

AMERICAN ARBITRATION ASSOCIATION - PANEL OF NEUTRALS

San Diego, California
October 16, 1998

CARL F. INGWALSON, JR.

EMPLOYER Member of Phillips, Haskett & Ingwalson, a P.C.

PROFESSION Attorney advocate and dispute prevention and resolution neutral.

WORK HISTORY Member, Phillips, Haskett & Ingwalson, a Professional Corporation, 1981-present; Member, Ingwalson, Corona & Thomas, Ingwalson & Corona, Tetley, Ingwalson & Corona, and sole practice 1971-1981; Associate, Higgs, Jennings, Fletcher & Mack 1968-1971.

EXPERIENCE Legal representation of clients through a general business practice concentrating on commercial, construction, employment and real estate transactions, litigation, and dispute prevention and resolution. Service as an Arbitrator, Mediator, Special Master or Early Neutral Evaluator in approximately 300 matters in the following general categories:

Commercial: Franchises, partnerships, corporations; business formation, transfer and dissolution; residential and commercial landlord/tenant disputes; condominium, neighborhood and Homeowner Association disputes; interference with business relationships; misrepresentations; legal malpractice and fee disputes; personal injury; and a wide variety of general business transactions.

Construction: Public and private owners and developers, architects, engineers, general contractors, specialty contractors, suppliers, insurance carriers and sureties; contract, specification and ADR drafting and analysis; mechanic's liens, stop notices, surety claims and other remedies; administrative proceedings relating to licensing and discipline before the Contractors State License Board; project scheduling and delay, acceleration and disruption claims; defects and deficiencies; change orders, submittals, requests for information, shop drawings; pass through claims and liquidation agreements; and other public and private construction issues.

Employment: Internal employment disputes; ombuds procedures; wrongful termination; child abuse and sexual harassment.

Real Estate: Residential and commercial sale and lease transactions and defects; escrows; brokers and salespersons; boundary, easement, drainage, encroachment and obstruction of view disputes; noise, pollution and neighborhood problems; deeds, trust deeds, promissory notes, escrow instructions and other documents;

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and related general real estate issues.

ADR EXPERIENCE Judicial: Arbitrator and Mediator for San Diego Municipal and Superior Courts and Superior Court Judge Pro Tempore.

AAA: Arbitrator since 1979. Mediator since 1992. Member of Fast Track, Regular Track and Large Complex Case Construction and Commercial Panels.

ADR TRAINING AAA (training received):

- Basic and Advanced, Construction Arbitrator Training.
- Basic (02/20/92, 02/21/92 and 02/22/92, San Diego, California) and Advanced, Construction Mediator Training.
- Advanced Mediator Training, Stage III Processing (03/29/93, San Diego, California, 3.5 hours).
- Mediating and Arbitrating Construction Disputes.
- Dispute Review Board Training (02/07/95, San Diego, California, 3.5 hours).
- Advanced Commercial Arbitrator Training (08/25/98, Denver, Colorado, 7.5 hours).
- "Discovery & Motions" Seminar (10/08/98, Orlando, Florida, 1.75 hours).
- "LCCP 1 - Pre-Hearing Case Management" Seminar (10/08/98, Orlando, Florida, 2.5 hours).
- Miscellaneous role plays, conferences and observations.

AAA (training conducted): As a member of the AAA Training Faculty conducted:

- Advanced Construction Arbitrator training in California, Florida, Hawaii, Mississippi, Nevada and Texas.
- Basic Mediator training in California, Louisiana, North Carolina and Texas.

Other: Additional training received and conducted through a variety of programs and organizations on diversity, bias, special needs, confidentiality, judicial arbitration and mediation, ethics, and related topics including but not limited to.

- **Society of Professionals in Dispute Resolution** training received.
 - "*Tips and Techniques in Mediating with Difficult People*" (10/25/97, San Diego, California, 3.5 hours).
- **Dispute Review Board Foundation** training received:
 - "*Using DRB - How Contractors & Owners Can Save Millions*" (05/29/98, San Diego, California, 3.0 hours).
 - "*The Dispute Review Board Administration and Practice Workshop*" (10/02/98, Chicago, Illinois 8.0 hours).
 - "*2nd Annual Meeting and Conference*" (10/03/98, Chicago, Illinois, 5.25 hours).
 - "*World Wide Perspective and Issues of DRB's*" (10/03/98, Chicago, Illinois, 1.75 hours).
 - "*Subcontractors Perspective and Issues of DRB's*" (10/03/98, Chicago, Illinois, 1.75 hours).
 - "*Contractors Perspectives and Issues of DRB's*" (10/03/98, Chicago, Illinois, 1.75 hours).

- "2nd Annual Meeting and Conference" (10/04/98, Chicago, Illinois, 3.5 hours).
- "Owners Perspective and Issues of DRB's" (10/04/98, Chicago, Illinois, 1.75 hours).
- "Legal Perspective and Issues of DRB's" (10/04/98, Chicago, Illinois, 1.75 hours).

Preparation of all handout materials and presentation of annual "Dispute Resolution Update" and "Construction Law Update" for the American Arbitration Association in San Diego and Orange Counties and for the San Diego County Bar Association covering judicial decisions and legislative enactments.

ADMISSIONS State Bar of California and Federal District Courts, Southern and Central Districts of California.

ASSOCIATIONS **Legal:** American Bar Association, State Bar of California and San Diego County Bar Association. Founder and member of the San Diego County Bar Association's Construction Law Section (Chair, three years), member of Fee Arbitration Committee (Chair, three years) and member of ADR Section (Chair, two years).

American Arbitration Association:

- Member, National Construction Arbitration and Mediation Training Faculty (current).
- Member, National Commercial Arbitration Training Faculty (current).
- Member, National Construction ADR Task Force and its Subcommittees dealing with non-binding dispute resolution, mediation, arbitration, partnering, dispute review boards, and other fast track and site-based procedures (work completed 10/95).
- Member, National Construction Dispute Resolution Committee and its Subcommittees dealing with arbitration, mediation, partnering, dispute review boards, and arbitration rule changes (current).
- San Diego Construction Advisory Council (1987 to present; Chair 1994 to present).

Commercial, Construction and Real Estate: Member, officer and/or director of the American Bar Association Forum on the Construction Industry (current), American Subcontractors Association (current), American Society of Professional Estimators (current), Associated General Contractors (former), California Dispute Resolution Council (current), Construction Specifications Institute (current), Dispute Avoidance and Resolution Task Force (former), Dispute Review Board Foundation (current), Engineering and General Contractors Association (former), and Society of Professionals in Dispute Resolution (current).

Other: Anza-Borrego Desert Sheep Count, Robert Burns Club, San Diego Scottish Highland Games, and San Diego Civil War Roundtable.

EDUCATION Miami University (BA 1964); University of Michigan School of Law

(JD 1967).

**LECTURES &
PUBLICATIONS**

Consultant: CEB, Attorneys Guide to California Construction Contracts and Disputes (1976); CEB, Attorneys Guide to California Construction Contracts and Disputes (2d Edition 1990).

Author: Articles on various commercial, construction, real estate, and dispute avoidance and resolution topics published in the AAA's Punch List, DRB Foundation's Newsletter, ABA's The Construction Lawyer, and publications of various trade organizations.

Papers include "Preventing Disputes: Applying the Partnering Process to Contracts for Services and Construction Projects" (presented at Federal Dispute Resolution Conference, Indian Wells, California, 08/17/98), "Dispute Resolution Innovations in the Construction Industry" (presented at AAA Seminar, San Diego, California, 12/03/93), "Pass Through Claims and Liquidating Agreements" (presented at American Bar Association, Forum on the Construction Industry, Orlando, Florida 04/16/98; co-author), "Alternative Dispute Resolution, or How to Avoid Litigation Pollution" (presented at Federal Executive Board, La Mirada, California, 06/29/98), "Partnering Small Construction Projects" (presented at DART "Partnering: Beyond the Basics" Conference, San Antonio, Texas, 03/29/96), "Applying the Lessons Learned in Public Sector Partnering to the Future" (written for DART, "Changing Industry Relations: Cutting Edge Techniques for Preventing and Resolving Disputes" Conference, MIT University, 11/04/97), and others.

Presentations: Guest lecturer at California Western School of Law and University of San Diego School of Law; numerous presentations presented for a wide variety of commercial, construction and professional organizations including American Arbitration Association, Annual Convention of American Society of Professional Estimators, Annual Conventions of Western Remodeling Conference, Annual Conference of the Dispute Avoidance and Resolution Task Force, Annual Convention and local meetings of American Subcontractors Association, Annual Convention of the American Bar Association Forum on the Construction Industry, Annual Federal Dispute Resolution Conference, the Federal Executive Board, and other organizations.

COMPENSATION

Fees: Daily and hourly rates available and negotiable with range from \$200 - \$275 per hour and \$800 to \$1500 per day for hearing and review time (no charge for miscellaneous administrative, correspondence or travel time). Cancellation fee of \$500 if canceled within two business days of San Diego hearing; \$1000 if canceled within ten business days of non-San Diego hearing; no charge for continuance of hearing subsequently conducted.

Costs: Actual cost for out of out-of-town travel and lodging (no charge for meals or travel time).

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