
Robertson

Alternative Dispute Resolution

Les W. Robertson

Robertson ADR

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Robertson ADR evolved from Robertson & Associates, APC in which I was the primary shareholder practicing in the area of insurance law with particular emphasis on coverage issues arising out of construction disputes, contractual claims, and risk transfer. I have represented many clients, both insurance companies and policyholders, in coverage disputes. I participated in the litigation and settlement of many large exposure claims in California, Arizona, Oregon and Washington and several other jurisdictions in the western United States. Over the last 33 years I litigated a variety of claims, including property damage, bodily injury, maritime, breach of contract, products liability, environmental, toxic tort, mold, advertising injury, professional liability, and intellectual property. Primarily involved in cases and risk management issues with exposure more than a million dollars, with a significant number of cases in excess of ten million dollars.

Admitted to practice in the states of California, Arizona, Oregon, Washington and Georgia and a member of the American Arbitration Association (AAA) Panel of Neutrals in the area of construction and commercial litigation. I have also been a guest lecturer at a number of national and regional insurance-related seminars and co-authored the chapter on Key Policy Conditions for the American Bar Association (ABA) treatise on the Commercial General Liability Policy. Highest AV Rating, Best recommended and have been named as one of "San Diego's Top Lawyers" and a Super Lawyer (multiple years). Also served as chair of the San Diego County Bar Association's Insurance Practice Section.

Profession

Arbitrator, Mediator, Expert Witness Consultant on Insurance Coverage Issues and on Contractual Risk Transfer

Bar Admissions

California, 1989

Washington, 2004

Oregon, 2009

Arizona, 2013

Georgia, 2023

U.S. District Court, Northern District of Illinois, 1988

U.S. District Court, Southern District of California, 1989

Bar Admissions – cont'd

U.S. District Court, Central District of California, 1989
U.S. District Court, Northern District of California, 2018
U.S. District Court, Western District of Washington, 2005
U.S. District Court, Eastern District of California, 2009
U.S. Court of Appeals 9th Circuit, 2011
U.S. District Court, Eastern District of Washington, 2012
U.S. Supreme Court, 2014

Areas of Practice

Alternative Dispute Resolution
Mediation/Arbitration
Expert Witness Consultant
Insurance Coverage Analysis
Risk Management

Work History

Arbitrator, American Arbitration Association, 2003 to present
Mediator/Arbitrator, Robertson ADR, 2015 to present
Mediator/Arbitrator, FORUM, 2020 to present
Shareholder, Robertson & Associates, APC (and predecessor firm), 2001-2024
Attorney, Lorenz, Alhadeff, Cannon & Rose, 1996-2001
Attorney, Koeller, Nebeker, Carlson & Haluck, 1989-1996
Attorney, Hinshaw & Culbertson, 1987-1988

Professional Affiliations

Martindale-Hubbell AV Preeminent Rated-Highest Level of Professional Excellence (2023)
AM Best Client Recommended Insurance Attorneys – Over 10 years
Super Lawyers Designation by Thomson Reuters (2018-present)
Top San Diego Lawyers – Insurance Coverage Analysis (over 10 years)
CRIS (IRMI - Construction Risk and Insurance Specialist Certification) Designation Earned (2022)
SDCBA Arbitration Panel Member
American Arbitration Association National Roster of Neutrals www.adr.org
CLM - Member; Earned CLMP Designation (2020)
FORUM ADR - Panel Mediator and Arbitrator www.adrforum.com
Oregon State Bar House of Delegates - Region 8 Delegate (2016/2017)
San Diego County Bar Assn – Insurance/Bad Faith Law Section Chair 2013
Armadillos (Member)

Education

Massachusetts College of Liberal Arts, Bachelor of Arts, History (1981)
Chicago-Kent College of Law, Juris Doctor (1988)

Publications and Speaking Engagements

The Commercial General Liability Policy, Key Conditions Chapter co-author of ABA treatise on CGL policies – 1st (2010), 2nd (2014) and 3rd (2022) Editions

March 2022 - Speaker, "Working with Appointed Counsel and Insurance Coverage Counsel: An Evolving Relationship", 2022 CLM Annual Conference, Palm Desert, CA

September 2021 - Speaker, "Navigating the Pitfalls of High-End Home Litigation", 2021 CLM Construction Conference, San Diego, CA

September 2021 - Presenter, "Success of Eliminating the AI Obligation When the AI Settled", Enstar 2021 Annual Construction Defect Panel Counsel Meeting, San Diego, CA

March 2021 - Presenter, "California Insurance Coverage and Construction Issues", Argo Construction Forum, In-House Training Session.

July 2020 – Speaker, "Case Law Update on Construction/Insurance Law", DRI First Virtual Conference - Construction Law.

December 2019 – Presenter, training session for insurance company client's construction defect unit. Topics including best practices for handling California claims.

May 2019 – Presenter, topics involving additional insured issues to claims representatives and management of current insurance company client.

May 2019 – Speaker, "Reservation of Rights Letter: What You Should Know", 4th Annual Midwest Construction Defect & Dispute Conference, Loyola University Chicago, Chicago, IL

April 2019 – Speaker, "2018 Year In Review", SDCBA Insurance/Bad Faith Section, San Diego, CA

April 2018 – Speaker, "Insurance Coverage Issues for Attorneys and Adjusters", DRI Annual Construction Law Seminar, Nashville, TN

January 2018 – Presenter, Insurance Coverage Cases and Claims Handling Regulations Update 2017 for CA, OR, WA, AZ and NV, In-house training for nationwide carrier/claim administrator, Chicago, IL

June 2016 – Speaker, "Risk Transfer in the Construction Trade", DRI Annual Construction Law Seminar, New Orleans, LA

September 2015 – Speaker, "Coverage and Current Trends", MC Consultants 21st Annual Construction Defect and Insurance Coverage Conference

July 2015 – Speaker, "An Analysis and Discussion of the Impact of the 2013 Federal Ins. v. MBL Decision on Cumis Conflict Cases", San Diego County Bar Association, Insurance/Bad Faith Law Section

November 2014 – Speaker, "Current Coverage Disputes and What to Do About Them", San Diego County Bar Association ADR Section

September 2014 – Panel Moderator, "The Gavels Speak!", MC Consultants 20th Annual Construction Defect and Insurance Coverage Conference

July 2014 – Speaker, "Insurance Coverage Law: What Every Practitioner Should Know", San Diego County Bar Association Insurance/Bad Faith Section

January 2014 – Co-Author of Chapter "Key Conditions" for ABA book on the Commercial General Liability Policy, Second Edition

Publications and Speaking Engagements – cont'd

November 2013 – Speaker, “What Happened to Simple HOA Actions – Litigating Commercial Projects”, Association of Southern California Defense Counsel 2013 Construction Defect Seminar

September 2013 – Panel Moderator, “West Region Judges Live!” – MC Consultants 19th Annual Construction Defect and Insurance Coverage Conference

September 2013 – Speaker, “Broker Liability”, San Diego County Bar Association Insurance/Bad Faith Section

February 2013 – Panel Moderator, “2012 Insurance Law: The Year in Review”, San Diego County Bar Association

September 2012– Speaker, “Insurance and Indemnity: Trends in Risk Transfer”, San Diego County Bar Association

September 2012 – Speaker, “Rocky Mountain Construction Litigation: Trends in Risk Transfer”, MC Consultants 18th Annual Construction Defect and Insurance Coverage Conference

January 2012 – Zurich’s Bid For Quick Win Backfires In Defect Coverage Row – Law360

September 2011 – Panel Moderator, “The Gavels Speak!”, MC Consultants 17th Annual Construction Defect and Insurance Coverage Conference

November 2010 – Chapter Co-Author “The Reference Handbook on the Comprehensive General Liability Policy – Key Conditions”, ABA Treatise on CGL Policies.

May 2010 – Speaker, “Insurance Coverage for Construction: Five Things You Should Know About Self-Insured Retentions (SIRs)”, SDCBA Bar Center

September 2009 – Speaker, “Pacific Northwest Coverage and Legislation Issues”, MC Consultants West Region Construction Defect and Construction Law Conference

September 2008 – Conducted seminar on the recent California Supreme Court decision of Crawford v. Weather Shield to large nationwide insurance carrier construction claim unit.

June 2007 – Speaker, “Handling Construction Defect Claims: Strategies and Tactics re Insurance Coverage”, MC Consultants Annual Seminar

Wet Wood and Mold: The “Perfect Storm” for the Lumber Industry?

September 2006 – Speaker, “Trends in Construction Law: Litigating Complex Commercial, Investment and Luxury Property Cases”, 46th Annual Seminar, Association of Southern California Defense Counsel

February 2006 – Speaker, “Annual Update on Construction Law”, Washington Defense Trial Lawyers

October 2005 – Speaker, “Legislative Updates for Colorado, Nevada and Arizona”, “West Coast Casualty 10th Annual Construction Defect Seminar

October 2004 – Speaker, “Conditions and Insuring Agreements”, Mealey’s Insurance Coverage Disputes Concerning Construction Defects

August 2004 – Speaker, “Anatomy of an Insurance Policy”, San Diego Defense Lawyers Seminar

April 2000 – Speaker, “In the Shade of ‘AAS’” West Coast Casualty Construction Defect Seminar

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FEE SCHEDULES

Effective: January 1, 2024

CALIFORNIA RATES

For live and virtual mediations and arbitrations in California, Mr. Robertson's half-day fee is \$2,500.00 and the full day fee is \$4,500.00. A half day consists of 4 hours of session time and a full day consists of 8 hours in session. After 8 hours, time is billed at rate of \$525/hour. Travel time is included within these rates and not billed separately.

For mediations and arbitrations outside California, Mr. Robertson's fees are as follows:

OTHER STATES

A flat fee of \$7,000 per day will be charged for cases in all other states which is *inclusive* of all travel time and expenses. After 8 hours, time is billed at rate of \$525/hour. Travel time and expenses are included within these rates and not billed separately. No half-day fee option for other states.

ADMINISTRATIVE CHARGES

There are no administrative charges of any kind.

BILLING

Unless otherwise agreed to by the parties, fees will be divided equally among all participants and billings will be sent out within five (5) business days after the reserved date has been confirmed.

REFUND OF FEES/CANCELLATION FEE

Fees are fully refunded when notice of cancellation is received at least fourteen (14) calendar days before the scheduled date. There is a 50% cancellation charge when notice of cancellation is received less than 14 days before the scheduled date.