

Colorado Department of Transportation
Dispute Review Board (DRB) Candidate Solicitation

This form is to be filled out electronically. Type your answers in the grey areas in the space allowed by the boxes. You can use the Tab key to go from one field to the next. When you have completed this form, save it to your computer, then attach your form in an email to Mark.Straub@state.co.us with the Subject line as “(Your name)’s DRB-CS Form”. Do not include any other attachments to this form.

1. Candidate Information

Name: Daniel M. Gross	Employer: Woods Aitken LLP		
Address: 7900 E. Union Ave. Suite 700	City: Denver	State: CO	Zip Code 80237
Phone Number: 303-606-6720	Email Address (required): dgross@woodsaitken.com		

2. Education

University/College	Degree	Year Graduated
1. University of Colorado at Boulder	BA--History	1977
2. University of Denver	JD	1982
3.		

3. Professional Licenses/Certifications and Professional Organizations

1. Colorado Bar	2. American Arbitration Assn., National Panel of Construction Arbitrators
3. Several federal courts	4.

4. Major Employment History

Employer	Number of Years Employed	Your Job Title(s)
1. Woods & Aitken LLP	3.5	Of Counsel
2. Berg Hill Greenleaf & Ruscitti LLP	8	Partner
3. Oviatt Clark and Gross LLP	23	Partner
4. Smart Defurio and McClure	1	Associate

5. Experience and General Information: (continued on page 2)

<p>1. Describe your major areas of work experience/expertise:</p> <p>I have practiced construction law since 1982. My clientele has been weighted toward public heavy and highway contracting. My practice has been primarily devoted to claims and litigation/arbitration. I have been an AAA construction arbitrator for more than twenty years and have taken more than thirty construction cases through award. I have been an advocate in court or arbitration in more than eighty cases, the large majority of which were construction.</p>
<p>2. Describe your experience with construction claims:</p> <p>A substantial portion of my law practice has been devoted to construction claims, both on the claimant and on the defense side. I have prepared and presented claims in most areas of heavy, highway and building construction. I am knowledgeable about all primary remedy granting theories for claims, scheduling and damages.</p>
<p>3. Describe your knowledge of construction contract law:</p>

I have been a construction law practitioner for nearly 36 years and have a deep knowledge of construction and government contract law. I regularly review and draft construction contracts, including DOT contracts. In my service as an arbitrator, I interpret construction contracts and analyze and apply construction statutes and case law.

4. Describe your experience with construction contract administration:

Most of my experience with contract administration is in the context of claims. As part of claim preparation and defense of claims, I have often “deconstructed” how projects were administered. I consider myself knowledgeable about good contract administration practices although I have not ever administered a contract myself. I have done in-house and industry trainings for clients on contract administration, as well as claims avoidance and claims preparation and other topics of construction law.

5. Describe your construction field experience:

I have no field experience. However, as with contract administration, I have had extensive second-hand exposure to the construction process and have a working understanding of how construction projects are designed and performed.

6. Describe your DRB (or arbitration) training, certification, and experience:

This is my first application to participate in the DRB process. I have been in contact with the DRB Foundation about their 2018 trainings and plan to attend one that satisfies CDOT’s DRB requirements. As touched on above, I have extensive experience as a construction arbitrator and have had yearly AAA continuing arbitrator education since approximately 1998. I am also trained as a mediator (AAA 40 hour course) and plan to make mediation more of a focus in my practice going forward. I have participated in more than 100 mediations as counsel for a party and three as mediator.

7. Describe your employment/retirement status and availability to serve on a DRB and geographical area:

I work full time for Woods & Aitken LLP, but I plan to make office work and ADR a larger part of my practice, so I have general availability to serve as a DRB member if I am accepted as a CDOT DRB panelist. I regularly serve as an arbitrator, but hearing settings are done far enough in advance that I am able to schedule around ongoing events such as quarterly DRB meetings.

DRB members are compensated as per Section 105 of the CDOT Specifications.

6. List Two References For Your Experience With Construction Claims

Name	Title	Organization	Phone Number	Email Address
Leo Milan	Senior Ass’t. AG--Litigation	Colorado AG’s Office	720-508-6611	leo.milan@coag.gov

	and Transportation			
Bill Hinton	PE	Private ADR practitioner	303-355-6988	seabee1111@msn.com

Important Notice - All information provided on this form will be visible to the public on the CDOT – DBR web page: “[List of Candidate Members for the Dispute Review Board \(DRB\)](#)”.