



Benjamin R. Trachtman, Esq.
Irvine, California



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Current Employer-Title	Trachtman ADR / Trachtman & Motu - Managing Partner
Profession	Construction Arbitrator and Mediator
Work History	Founding and Managing Partner, Trachtman & Motu LLP, 2023-present; Trachtman & Trachtman LLP, 1997-2022; Partner, Coleman & Trachtman, 1994-1997; Associate Attorney, Murtaugh Miller Meyer & Nelson, 1988-1994.
Experience	<p>Over 35 years of experience as a civil trial lawyer specializing in a wide array of construction disputes/litigation with a heavy emphasis on commercial construction payment disputes on both private and public (state, local and federal) works construction projects in and outside the State of California.</p> <p>Represented owners, developers, design professionals, general contractors, subcontractors and suppliers in high rise commercial structures, hospitals (state, military and VA), military installations, state and federal courthouses, hotels, parking structures, industrial complexes, local government facilities, solar installations, institutional complexes such as universities, residential luxury high rise structures and large scale residential housing projects. Years of experience defending architects, soils engineers, civil engineers and structural engineers in professional liability/construction defect matters. Represents several of the most successful nationwide commercial transportation (trucking and bus) companies in the country in both civil and commercial litigation matters.</p> <p>Handles disputes relating to differing site conditions, defects in design documents, change order disputes, product substitution claims, construction failures, delay and inefficiency claims, termination, bid protests, serious and willful misconduct</p>

Benjamin R. Trachtman, Esq.
Neutral ID : 4997210

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

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claims, professional liability, performance contracting/guaranteed savings, defective construction (commercial and residential), construction site accidents, surety bond issues, lien priority disputes with lenders, breach of distribution agreements, business torts and attorney malpractice claims arising from perfecting payment rights.

Prosecuted and defended cases in state and federal courts in California, Oregon, Nevada, Texas, Illinois, New York, New Jersey, and also the U.S. Civilian Board of Contract Appeals.

Representative matters include:

Recovered over \$15,000,000 for general contractor in bonded stop notice dispute with multiple lenders following years of protracted litigation (airport hotel upgrade/parking structure);

For the last 25 years, has represented Global Fortune 100 Multi-National conglomerate in a myriad of state and federal public works payment disputes and has recovered tens of millions of dollars for the client; successfully defended said client in a multi-million dollar lawsuit filed for breach of a performance contract/guaranteed savings from an irrigation system replacement; and successfully defended said client against a multi-million dollar intentional interference with prospective economic advantage lawsuit arising from the construction of a waste-to-energy facility at an Army base;

Successfully prosecuted a breach of contract and Miller Act claim for \$1,000,000 for delay and inefficiency claims for a specialty subcontractor on a Federal Courthouse in Texas;

Recovered over \$4,000,000 for specialty subcontractor change order claims in construction of a hospital;

Recovered \$1,500,000 for specialty subcontractor in protracted Bankruptcy Adversary proceedings against lenders for condominium project;

Recovered over \$1,000,000 for specialty subcontractor for delays and inefficiencies on a Federal Army base;

Represented general contractor in unforeseen subsurface condition claim for MTA project;

Recovered over \$750,000 for a nationwide leader in electrical contracting against the GSA for a lighting fixture "or equal" dispute litigated in the U.S. Civilian Board of Contract Appeals;

Successfully defended a New York-based construction attorney in a New York

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lawsuit filed by the attorney's developer clients for alleged failure to perfect a performance bond claim for untimely curtain wall procurement and defects;

For several years, represented nationwide home builder for construction defect matters in Northern California (East Bay) single-family housing developments.

Mediator Experience

Since 2020, has served as a Large Complex Case Arbitration Panelist for AAA. In 2022, while still an active construction litigator, began mediating construction disputes for AAA.

In late 2024, after years of experiencing heightened demand for mediation and arbitration services, it became necessary to retire from active construction dispute advocacy in order to focus all professional time to serve as a mediator and arbitrator in this much needed space.

In 2025, received the prestigious distinction from AAA to be one of eight featured mediation panelists in the country.

To view the AAA Mediation web page profile, please click on the link below or scroll down the AAA Mediation web page and click on Benjamin Trachtman's profile in the featured Mediator Panelists section.

<https://www.adr.org/blog/panelist-spotlight-benjamin-trachtman/>

Representative Issues Handled as a Mediator

Most retentions arose out of payment and performance disputes arising between subcontractors, contractors and/or owners of private and public projects (state and federal) with common claim characteristics involving change order claims, delays and inefficiencies claims, failure to perform contractual scope claims, defective/non-conforming work, defective design, differing site conditions and other related components.

Mediated dispute between Architect and developer of downtown San Diego hotel conversion where Owner claimed Architect's design and proposed budget were deficient leading to claimed significant increases in development/constructability costs and need for additional financing/inability to complete the project.

Mediated disputes involving contractual scope differences and purported defective construction of multi-million dollar/high-end residential properties.

Mediator Style & Process Preferences

Mediation serves the very useful purpose of bringing adverse parties to a safe, neutral and trustworthy process to facilitate a resolution of their dispute. I will not waste any party's time in helping them resolve their dispute. Critically, I am a very

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direct communicator and relentless in my pursuit to achieve a resolution. I will always be extremely prepared and seek the necessary information from both parties to give them the best opportunity to achieve resolution.

It is integral that the mediator establish credibility, trust and confidence from each party to foster constructive communication toward resolution. My job is to identify and break down the pre-existing barriers which precluded meaningful dialogue from occurring. It is critical that the parties feel that they can comfortably and reliably express their needs and positions to promote constructive dialogue toward a mutually-acceptable resolution.

When the parties are beginning to lose progressive momentum, I implement my intuitive evaluative approach to provide the parties with my perspective to promote a better appreciation and understanding for what is driving their adversary's motivation and position.

Finally, and critically, mediation success cannot occur without the relentless commitment to close. In my experience as an advocate, who has participated in hundreds of mediations, my main complaint is that the vast bulk of paid mediation professionals do not "close" when it comes to prodding the parties to get to resolution. A mediator should be much more than an intermediary that simply conveys back-and-forth offers and the parties' purported rationale/chest beating for same. I will close for my clients.

Technology Proficiency	Available to conduct virtual hearings or preside over in-person hearings with proper protocols in place.	
Education	Loyola Law School (JD - 1988); California State University, Fullerton (BA Business Administration - 1985).	
Professional Licenses	Admitted to the Bar: California (1988); US Court of Appeals: 9th Circuit.	
Professional Associations	California Bar Association; Orange County Bar Association; and Los Angeles County Bar Association	
Citizenship	United States of America	
Languages	English	
Compensation	Hearing:	\$500.00/Hr
	Study:	\$500.00/Hr
	Travel:	\$250.00/Hr
	Cancellation Period:	0 Days
	Comment:	Travel expenses including requiring lodging, flights, ground transportation, parking and/or meals will be charged at actual cost.

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