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KAMINE COLLINGS & PHELPS, P.C.  
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## **EDUCATION**

B.A. 1965, University of Denver; J. D. 1968, Harvard Law School

## **EMPLOYMENT**

Deputy Attorney General, California Department of Justice, 1968-72  
Instructor (part-time) Glendale College of Law, 1970-72  
Assistant Attorney General, Colorado Department of Law, 1972-74  
Associate, Shapiro & Maguire Law Corp., Beverly Hills, CA, 1974-76  
Principal, Kamine Collings & Phelps, P.C., and predecessor firms, 1976–  
(focus on business litigation, primarily construction industry disputes)

## **BAR ADMISSIONS**

STATE COURTS: California (1969), Colorado (1969)  
FEDERAL COURTS: U. S. Supreme Court (1973), 9th Circuit (1969), 10th Circuit (1974),  
Central Dist. of California (1969), Dist. of Colorado (1972), Southern Dist. of  
California (1982), U. S. Court of Military Appeals (1987)

## **ARBITRATION, MEDIATION and DRB EXPERIENCE**

Typical issues: Breaches of contract (including contract interpretation, extra work, backcharges, differing site conditions, delay, acceleration, disruption, implied covenants and warranties, termination for default, termination for convenience, punchlists, express warranties, cost to complete, subcontractor pass-through claims and liquidated damages), stop notices, mechanics liens, payment and performance bonds, some construction defects and some design professional negligence.

Appointed as a neutral arbitrator in over 150 cases (several involving a panel of three arbitrators); appointed as party arbitrator in one case. Most cases were administered by the American Arbitration Association, some by the California Office of Administrative Hearings under the State of California Public Works Contracts Arbitration program.

Mediated over 50 construction disputes, mostly between contractors and owners (including several public agency owners), or contractors and subcontractors, with a few involving design professionals. Five multi-party cases, four involving breach of contract claims, and one involving construction defects.

Service on four Dispute Review Boards: two highway projects, one light rail project, and one railroad project.

## **PUBLICATIONS**

### *AUTHOR:*

- PUBLIC WORKS CONSTRUCTION MANUAL – A LEGAL GUIDE FOR CALIFORNIA (BNi Building News, 1996)
- "The Colorado Claims Commission," 3 COLORADO LAWYER, No. 7, 35 (1974)
- "Frivolous Appeals," 47 CALIFORNIA STATE BAR JOURNAL 306 (1972)
- "The First 5 Minutes of an Oral Civil Deposition," 18 THE PRACTICAL LAWYER, No. 3, 45 (1972)
- "The Voiceprint Technique: Its Structure and Reliability," 6 SAN DIEGO LAW REVIEW 213 (1969)
- Over 200 construction law articles in the ENGINEERING CONTRACTORS' ASSOCIATION MAGAZINE (over 125 since 1984), LOS ANGELES DAILY JOURNAL (over 55 since 1989), CALIFORNIA LAWYER, CONSTRUCTION LINK, DODGE CONSTRUCTION NEWS-GREENSHEET, SOUTHERN CALIFORNIA CONTRACTORS ASSOCIATION MAGAZINE, CMAA SOUTHERN CALIFORNIA CHAPTER LEGAL & LEGISLATIVE E-NEWSLETTER, and LOS ANGELES CSI NEWSLETTER

### *CO-AUTHOR:*

- "MCLE Self-study: Staying on Top of Construction Law Deadlines," 16 CALIFORNIA LAWYER, No. 5, 64 (1996)
- "Who is the 'Contractor' that Civil Code Section 3097(b) Exempts from Giving a Preliminary 20-Day Notice?" 10 CAL. REAL PROPERTY J., No. 1, 45 (1992)
- "Chapter 22. Construction Contracts," 2 CALIFORNIA FORMS OF JURY INSTRUCTION (Matthew Bender, 1985)

*CONSULTANT:* "Chapter 3. Claims on Public Works," CALIFORNIA MECHANICS' LIENS AND OTHER REMEDIES (2d ed.) (California Continuing Education of the Bar, 1988)

## **PROFESSIONAL ORGANIZATIONS AND SERVICE**

### *JUDGE PRO TEMPORE:*

- Los Angeles Superior Court (1989-99)
- Los Angeles Municipal Court (1977-99)
- Beverly Hills Municipal Court (1974-77)

### *ARBITRATOR & MEDIATOR:*

- American Arbitration Association
  - National Panel of Construction Arbitrators (1978-)
  - Large Complex Case Program, construction cases (1994-)
- California Public Works Contract Arbitration Committee (1990-)

### *CHAIR:*

- Calendar Coordinating Committee, California State Bar Conference of Delegates (1991-92)
- Construction Law Subsection, Real Property Section, Los Angeles County Bar Assn. (1981-83)
- Superior Courts Committee, Los Angeles County Bar Assn. (1977-79)

*MEMBERSHIPS IN LEADERSHIP GROUPS:*

- California Judicial Council Advisory Committee on Legal Forms, (1978-82, chaired subcommittee which drafted Cal. Rules of Court, Appendix, Div. IVa, Form Interrogatories)
- Los Angeles County Bar Association delegation to State Bar Conference of Delegates (1977 to 96; executive committee 1980-82)
- Executive Committee, Trial Lawyers Section, Los Angeles County Bar Association (1979-81)
- Los Angeles County Superior Court Arbitration Administrative Committee (1979-81)

**COMMUNITY ORGANIZATIONS, SERVICE, HONORS**

- American Arbitration Association (Los Angeles Regional Advisory Committee for Construction Industry Arbitration, 1987-90; Los Angeles Regional Construction Advisory Council, 2005-)
- American Public Works Association-Associated General Contractors of California Joint Cooperative [GREENBOOK] Committee (Engineering Contractors' Association representative 1983-95; chair, Specifications Review Subcommittee, 1987-93)
- Anti-Defamation League (Associate National Commissioner, 1995-2007; Pacific Southwest Regional Board, 1982-, executive committee chair, 1996-98, board president, 1998-00)
- Associated General Contractors of California (Los Angeles District Board of Directors, 1995-00; representative on Public Works Standards, Inc. GREENBOOK Committee 1996-)
- American Construction Inspectors Association Board of Registered Construction Inspectors (1990-97)
- Engineering Contractors' Association (Board of Directors, 1985-; chair, Affiliates Committee, 1993; President's Award, 1986; Affiliate of the Year 1987 and 1992; Affiliate DIG [Dignity, Integrity, Generosity] Award, 1996; Political Action Committee Distinguished Service Medal, 2004)
- Los Angeles County Bar Association Real Property Section, Construction Law Subsection, biennial James Acret Award for Outstanding Achievement in Construction Law Legal Writing. (2008)
- Public Works Standards, Inc. [since 1996 the owner/author of the STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREENBOOK)] (Board of Directors, 1996-; Secretary, 1996-)
- The Beavers (heavy construction industry association, 1998-)
- United States Army Reserve (1969-03) Colonel (ret), Infantry; Meritorious Service Medal, Joint Services Commendation Medal, Army Commendation Medal, Army Achievement Medal, Military Outstanding Volunteer Service Medal, various other service medals, and Expert Infantryman Badge)