

**Carl F. Ingwolson, Jr.**  
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**Profession:** Attorney, Arbitrator, Mediator.

**Education:** Miami University (BA 1964). University of Michigan School of Law (JD 1967).

**Admissions.** State Bar of California (1967). United States District Courts, Southern and Central Districts of California. .

**Work History:** Self-employed Arbitrator and Mediator, 2009-present; member, Phillips, Haskett & Ingwolson, a P.C., 1981-09; member, Tetley, Ingwolson & Corona (and predecessor firms) / Sole Practitioner, 1971-81; associate, Higgs, Jennings, Fletcher & Mack, 1968-71; Rieth-Reilly Construction Company, 1959-66 (summers only)

**General Experience:** Forty years legal experience representing clients in a large variety of general business matters

involving commercial, construction and real estate issues and related transactional work, litigation, dispute prevention and alternative dispute resolution. Martindale-Hubbell A-V rated.

Dispute resolution services include service as an Arbitrator, Mediator, Special Master, Judge Pro Tem and Early Neutral Evaluator for the American Arbitration Association, the San Diego Superior Courts, and privately.

Numerous presentations for a wide variety of commercial, construction and professional organizations including the American Bar Association Forum on the Construction Industry, American Society of Professional Estimators, California Continuing Education of the Bar, College of Commercial Arbitrators, Western Remodeling Conference, Conference of the Dispute Avoidance and Resolution Task Force, American Subcontractors Association, Federal Dispute Resolution Conference, Contractor's Construction Superconference, Federal Executive Board, Insurance Company of the West, San Diego County Bar Association, State Bar of California and other organizations; guest lecturer at local law schools.

**Professional Associations:** American College of Construction Lawyers (Fellow); College of Commercial Arbitrators (Fellow); California Academy of Distinguished Neutrals (Diplomat); National Academy of Distinguished Neutrals (Diplomat); American Bar Association (Forum on the Construction Industry); State Bar of California; San Diego County Bar Association, Construction Law Section (member, founder, past chair) and ADR Section (member, past Chair); Fee Arbitration Committee (past chair); California Dispute Resolution Council (member, past board member).

**American Arbitration Association:** National Construction and Commercial Arbitration and Mediation Training Faculties; National Construction ADR Task Force (1995); National Construction Dispute Resolution Committee (1996-present).

**Mediator Experience:** Mediator since 1992.

1. **Construction:** Public and private owners, developers, architects, engineers, general contractors, specialty contractors (steel, roofing, insulation, HVAC, curtain wall, mechanical, electrical, plumbing, masonry, grading, framing and other trades), suppliers, insurance carriers and sureties; contract, specification and ADR drafting and analysis; mechanic's liens, stop notices, surety claims and other remedies; administrative proceedings; project scheduling, delay, acceleration and disruption; defects and deficiencies; mold; change orders, submittals, requests for information, shop drawings; pass-throughs and liquidation agreements; administrative licensing and discipline.
2. **Commercial:** Franchisor/Franchisee issues, partnership disputes and dissolutions, corporations; business formation, transfer and dissolution; computer and Internet hardware/software design and installation;

intellectual property; product procurement and performance; residential/commercial landlord/tenant; condominium, neighborhood and HOA; insurance liability and coverage; interference with business relationships; misrepresentation; legal malpractice, attorney fee disputes and dissolutions; general business transactions; Americans With Disabilities Act..

3. **Real Estate:** Residential and commercial sale and lease transactions, defects, restrictions, uses; landlord/tenant; escrows; brokers and salespersons; insurance coverage and liability; boundary, easement, drainage, encroachment, parking and view obstructions; mold, noise, pollution and other neighborhood problems; deeds, trust deeds, promissory notes, escrow instructions and other documents; multi-family; homeowner associations and CC&Rs; and related general real estate issues.
4. **Personal Injury:** Property damage and bodily injury disputes ranging from minor soft tissue slip-and-fall matters to assaults, mold and multi-vehicle accidents with significant injuries.
5. **Employment:** Internal employment disputes; wrongful termination; child abuse, harassment and discrimination.

**Multi Party Mediation.** Mediations involving three or more parties have included commercial (eg. multiple business entities, subsidiaries, insurance carriers); construction (eg. owners, prime contractors, subcontractors, and design professionals); employment (eg. employers, employees, supervisors, co-employees); personal injury (including multi-vehicle automobile accidents); and real estate (eg. multiple sellers, buyers, brokers, contractors and inspectors).

**Mediation Philosophy:** Facilitative style as much as possible; evaluative if and when it would benefit the process, something that occurs in the vast majority of cases. I ask that parties be prepared, exchange necessary information and documents prior to the mediation, and submit written briefs (preferably shared). All briefs are reviewed in detail prior to the mediation.

**Total Number of Cases Mediated.** 1,050.

**Arbitration Experience.** Arbitrator since 1979.

1. **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.
2. **Commercial:** Franchises, partnerships, corporations; business formation, transfer and dissolution; professional malpractice; computer and intellectual property hardware and software design and installation; residential and commercial landlord/tenant; condominium, neighborhood and homeowner associations; insurance liability and coverage; interference with business relationships; misrepresentations; fee disputes; personal injury; and a wide variety of general business transactions.

**Number of Cases Arbitrated:** 550 (estimated).

**Training received and programs attended include:** *National Summit on Business-to-Business Arbitration*, College of Commercial Arbitrators, Washington D.C. (10/30/09); *Dialogue on Diversity*, San Diego County Bar Association, San Diego (10/27/09); *Negotiation Tactics for Court Mediators*, San Diego (12/12/07); *Managing Cases Involving Self-Represented Parties*, AAA Web, ACE002 (12/29/06); *A Mediator's Inside View: How to Advance Your Interests*, ABA Forum on the Construction Industry, San Diego (05/18/06); *Discovery in Arbitration: International & Domestic*, ABA Forum on the Construction Industry, San Diego (05/18/06); *National Forum on Conflict Management in the Construction Industry*, AAA Orlando (11/04-11/05/04); *Construction Dilemmas: Caught Between the Rock & a Hard Place*, ABA Forum on the Construction Industry TIPS Conference, San Francisco (01/29/04); *Mandatory ADR in Employment and Consumer Related Disputes*, ABA, San Antonio (03/22/03); *Civil Justice Through*

*Consumer Arbitration*, ABA San Antonio (03/21/03); *Goldilocks and Arbitration Clauses. Too Little, Too Much (Too Bad), or Just Right?* ABA, San Antonio (03/21/03); *Arbitrator Ethics. Will the New California Requirements Fix or Destroy Arbitration?* ABA, San Antonio (03/21/03); *Is Commercial Arbitration Becoming Too Legalistic - Is It Losing the Promise of Arbitration to be Inexpensive and Quick?* ABA, San Antonio (03/20/03); *Annual Arbitrator Update*, AAA Phoenix (06/24/01); *Mediator Retreat*, AAA (2000); *Large Complex Case Retreat*, Scottsdale (10/15/99-10/16/99); *Panel Chair Workshop*, AAA (10/15/99); *Challenging Arbitration Awards*, ABA Forum on the Construction Industry, Las Vegas (04/30/99); *Complex Ethical Issues in Mediation*, ABA Forum on the Construction Industry, Las Vegas (04/29/99); *Hitting the ADR Jackpot: Successful Mediation Strategies*, ABA Forum on the Construction Industry, Las Vegas (04/29/99); *Discovery & Motions*, AAA Orlando (10/08/98); *Pre-Hearing Case Management*, AAA LCCP 1, Orlando (10/08/98); *2nd Annual Meeting and Conference*, Dispute Review Board Foundation, Chicago (10/03/98; 10/04/98); *Owners' Perspective and Issues of DRB's*, DRBF, Chicago (10/04/98); *Legal Perspective and Issues of DRB's*, DRBF, Chicago (10/04/98); *World Wide Perspective and Issues of DRB's*, DRBF, Chicago (10/03/98); *Subcontractors' Perspective and Issues of DRB's*, DRBF, Chicago (10/03/98); *Contractors' Perspectives and Issues of DRB's*, DRBF, Chicago (10/03/98); *The Dispute Review Board Administration and Practice Workshop*, DRBF, Chicago (10/02/98); *Advanced Commercial Arbitrator Training*, AAA, Denver (08/25/98); *Using DRBs - How Contractors & Owners Can Save Millions*, San Diego (05/29/98); *Construction Lawyering in the 21st Century*, ABA Forum on the Construction Industry, Orlando (04/16/98); *Advanced Construction Mediator Workshop*, AAA McLean (03/19/98-03/20/98); *Show Me the Money: Construction Damages*, ABA Forum on the Construction Industry, San Francisco (01/29/98); *AIA Contract Documents: Generation Next*, ABA Forum on the Construction Industry, San Diego (11/06/97-11/07/97); *Tips and Techniques in Mediating with Difficult People*, Society of Professionals in Dispute Resolution, San Diego (10/25/97); *Construction Arbitrator Training Workshop*, AAA, San Diego (01/01/97); *Beyond No. Appealing the Arbitration Award*, ABA Forum on the Construction Industry, San Diego (05/19/06); *Construction Round-Up*, ABA Forum on the Construction Industry, Dallas (05/01/96-05/04/96); *The Great Payment Debate: Battling for the Bucks*, ABA Forum on the Construction Industry, San Francisco (01/25/96); *Dispute Review Board Training*, AAA, San Diego (02/07/95); *Dispute Resolution Innovations in the Construction Industry*, AAA, San Diego (12/03/93); *Advanced Mediator Training, Stage III Processing*, AAA, San Diego (03/29/93); *Basic Commercial/Construction Mediator Training*, AAA, San Diego (02/20/92-02/22/92); *miscellaneous role plays, conferences and observations.*

#### **Trainings conducted and programs presented include:**

Presenter, *Dispute Resolution Update*, multiple times annually (1995-present) at various locations for the American Arbitration Association, San Diego County Bar Association and private law firms in Southern California; presenter, *Construction Law Update*, multiples times annually (1994-2006) for the American Subcontractors Association and San Diego County Bar Association; trainer, *Basic Commercial/Construction Arbitrator Training*, AAA, nationwide (1996-2005); trainer, *Advanced Commercial/Construction Arbitrator Training*, AAA, nationwide (2001-2005).

Co-presenter, AAA, *Mediation Tune-Up. Skills and Drills for Practicing Mediators, Negotiators and Litigators* (12/08/2010; 01/12/2011); presenter, *Non-Signatory Issues in Arbitration*, College of Commercial Arbitrators (10/30/2010); presenter, *Court-Connected Mediation. Selected Mediation Statutes, Rules, Cases and Articles, Conflict Checks, Disclosures, Confidentiality, Forms and Malpractice*, Riverside County Superior Court, Palm Desert, CA (09/27/10) and Riverside, CA (09/28/10); trainer, *Arbitrator Ethics & Disclosure*, AAA, ACE003, San Diego (05/11/10); presenter, *Enforcing the Award: Tips and Traps*, Construction Conference, Los Angeles (11/13/09); co-presenter, *How to Prevent Arbitration from Transforming into Litigation*, AAA Webinar (09/30/09); presenter, *Drafting Arbitration Clauses: Functional and Dysfunctional*; Sempra Energy Corporate Counsel (09/16/2009); co-presenter, *ADR Update*, State Bar Convention, San Francisco (09/12/2009); co-presenter, *Arbitrator Boundaries: What are the Limits of Arbitrator Authority?*, AAA Webinar (09/09/2009); co-presenter, *Mediation Advocacy for Corporate Counsel*, Association of Corporate Counsel, San Diego (06/11/2009); trainer, *Maximizing ADR Advocacy for Today's Economy*, AAA, Construction Conference (2009); *Arbitration: How to Effectively Prepare & Present Your Case*, Gordon & Rees LLP, San Diego (05/16/2009); co-presenter,

*Cross-Fertilization: Common Issues for Construction and Commercial Arbitration*, ABA Section of Dispute Resolution, New York (04/17/2009); co-presenter, *Arbitrator Update - Topical Issues & Case Law in Arbitration*, American Arbitration Association, Coronado (02/27/09); co-presenter, *Fundamentals of Arbitration Law & Practice*, American Arbitration Association (01/23/09); *Arbitration: Recent Developments & What Every Litigator Should Know*, Litigation Section, State Bar, Berkeley (01/17/09); presenter, *Arbitration of Attorney Fee Disputes*, San Diego County Bar Association (01/13/2009); trainer, *Arbitration Roadmap: The Standard for Efficient & Cost Effective Arbitration*, AAA, Orange County (11/13/08); trainer, *Arbitration Roadmap: The Standard for Efficient & Cost Effective Arbitration*, AAA, San Diego (11/14/08); presenter, *Arbitration Clauses: Functional and Dysfunctional*, San Diego County Bar Association (10/16/2008); presenter, *Conflict Disclosures in Arbitration*, ADR Section, Orange County Bar Association (10/02/08); presenter, *Employment Class Arbitrations & Prohibitions*, Gordon & Rees, San Diego (07/21/2008); co-presenter, *Construction Arbitration*, American Bar Association, Seattle (04/04/08); presenter, *Creating an Effective Dispute Resolution Clause*, San Diego County Bar Association (2008); co-presenter, *Arbitrator Selection, Disclosure & Qualifications*, ADR Section, State Bar of California, Anaheim (09/29/2007); co-presenter, *Arbitration Advocacy: Effective Presentations & Recent Developments*, State Bar of California, Anaheim (09/27/07); co-presenter, *Advocacy in Arbitration*, State Bar of California, Monterey (10/07/06); co-presenter, *Arbitration and the Unauthorized Practice of Law*, ABA Forum, San Diego (05/19/2006); presenter, *Breaking Impasse in Mediation*, American Arbitration Association, San Diego (11/11/2005); trainer, *Safeguarding, Deciding & Writing Awards*, AAA ACE 001, San Diego (09/21/05; 01/22/04); trainer, *Fundamentals of the Arbitration Process*, AAA ARB I, San Francisco (08/04/05; 05/13/04); trainer, *Award Writing*, AAA (2004-2005); co-presenter, *Creating an Effective Dispute Resolution Clause. Rules-of-the Road in Drafting an Arbitration Clause*, National Contract Management Association, Phoenix (04/26/2005); trainer, *Advanced Case Management Issues*, AAA ARB II, Palm Springs (03/03/05-03/04/05), San Diego (07/22/04-07/23/04), Phoenix (12/16/00-12/17/00); co-presenter, *Arbitration Advocacy and Avoiding the Arbi-Trial*, American Arbitration Association, Chicago (11/13/2003); *National Forum on Conflict Resolution in the Construction Industry*, AAA, Chicago (11/13/03); trainer, *Basic Mediator Training*, AAA (2002); co-presenter, *It's Not My Fault! If It Is My Fault, It's Not Covered! If It Is Covered, My Carrier's Broke*, Public Construction Superconference, San Francisco (12/13/2001); presenter, *Breaking Impasse*, American Arbitration Association, New Orleans (03/30/2001); presenter, *Ethics in Mediation*, California Western School of Law (11/16/00); co-presenter, *Practical Aspects of Mediating the Multi-Party Construction Dispute*, American Arbitration Association, Chicago (09/22/2000); presenter, *Contract Drafting Functional & Dysfunctional*, San Diego County Bar Association, San Diego (09/10/98); co-presenter, *Arbitrator Disclosures*, AAA (09/09/1998; 09/18/1998); co-presenter, *Preventing Disputes: Applying the Partnering Process to Contracts for Services and Construction Projects*, Federal Dispute Resolution Conference, Indian Wells (08/16/1998); co-presenter, *Alternative Dispute Resolution, or How to Avoid Litigation Pollution*, Federal Executive Board, La Mirada (06/29/1998); co-presenter, *Leap Frog or Pass the Buck - Claims Passing in the 21st Century*, ABA Forum on the Construction Industry, Orlando (04/16/1998); presenter, *ADR: Advocacy, Procedure and Drafting*, San Diego County Law Library Lecture Series, San Diego (04/25/97); trainer, *Fast Track Construction Arbitration*, AAA (08/21/96); trainer, *Advanced Commercial/Construction Arbitrator Training I*, AAA, Los Angeles (08/12/96-08/13/96), Chicago 07/14/97); co-presenter, *Partnering Small Construction Projects*, AAA DART Conference, San Antonio (03/29/96); presenter, *Mediation Beyond the Basics*, San Diego County Bar Association, San Diego (01/19/96); co-presenter, *New Developments in Managing Construction Claims*, High-Point Rendel (09/26/95); presenter, *Mediating & Arbitrating Construction Disputes: Interaction between the Courts and Arbitration*, American Arbitration Association (05/15/92); trainer, *Basic Mediator Training*, AAA (02/20/92-02/22/92).

**Writings include:** Co-author, *Arbitration and the Unauthorized Practice of Law*, The Construction Lawyer (Winter 2007); author, *Alternative Dispute Resolution*, California Litigation Review, Litigation Section, State Bar of California (2008); co-author, *Pass Through Claims and Liquidation Agreements*, The Construction Lawyer (10/98); consultant, *Attorneys' Guide to California Construction Contracts and Disputes* (CEB, 2d edition, 1990); consultant, *Attorney's Guide to California Construction Contracts and Disputes* (CEB, 1976).\

