mediator/Arbitrator & Dispute Review Boards, Project Neutral

### Work History

Arbitrator and Mediator, Ernest Brown & Company, 2016 – Present; Managing Principal/Special Counsel, Smith Currie & Hancock LLP, 2015 – 2016; Managing Principal, Ernest Brown & Company (merger of firms) 1989 – 2011; Senior Vice President and Executive Consultant, Hill International (NYSE: HINT), 2000 – 2002, Partner, Stradling Yocca Carlson & Rauth, 1986 – 1989; Partner, Natkin Weisbach & Brown, 1985 – 1986; Corporate Counsel, Fluor Daniel, 1981 – 1984; Litigation Attorney, Bronson Bronson & McKinnon, 1978 – 1981; Civil Engineer (Geotechnical & Foundations Specialization), Dames & Moore, 1975 – 1978.

### Experience

Retired Managing Partner and Executive Committee Member of law firms specializing in US and International construction projects and ADR. Forty years of Construction Litigation, Government Contracts and Environmental Practice.

Member of National Construction Panel since 1984. Chairman or Panelist on dozens of large A/E design, construction, real estate and aviation cases with dispute amounts ranging from \$500,000 to \$100 million.

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*Neutral ID: 68850*

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### Primary Areas of Expertise

Design Build Projects  
International Projects  
Technical Engineering Disputes  
Catastrophic Failures  
Public Private Partnerships  
EPC Projects

Chairman of large and complex Construction Panels, including Mega-Projects in US and Internationally. Chairman for a \$100 million claim on a ski condominium project in Aspen, a \$65 Million Claim on a Major Hospital Expansion in Sacramento, a \$100 million+ claim on a mixed use hotel and high rise office building in San Diego, and a \$100 million claim on cost adjustments in the manufacture of over 100 wide-body aircraft - Confidential.

An ADR Professional resolving over \$1 Billion in construction claims.

#### Industry Expertise

##### Powerplants:

- + Former Engineering Employee of Sierra Pacific Power Company (Nevada Power)
- + Counsel for Fluor Power on numerous powerplants and disputes in the US, including natural gas fired, coal fired & nuclear (WP & L) (1982 – 1986).
- + Chairman of AAA Panel on Utility v. Power Plant Designer on Gas Flare Design Defect Claims.

##### Alternative Energy

- + Principal in Honey Lake Energy Solar Complex, Honey Lake, California (3000 acres)
- + Advised Solar Power Plant Design/Constructors on Licensing and Regulatory Matters.
- + Mediator on multiple Solar Power Plant Design & Construction Matters.
- + Advised Developer of Geothermal Power Plant in Honey Lake, California on design, construction, regulatory and subsidence issues.
- + Chief Trial Counsel for developer of corn fueled power plant in Hamburg, Iowa.

##### Petrochemical

- + Division Counsel for Fluor Engineers & Constructors (1981-1986)
- + Project Counsel for Saudi Petrochemical Complex (\$3.4 Billion) (1985)
- + Project Counsel for Petramina Refinery in Chilichap, Indonesia.
- + Numerous US and International Projects for Seven Sisters Oil Companies.
- + Led Technical and Legal Team to upgrade EPC Contracts for Abu Dhabi National Oil Company (2001-2002)
- + Independently Represented Chicago Bridge & Iron on construction disputes involving large steel tanks for projects in Los Angeles, Dubai, Thailand and numerous other locations.

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## Pipelines

- + Lead Trial Attorney for Ameron/Kiewit for Central Arizona Project Siphon Failures (1990-1994)
  - \$146 Million in cost of repairs - Defense Verdict.
- + Lead Trial Counsel for Stearns Catalytic (UTC/Air Products) in June 1986 explosion of the Mojave Power Plant in Laughlin, Nevada (6 deaths, \$250 million in Economic Damages)
- Associate Counsel for Techite Pipeline Product Failures (United Technologies) (1978-1981)

## Transportation:

- + Chief Design & Construction Counsel for John Wayne Airport (\$300 Million)
- + Project Counsel for Carquinez Suspension Bridge (\$100 million) (2000-2004)
- + West Coast Counsel for Flatiron West (2000 - 2016) on more than 100 projects.
  - ++As lead trial lawyer collected over \$100 million for Flatiron Claim
- + Counsel for Mid-Cities Exposition Project Light Rail (\$200 million) (2010 - 2015)
- + Counsel for Oakland Connector Project Light Rail (\$450 Million) (2010 - 2016)
- + Project Counsel for Public Private Partnership - P3 - Presidio Parkway (\$1.2 Billion) (2010-2016)

Current experience is 60% Arbitration, 20% Mediation, 15% DRB/Project Neutral & 5% Project Consulting.

Prior experience was construction litigation (80%), reviewing construction documents and project counseling (20%). Partner with Smith, Currie & Hancock. Experience with airport, casinos, sports arenas, power plants, pipelines, transit systems, refinery, roadways and bridges, schools and universities, high technology, industrial, and treatment plant

## Adjunct Construction Law Faculty at UC Berkeley, UC I

## Alternative Dispute Resolution Experience

National Construction Panelist since 1982 and Large Complex Case panelist since 1993. Mediator and arbitrator for 465 significant disputes. Hearing Officer for California State Contractor's License Board. Judicial Referee and Judicial Arbitrator for California Superior Courts. Arbitrator for California Office of Administrative Hearings that administers all contract disputes between public works contractors and state agencies since 2002. Has been a Mediator and Arbitrator in design, construction, and real estate disputes ranging up to \$150,000,000.

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**Technology Proficiency**

Civil Engineering  
Geotechnical Engineering  
Surveying  
Project Management

Trial Practice (State and Federal Courts)  
Trial Practice (Arbitration)  
DRB Training (State of California & DRBF)  
Special Master  
Project Neutral

Microsoft Office 360  
P6 Oracle  
Google Workspaces  
Zoom, MS Teams  
Slack

**Education**

University of California at Berkeley (JD-1978; MSCE, Project Management-1978); Massachusetts Institute of Technology (BS, Civil a Environmental Engineering-1975); Harvard Law School (Graduate Stu in International Law).

**Professional Licenses**

Admitted to the Bar: California, 1978; Registered Civil Engineer: California, 1980

**Professional Associations**

California Bar Association; American Bar Association (Forum on the Construction Industry); International Mediation Institute (IMI) Certified Mediator; California State Bar, San Francisco Bar Association. Past: California League of Cities, Associated General Contractors, American Society of Civil Engineers and National Society of Professional Engineers. Past: Associated General Contractors; California League of Cities; California County Counsel Association; American Institute of Architects.

**Recent Publications & Speaking Engagements**

CALIFORNIA INFRASTRUCTURE PROJECTS, A LEGAL HANDBOOK FOR SUCCESSFUL CONTRACTING & DISPUTE RESOLUTION, iUniverse - 2020 (461 Pages) & ALM - Recorder Book 2012; CITIZEN'S GUIDE TO PUBLIC PRIVATE PARTNERSHIPS, iUniverse - 2020 (241 Pages); "The Construction Mediation Checklist," California League of Cities, 2010;"Managing Contracts and Resolving Disputes," CALIFORNIA PUBLIC WORKS, 2000, 2002; "Bidding, Performance, and Claims Resolution," chapter 12, CONSTRUCTION LAW HANDBOOK, pp. 369-458, Aspen Law and Business, 1999; "Underground Construction: Avoiding Accidents and Disputes," Associated General Contractors of California, 1999; "Architecture and Engineer Liability: Claims Against Design Professionals," chapter 10, CONSTRUCTION LAW LIBRARY, John Wiley & Sons, Inc., 2nd ed., 1995; "Understanding Policy Reduces Aftershocks," ORANGE COUNTY BUSINESS JOURNAL, March 1994; PUBLIC WORKS: CONTRACT AND LITIGATION, Continuing Education of the Bar, 1992;

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ARCHITECT ENGINEER MALPRACTICE IN CALIFORNIA, Cambridge Institute, 1992; "Expanded Contractor Liability Under CERCLA," Associated General Contractors of California, Inc., 1992; "The Earthquake Aftermath: Legal Guidance for Contractors and Owners," Associated General Contractors of California, November 1989; "Asbestos Abatement Work Entails Risk," CALIFORNIA PROFESSIONAL ENGINEER, September/October 1988; "Putting a Limit on Liability," CIVIL ENGINEERING MAGAZINE, July 1988; "The Engineer's Mechanic's Lien," CALIFORNIA PROFESSIONAL ENGINEER, January 1988; "What Lawyers Must Know About Asbestos," ABA JOURNAL, November 1987; "Earthquake Litigation," THE DAILY JOURNAL REPORT, October 1987; Opportunities and Risks in Asbestos Removal and Hazardous Waste," Professional Service Management Association, 1987; co-author, ARCHITECT ENGINEER MALPRACTICE, Federal Publications, 1980.

**Locations Where Parties Will Not be Charged for Travel Expenses** Western US, New York, Florida, and District of Columbia

**Citizenship** United States of America

**Languages** English

**Compensation:** Hearing: \$6,000.00 per day

Study: \$600.00 per hour

Cancellation: \$3,000.00 per day

Cancellation Period: 7 days

Comment: An hourly rate is charged for work done other than the actual hearing days. There is no travel rate for Arbitrations that are fully virtual using Zoom, MS Teams, or Google Meet. The Arbitrator will also charge reasonable travel and meal expenses if travel is required for hearings. A cancellation fee will be imposed for any arbitration days formally postponed or canceled (due to settlement or otherwise) less than 21 calendar days from the scheduled first day of hearings in the amount of \$3,000 for each day that there were hearings previously set by the Arbitrator.

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