

**Colorado Department of Transportation
Dispute Review Board (DRB) Candidate Solicitation**

This form is to be filled out electronically. Type your answers in the grey areas in the space allowed by the boxes. You can use the Tab key to go from one field to the next. When you have completed this form, save it to your computer, then attach your form in an email to Mark.Straub@state.co.us with the Subject line as “(Your name)’s DRB-CS Form”. Do not include any other attachments to this form.

1. Candidate Information

Name: Robert C. Pearman		Employer: Robert C. Pearman Attorney-at-Law / Arbitrator	
Address: 1312 17th Street, Suite 521		City: Denver	State: CO
		Zip Code 80202	
Phone Number: (760) 757-1171		Email Address (required): rpearman@gmail.com	

2. Education

University/College	Degree	Year Graduated
1. University of Pennsylvania, Wharton School	BS, Economics, Cum Laude	
2. Yale Law School	Juris Doctor	
3.		

3. Professional Licenses/Certifications and Professional Organizations

1. Member, State Bar of California	2. Member, Caltrans Dispute Resolution Board
3. Arbitrator, American Arbitration Association (“AAA”)	4. Member, California Public Works Contract Arbitrations Panel

4. Major Employment History

Employer	Number of Years Employed	Your Job Title(s)
1. Robert C. Pearman Attorney-at-Law / Arbitrator	20	Proprietor
2. Sanders Roberts LLP	2	Of Counsel
3. California Architect's Board	2	Member
4. Gonzalez Saggio & Harlan LLP	7	Of Counsel
5.		
6.		

5. Experience and General Information: (continued on page 2)

1. Describe your major areas of work experience/expertise:

Former Member of the Assessment Appeals Board adjudicating appeals of disputed county tax assessments.

Former Vice Chair of the Oceanside Transportation Commission, hearing issues related to traffic signals and devices, municipal airport, and transportation engineering and sciences.

Former Member of the State of California Inspection and Review Committee which advised the Air Resources Board, the Bureau of Automotive Maintenance, and the Legislature on the automotive smog check program and air quality issues.

Counsel for public owners and operators of the Los Angeles Metro projects, both light rail and subway. Advised on issues such as bridge work, tunnels, ADA issues, environmental

remediation, groundwater basins, grade crossings, Public Utilities Commission, municipal codes, 20+-story office building design and construction, joint development.

Counsel for lenders and developers in rehabilitation and construction lending programs including affordable housing, condominiums and single-family residences.

Advisor to the California High-Speed Rail Authority regarding procurement strategies and right-of-way usage and access.

2. Describe your experience with construction claims:

Arbitrator on numerous construction claim disputes - on construction panel for American Arbitration Association; arbitrated construction claims as member of California Public Works Contract Arbitrations panel. Represented Los Angeles County Metropolitan Transportation Authority in construction claims disputes, advised a County Community Development Commission on construction claims disputes involving public works projects, assist the City Attorney's Office in construction disputes, stop notice questions, bonding issues and the like with respect to construction loans, handle various lien, claim, and construction contract litigation matters.

3. Describe your knowledge of construction contract law:

Knowledge gained via membership on construction panel for American Arbitration Association; member of California Public Works Contract Arbitrations panel; and membership on California Disputes Resolution Board. 30+ years experience as an attorney handling construction law matters.

Representative clients have included:

Housing Authority of the City of Los Angeles,
Community Redevelopment Agency of the City of Los Angeles,
Los Angeles County Metropolitan Transportation Authority,
Los Angeles Unified School District,
California High-Speed Rail Authority,
Granite Construction,
The Irvine Company,
Penhall international

4. Describe your experience with construction contract administration:

Review, legal research and comment on basic construction bid documents; drafting of special provisions for hazardous waste abatement; work order drafting and negotiation for construction and rearrangements, including light and heavy rail; drafting of cost containment policy modifying basic construction documents to facilitate cost savings, adherence to milestones, expense capping, etc.; For the Metro Gold Line Authority, Mr. Pearman advised on construction disputes, design-build construction documents, 3rd party and utility relocation agreements, dispute resolution boards, and mediation of construction related disputes, all during the design-build process of a rail construction project; representation in developer/contractor selection and ongoing construction contract demonstration on MTA Union Station Gateway Headquarters Project.

5. Describe your construction field experience:

Counsel for public owners and operators of the Los Angeles Metro projects, both light rail and subway. Advised on ongoing issues such as bridge work, tunnels, ADA issues, environmental remediation, grade crossings, 20+-story office building design and construction, joint development. Counsel for lenders and developers in residential and commercial construction projects and ongoing field inspections, dispute resolution and claims analysis. Certificate holder from a two-semester general construction training course: areas of instruction included foundation design and construction; framing wood structures; roofing materials and installation; plumbing installation; electrical wiring; drywall installation and repair; understanding of architects' plans and specifications.

6. Describe your DRB (or arbitration) training, certification, and experience:

Former Certified Member of the Kaiser Permanente Member Arbitration Panel, a system designed to provide Health Plan members with a fair, speedy, cost effective, and confidential means of resolving disputes.

MR. PEARMAN HAS BEEN INVOLVED IN DISPUTE RESOLUTIONS IN A BROAD VARIETY OF BUSINESS AND LEGAL SETTINGS, INCLUDING:

**Commercial arbitration rules of AAA
Construction arbitration rules of AAA
CalTrans matters
California Division of State Architect issues
Public colleges
US government, Department of Defense contracts
Collusive bidding schemes
Construction management issues
Engineering/surveying contractor (and its E&O carrier disputes)
Fire life and safety
Grading, excavation, footings, and soil removal issues
Gymnasium construction dispute
Interpretation of "pay if paid" and "pay when paid" clauses
Interpretation of geologic soils reports
Landlord tenant disputes
Multi-story construction
Multiple design firm arbitrations
Plumbing services
Repair and replacement work on deteriorated water manifold
Residential water damage repair and restoration
Subcontractor payment issues**

THE TYPES OF CLAIMS HE HAS CONFRONTED IN ARBITRATIONS INCLUDE:

**Breach of contract
Breach of LLC operating agreements
Claims for overpayments
Cost to repair incomplete and defective work and materials
Delay damages
Demobilization costs
Failure to account, mismanagement, breach of fiduciary duty
False claims lawsuit
Fraud and misrepresentation
Indemnity
Payment bond claims and claims against sureties**

Professional negligence
Unclean hands defense
Violation of contractors state license board requirements

PROCEDURAL ISSUES PRESENTED IN ARBITRATIONS HE HAS BEEN INVOLVED IN, INCLUDED:

Bifurcation
Counter-claims
Evidentiary hearings
Joinder of additional parties
Mediation condition precedent
Motion for summary judgment
Right to attorney's fees
Scope of the arbitration clause issues

Alternative Dispute Resolution Training

AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; Caltrans Dispute Resolution Advisor and Dispute Resolution Board Training (2015, 2016); AAA Ethics 101: Arbitrators, Mediators & Attorneys, 2014; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2012; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2009; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2006; Hong Kong International Arbitration Centre/Hong Kong Trade Development Council, Arbitrating Chinese/Foreign Business Disputes - The Hong Kong Option, 2006; AAA Construction Arbitrator II Training: Advanced Case Management Issues, 2006; Los Angeles County Bar Association, Arbitration Clauses in Leases and Purchase & Sale Agreements, 2006; West LegalEd Center, California Fee Arbitrator Training, 2005; California Dispute Resolution Council, Threats to your ADR Practice, 2005; AAA Arbitrator I Training-Fundamentals of the Arbitration Process, 2005; State Bar of California, Disputes Among Participants and Lead Lenders: Avoiding Them When Possible, Prevailing on Them When Necessary, 2004.

7. Describe your employment/retirement status and availability to serve on a DRB and geographical area:

Operate less than full-time as Robert C. Pearman attorney-at-law, and also Of Counsel to Sanders Roberts LLP. Reside in Colorado and California. In Colorado, available to serve in the Denver metropolitan area primarily.

DRB members are compensated as per Section 105 of the CDOT Specifications.

6. List Two References For Your Experience With Construction Claims

Name	Title	Organization	Phone Number	Email Address
Dwight Haygood	Senior Attorney	Brown-Forman Corporation	(502) 774-6506	dwight_haygood@b-f.com
Mike Powell	Vice President, Construction Division	American Arbitration Association	(213) 362-1900	PowellM@adr.org

Important Notice - All information provided on this form will be visible to the public on the CDOT – DBR web page: [“List of Candidate Members for the Dispute Review Board \(DRB\)”](#).