



AAA Mediation.org™

**FN-2123585 MN-2123585 LN-2123585,
Esq.**

Irvine, California



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Current Employer-Title	Trachtman ADR / Trachtman Law Group LLP (Managing Partner) Available to conduct virtual hearings or preside over in-person hearings with proper protocols in place.
Panelist Video	https://www.adr.org/videoresume?paramName=860126093
Profession	Attorney, Arbitrator and Mediator
Work History	Founding and Managing Partner, Trachtman & Trachtman LLP, 1997-2022; Partner, Coleman & Trachtman, 1994-1997; Associate Attorney, Murtaugh Miller Meyer & Nelson, 1988-1994.
Experience	<p>Over 35 years of experience as a civil trial lawyer specializing in a wide array of construction disputes/litigation with a heavy emphasis on commercial construction payment disputes on both private and public (state, local and federal) works construction projects in and outside the State of California.</p> <p>Represented owners, developers, design professionals, general contractors, subcontractors and suppliers in high rise commercial structures, hospitals (state, military and VA), military installations, state and federal courthouses, hotels, parking structures, industrial complexes, local government facilities, solar installations, institutional complexes such as universities, residential luxury high rise structures and large scale residential housing projects. Years of experience defending architects, soils engineers, civil engineers and structural engineers in professional liability/construction defect matters. Represents several of the most successful nationwide commercial transportation (trucking and bus) companies in the country in both civil and commercial litigation matters.</p> <p>Handles disputes relating to differing site conditions, defects in design documents, change order disputes, product substitution claims, construction failures, delay and inefficiency claims, termination, bid protests, serious and willful misconduct claims, professional liability, performance</p>

contracting/guaranteed savings, defective construction (commercial and residential), construction site accidents, surety bond issues, lien priority disputes with lenders, breach of distribution agreements, business torts and attorney malpractice claims arising from perfecting payment rights.

Prosecuted and defended cases in state and federal courts in California, Oregon, Nevada, Texas, Illinois, New York, New Jersey, and also the U.S. Civilian Board of Contract Appeals.

Representative matters include:

Recovered over \$15,000,000 for general contractor in bonded stop notice dispute with multiple lenders following years of protracted litigation (airport hotel upgrade/parking structure);

For the last 25 years, has represented Global Fortune 100 Multi-National conglomerate in a myriad of state and federal public works payment disputes and has recovered tens of millions of dollars for the client; successfully defended said client in a multi-million dollar lawsuit filed for breach of a performance contract/guaranteed savings from an irrigation system replacement; and successfully defended said client against a multi-million dollar intentional interference with prospective economic advantage lawsuit arising from the construction of a waste-to-energy facility at an Army base;

Successfully prosecuted a breach of contract and Miller Act claim for \$1,000,000 for delay and inefficiency claims for a specialty subcontractor on a Federal Courthouse in Texas;

Recovered over \$4,000,000 for specialty subcontractor change order claims in construction of a hospital;

Recovered \$1,500,000 for specialty subcontractor in protracted Bankruptcy Adversary proceedings against lenders for condominium project;

Recovered over \$1,000,000 for specialty subcontractor for delays and inefficiencies on a Federal Army base;

Represented general contractor in unforeseen subsurface condition claim for MTA project;

Recovered over \$750,000 for a nationwide leader in electrical contracting against the GSA for a lighting fixture "or equal" dispute litigated in the U.S. Civilian Board of Contract Appeals;

Successfully defended a New York-based construction attorney in a New York lawsuit filed by the attorney's developer clients for alleged failure to perfect a performance bond claim for untimely curtain wall procurement and defects;

For several years, represented nationwide home builder for construction defect matters in Northern California (East Bay) single-family housing developments.

Mediator Style & Process Preferences

Mediation serves the very useful purpose of bringing adverse parties to a safe, neutral and trustworthy process to facilitate a resolution of their dispute. I will not waste any party's time in helping them resolve their dispute. Critically, I am a very direct communicator and relentless in my pursuit to achieve a resolution. I will always be extremely prepared and seek the necessary information from both parties to give them the best opportunity to achieve resolution.

It is integral that the mediator establish credibility, trust and confidence from each party to foster constructive communication toward resolution. My job is to identify and break down the pre-existing barriers which precluded meaningful dialogue from occurring. It is critical that the parties feel that they can comfortably and reliably express their needs and positions to promote constructive dialogue toward a mutually-acceptable resolution.

When the parties are beginning to lose progressive momentum, I implement my intuitive evaluative approach to provide the parties with my perspective to promote a better appreciation and understanding for what is driving their adversary's motivation and position.

Based on my multiple decades-long success in my fields of expertise, my adversaries have complimented me for my objective sensitivity to their considerations and my ability to find areas

where we can find common ground. Possessing this “disarming” attribute leads to so many resolutions and resultant respect from my peers.

Finally, and critically, mediation success cannot occur without the relentless commitment to close. In my experience as an advocate, who has participated in hundreds of mediations, my main complaint is that the vast bulk of paid mediation professionals do not “close” when it comes to prodding the parties to get to resolution. A mediator should be much more than an intermediary that simply conveys back-and-forth offers and the parties’ purported rationale/chest beating for same. I will close for my clients.

Education	Loyola Law School (JD – 1988); California State University, Fullerton (BA Business Administration – 1985).
Professional Licenses	Admitted to the Bar: California (1988); US Court of Appeals: 9th Circuit.
Professional Associations	California Bar Association; Orange County Bar Association; and Los Angeles County Bar Association
Mediation Rate	\$700 Per Hour
Languages	English
Citizenship	United States of America
Locale	Irvine, CA

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator’s resume. If you have any questions about a mediator’s experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.