

**DISPUTE RESOLUTION BOARD (DRB) MEMBER /
DISPUTE RESOLUTION ADVISOR (DRA) RESUME**

CEM-6220 (NEW 05/2019)

PAUL W. BERNING

2381 Mariner Square Drive, Suite 180

Alameda, CA 94501

510-863-8118

paulberning@paulberninglaw.com

DATE June 8, 2019**■ CURRENT EMPLOYMENT** *Please enter your most recent experience first*

Current Job Title Managing Partner

Begin Date: March 2011

Employer Name Law Offices of Paul W. Berning

Duties/Projects:

- 1 Construction lawyer: Contract negotiation, counseling before and during projects aimed at preventing disputes, and resolution of disputes during and after construction. Matters have involved claims for extra work, project delay, disruption of work, lost efficiency; defective workmanship and materials; terminations for default; letters of credit; non-payment and payment remedies, including mechanics liens, stop payment notices, payment bonds, lien priority disputes and Miller Act claims; project financing; labor and material shortages; bid protests; government contracts; allegations of false claims.
- Clients have included public and private project owners, general contractors, subcontractors, design professionals, design-build and engineer-procure-construct contractors, suppliers, manufacturers.
- Projects include new Tacoma Narrows Bridge in Washington State, Eurotunnel, Fillmore Center (11-building mixed use re-development project in San Francisco), ports, airports, railroads, transit systems, federal facilities, defense facilities, wastewater plants, water systems, dams, mines, power plants, process plants, pipelines, paper mill, telecommunications system, offices, commercial spaces, apartment buildings, condominiums, hospitals, hotels, schools.
- Experience includes trials (as both counsel and expert witness), arbitrations, appeals, mediations, dispute review boards, administrative proceedings, negotiations.
- Additional information is available at www.paulberninglaw.com/about/bio.php
- 2 Construction and energy arbitrator: Member, American Arbitration Association's Roster of Neutrals for Arbitrations. Have served as sole arbitrator and panel member for numerous arbitrations. Amounts in dispute range up to eight figures. Projects have included government facilities, transportation projects, wind farms, commercial projects, residential solar, tract housing, homes. Parties have included owners, developers, general contractors, subcontractors, design professionals.
- 3 Construction and energy mediator: Member, American Arbitration Association's Panel of Mediators. Have served as mediator of numerous disputes. Amounts in dispute range up to seven figures. Projects have included government-owned health facilities, government-owned transportation facilities, high tech manufacturing plants, military facilities, university research facilities, retail and commercial properties, residential solar, subdivisions, residential complexes, homes. Parties have included owners, general contractors, subcontractors, design professionals.
- 4 Contractor, design professional licensing lawyer: Counsel clients on contractor licensing, design professional registration, design-build licensing and related regulatory issues; advise on business structuring, start-up and re-structuring; assist with ongoing compliance; represent clients in regulatory proceedings. Matters include payment disputes arising from alleged contractor licensing deficiencies. Clients have included contractors, design professionals and firms, technology companies, equipment manufacturers and sellers, energy conservation companies.
- 5 Energy lawyer: Contract review and drafting; advice on project execution; dispute resolution during and after projects; assistance with regulatory compliance.
- Clients have included EPC contractors, power producers and developers, renewable energy companies, energy management companies, manufacturers. Projects include geothermal energy facilities, hydroelectric power system, wind farms, solar power plants, solar energy systems, waste-to energy facilities, energy storage systems, smart grid systems, coal- and gas-fired power plants.

ADA Notice

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 + **ONGOING CONSULTING SERVICES** + - *Please enter your most recent experience first*

Job Title not applicable

Begin Date:

Employer Name

Duties/Projects:

 - 1 + **PAST WORK EXPERIENCE** + - *Please enter your most recent experience first*

Job Title Partner

Employer Name Howrey, LLP

From: 11/2008 To: 3/2011

	Duties/Projects	Begin Date	End Date
1	Construction lawyer -- see details in Section 1, above	11/2008	3/2011
2	Contractor, design professional licensing lawyer -- see details in Section 4, above	11/2008	3/2011
3	Energy lawyer -- see details in Section 5, above	11/2008	3/2011

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Job Title Partner and associate

Employer Name Thelen, LLP and predecessor firms, including Thelen, Marrin, Johnson and Bridges

From: 11/1986 To: 11/2008

	Duties/Projects	Begin Date	End Date
1	Construction lawyer -- see details in Section 1, above	11/1986	11/2008
2	Contractor, design professional licensing lawyer -- see details in Section 4, above	11/1986	11/2008
3	Energy lawyer -- see details in Section 5, above	11/1986	11/2008

 + - **LICENSES**

	License Title	License Number	Issued By	Issue Date	Expiration Date
1	California lawyer license	124141	State Bar of California	November 1986	
2	Solicitor -- England and Wales (non-practicing)	549081	Solicitors Regulation Authority	February 2012	

 + - **CERTIFICATES**

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	Certificate Title	Certificate Number	Issued By	Issue Date	Expiration Date
1	“Advanced Mediation Workshop: Mediating Complex Disputes”	n/a	Harvard University School of Law	June 2018	n/a
2	“Mediating the Litigated Case”	n/a	Pepperdine University, Strauss Institute for Dispute Resolution	May 2009	n/a
3	“Mediation Training”	n/a	Steven Rosenberg, Esq.	September 2008	n/a
4	“The Road to Cultural Understanding in a Diverse World: Recognizing and Avoiding Bias for More Successful Negotiations”	n/a	Alameda County Bar Association	November 2014	n/a
5	“Arbitrator Performance and Demeanor”	n/a	American Arbitration Association	June 2018	n/a
6	“Red Flags and Risk Areas: Challenges to Arbitrator Authority”	n/a	American Arbitration Association	February 2017	n/a
7	“Dealing with Difficult Attorneys in Arbitration”	n/a	American Arbitration Association	September 2016	n/a
8	“eDiscovery: Arbitration in a Digital World”	n/a	American Arbitration Association	September 2015	n/a
9	“Advanced Training in Health Care Mediation”	n/a	American Arbitration Association	November 2016	n/a
10	“Arbitrator Ethics and Disclosure”	n/a	American Arbitration Association	October 2014	n/a
11	“Chairing an Arbitration Panel: Managing Procedures, Process and Dynamics”	n/a	American Arbitration Association	October 2013	n/a
12	“Dealing with Delay Tactics in Arbitration”	n/a	American Arbitration Association	October 2013	n/a
13	“Pro Se: Managing Cases with Self-Represented Parties”	n/a	American Arbitration Association	October 2013	n/a
14	“Managing the Arbitration Process for Efficiency and Economy Following the Preliminary Hearing”	n/a	American Arbitration Association	October 2013	n/a
15	“Maximizing Efficiency and Economy in Arbitration: Challenges at the Preliminary Hearing”	n/a	American Arbitration Association	October 2013	n/a
16	“Arbitration Awards: Safeguarding, Deciding and Writing Awards”	n/a	American Arbitration Association	October 2013	n/a
17	“Arbitration Fundamentals and Best Practices for New AAA Arbitrators”	n/a	American Arbitration Association	September 2012	n/a
18	“Overview of Early Neutral Evaluation (ENE) and Effective Use of Evaluation Skills”	n/a	Alameda County Bar Association	November 2012	n/a

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EDUCATION

	Diploma/Degree/Certificate	Course of Study	University/College	Date Completed	Dates Attended (If diploma not awarded)
1	Juris Doctorate	Law	University of San Francisco	May 1986	-
2	Bachelor of Journalism	Journalism	University of Missouri	June 1970	-

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DRB/DRA TRAINING ATTENDED

	Training Title	Training Provider	Date(s) Attended
1	DRB/DRA Workshop	Caltrans and DRBF	Nov 9 - 10, 2016
2	DRA/DRB Training Workshop	Caltrans and DRBF	3/26/2013 -

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PROFESSIONAL AFFILIATIONS

	Title	Organization Name	Your Role/Organization Description	Affiliation Dates
1	member	State Bar of California	member / person regulated	Dec 1986 -
2	member	California Lawyers Association	member	Jan 2018 -
3	member	Associated General Contractors of California	member	Dec 1986 -
4	member	Alameda County Bar Association	member	June 2011 -
5	member	American Bar Association and its Forum on the Construction Industry	member	Jan 1987 -
6	member	Dispute Review Board Foundation	member	April 2013 -
7	member	U.S. Building Green	member	May 2012 -

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ONGOING ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE *Please enter your experience in chronological order*

	Project Name (Caltrans EA)	Contract \$ Amount	Administrating Agency	Contractor	Start and End (estimated) Dates	Your Role	
						DRB Member	DRB Chair/DRA
- 1	Merced 2020 Project (University of California at Merced) -- \$1.3 billion	1,300,000,000	Board of Regents of the University of California	Plenary Group	Oct 2016 - June 2020	<input type="checkbox"/>	<input checked="" type="checkbox"/>
- 2	Reconstruct Bay Bridge Maintenance Facilities / Caltrans Contract No. 04-014114	\$18,200,000.00	Caltrans	Thompson Builders Corp.	May 2018 - Sept 2019	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- 3	Member, American Arbitration Association's Roster of Neutrals for Arbitrations. Receive assignments on an ongoing basis.		American Arbitration Association	various	June 2012 -	<input type="checkbox"/>	<input type="checkbox"/>
- 4	Member, American Arbitration Association's Panel of Mediators. Receive assignments on an ongoing basis.		American Arbitration Association	various	June 2012 -	<input type="checkbox"/>	<input type="checkbox"/>

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COMPLETED ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

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	Project Name (Caltrans EA)	Contract \$ Amount	Agency Administered	Contractor	Start and End Dates	Your Role	
						DRB Member	DRB Chair/DRA
1	Construct SFOBB Warehouse / Contract No. 04-014104 / Ala-80-1.8/0	\$14,872,393.00	Caltrans	Tabor Construction, Inc.	Dec 2014 - Oct 2016	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Arbitrator for American Arbitration Association. Details in "Current Employment" section, above			Various	June 2012 -	<input type="checkbox"/>	<input type="checkbox"/>
3	Mediator for American Arbitration Association. Details in "Current Employment" section, above			Various	June 2012 -	<input type="checkbox"/>	<input type="checkbox"/>

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CERTIFICATION AND ACKNOWLEDGMENT

- By checking this box, I certify that the information in this form is true and accurate to the best of my knowledge, information, and belief.
- By checking this box, I acknowledge that I will uphold the Dispute Resolution Board Foundation (DRBF) Canons - (1) Disclosure, (2) Conflicts of Interest, (3) Confidentiality, (4) Board Conduct and Communication, and (5) Board Procedures - as described in Section I, "Description of Work," of the DRB or DRA Agreements.
- By checking this box, I understand that either the Department or the Contractor may replace me as described in Section VII, "Replacement of DRB Member," or "Replacement of DRA," including for failure to uphold the DRBF Canons as specifically set forth in Section I, "Description of Work," of the DRB or DRA Agreements, respectively.

SIGNATURE

DATE

June 8, 2019