

RICHARD S. BAYER

Residence: La Jolla, California 92037

Employment: Law Office of Richard S. Bayer
1150 Silverado
La Jolla, California 92037

President
The ReAlignment Group
P. O. Box 811
La Jolla, California 92038

President
La Jolla Center for Dispute Resolution
1150 Silverado, Suite 202
La Jolla, California 92037

A. EDUCATION:

- 1976 J.D. University of Colorado
Boulder, Colorado
- Class Rank: 16/149
Austin Scott Prize, Best Oralist (1975)
Winning Team, Rothgerber Moot Court Competition (1975)
American Jurisprudence Book Awards:
* Contracts, 1973
* Real Property, 1974
* Corporations, 1975
* Evidence, 1975
Senior Class President
- 1973 A.B. American History
Middlebury College
Middlebury, Vermont
- High Departmental Honors (American History)
Maude M. Greybar History Prize
Class Commencement Speaker
- 1981 National Institute for Trial Advocacy
Advanced Session (1 week)
Boulder, Colorado
- 1991-- Certificate Program in Land Use and Environmental Planning
University of California at San Diego, Extension
Completed 1/2 of the required 31 units

B. EMPLOYMENT

- 2002-- Law Office of Richard S. Bayer
1150 Silverado Street
La Jolla, California
- 2002-- President
La Jolla Center for Dispute Resolution
1150 Silverado
La Jolla, California 92037
- 2005 - - President
The ReAlignment Group, Ltd.
La Jolla, California
Olympia, Washington
Jackson, Wyoming
- 1999-2002 Chief Executive Officer
Manley Oil Company
520 West Ash Street
Suite 200
San Diego, CA 92101
410 N. Center Street
Los Angeles, CA 90012
- 1996-2002 Principal
BFGW Urban Partners
520 West Ash Street
Suite 200
San Diego, California 92101
- 1999-2000 Shareholder
Ferris & Britton
San Diego, California 92101
- 1998-1990 Of Counsel
Sparber, Ferguson, Ponder & Ryan
San Diego, California 92101
- 1992-1998 Sole Practitioner
San Diego, California 92101
- 1989-1992 General Counsel
The Hoskings Trust
San Diego, California
- 1986-1989 Of Counsel, Partner (1987)
Kutak Rock and Campbell
Denver, Colorado
- 1976-1986 Associate, Partner (1981)
Brownstein, Hyatt, Farber and Madden
Denver, Colorado

Part-Time Positions:

- 1994-2001 Adjunct Professor of Environmental Law
2003-2005 University of San Diego
Lawyer's Assistant Program
San Diego, California
- 1993-1994 Lead Law Instructor
Becker C.P.A. Review Course
Las Vegas, Nevada

C. PUBLICATIONS

- 1983 *Surveyor's Liability*
Spring Real Estate Institute
Continuing Education in Colorado
with John Madden
- 1984 "The Ethics of Moving for Disqualification"
13 *Colorado Lawyer* 55
with Harlan Abrahams
- 1985 "The Trouble with Arbitration"
11 *Litigation* 30
with Harlan Abrahams
- 1985 *Colorado Appellate Advocacy*
with several authors
- 1997 *Contract Negotiations with Aspen/Little Brown*
Basics of Environmental Law for Paralegals
- 2001 "Land Use Update"
NBI Seminar, San Diego
with Kevin Johnson, Esq.
- 2002 "Land Use Update"
NBI Seminar, San Diego
with Kevin Johnson, Esq.
- 2002 *Environmental Law, Film Series*
National Law Foundation
Wilmington, Delaware
- 2002 *Environmental Collaboration*
9th Annual Meeting
International Petroleum Environmental Consortium

- 2004 *What You Need to Know About ADR*
11th Annual Meeting
International Petroleum Environmental Consortium
- 2004 *Management and Resolution of Water Intrusion and Mold Claims*
Sterling Education Services Seminar
San Diego, California
- 2005 *Cost Control in Dispute Resolution*
Surety Claims Newsletter, Vol. 17, No. 2 (May, 2005)
With George W. Thomas, Esq., Delta Consulting Group, Inc., Occaquan, VA

D. BOARDS AND CIVIC ACTIVITIES

- 1987-89 Fund Raising Chair
British Primary School
Denver, Colorado
- 1992-94 Board of Directors
Mid-City Little League
- 1996-- La Jolla Youth Softball
Co-President (1999-2001)
- 2000-- Board of Directors
2002-- Secretary to the Board
San Diego Mediation Center
San Diego, California
- 2000-2002 Board of Directors
California Independent Petroleum Association
Sacramento, California
- 2002-- Board of Directors
California Dispute Resolution Council
Sacramento, California
Treasurer—2003
President-elect—2004
President—2005
Immediate past president—2006

E. PROFESSIONAL ACTIVITIES

- 1979-1989 Denver Law Club
Secretary, 1982-83
- 1984-1989 Chairman (10th Circuit)
Banking, Financial and Commercial Transactions Subcommittee of the
Litigation Section of the American Bar Association
- 1985-1989 Arbitrator

- American Arbitration Association
Denver, Colorado

- 1992-- Panelist
American Arbitration Association
San Diego, California

- Lecturer: California Licensed Surveyors Association
1992: "Recent Developments in Survey Law"
1993: "History of Private Ownership of Property"

- 1996-- Volunteer Mediator
San Diego Mediation Center

- 1997-- Credentialed Mediator
San Diego, Mediation Center

- 2001 California Land Use Update
National Business Institute

- 2002 California Land Use Update
National Business Institute

- 2004 Managing Mold Claims
Sterling Educational

- 2004: ADR Systems Design
California Western School of Law

- 2004: Environmental Collaboration
Thomas Jefferson School of Law

- Member: California Dispute Resolution Council
California Academy of Distinguished Neutrals
California Independent Petroleum Association
Independent Petroleum Association of America
California Bar Association
Idaho Bar Association
American Bar Association

F. PROFESSIONAL LICENSES AND RECOGNITION

Bar Memberships:

- 1976 Supreme Court of Colorado
United States District Court for the District of Colorado
United States Court of Appeals for the Tenth Circuit

- 1987 Supreme Court of the United States

- 1989 Supreme Court of California

2005 United States District Court for the Southern District of California
United States Court of Appeals for the Ninth Circuit
Supreme Court of Idaho
United States District Court for the District of Idaho

Ratings/Recognition:

1986-- Martindale-Hubbell Rating: A/V (Colorado)
1997-- Martindale-Hubbell Rating: A/V (California)
1991-- Marquis "Who's Who in the World"
2005-- Strathmore's "Who's Who"
2005-- Outstanding Partner, San Diego Foundation

G. SYNOPSIS OF LITIGATION EXPERIENCE

Environmental & Contamination Litigation

- Lead counsel in \$10 million soils and groundwater contamination case, involving Regional Water Board, DTSC, Polanco actions etc.
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- Represented to build-to-suit owner against GSA lessee for decommissioning of building after 30 year DEA occupancy
- Represented Landlord after discovery that space leased to E.P.A. contained asbestos
- Two cases of representing owners of property allegedly contaminated by petroleum distillate leakage from neighboring underground storage tanks
- Developed program for R.E.I.T. regarding asbestos abatement in buildings nationwide
- Negotiated with the following agencies
 - U.S. EPA
 - U.S. Dept. of Energy
 - U.S. Dept. of Interior
 - General Services Administration
 - Drug Enforcement Agency
 - Bureau of Land Management
 - Cal EPA
 - Cal Department of Toxic Substance Control, Regions 2 and 9
 - California Regional Water Quality Control Boards, Regions 2 and 9
 - Cal. Department of Conservation, Division of Oil, Gas & Geothermal Resources
 - San Diego Hazardous Materials

Real Estate and Commercial Litigation

- Partition Action against joint venture owner of 25 story Denver office building

- Development of a securities arbitration package for major Wall Street Brokers
- Prosecution of \$5,000,000 bad faith claim against lender prior to Bass Bros. buy-out
- Defense of \$41 million claim against lender for failure to fund construction loan
- Defense of ski area in \$21 million equitable lien action
- Defense of \$28 million action for breach of loan commitment
- Over 50 bench and jury trials; four reported appellate decisions

Construction Litigation

- Prosecute foreclosure action in \$2,000,000 lien for apartment framer
- Defense of \$4.5 million misrepresentation claim brought by homeowners
- \$2.5 million construction arbitration regarding luxury hi-rise condominium project
- \$4.5 million defense of contractor in mechanic's lien duress defense
- Lead counsel for 65 lien claims in real estate development lien foreclosure action

H. SYNOPOSIS OF BUSINESS DEVELOPMENT EXPERIENCE

- Developed Warren-Walker private school in Henderson, Nevada from land purchase, to entitlement, to securities offering, to loan relationship, to eventual sale of 80% of the school network to Aramark Educational Resources
- Prepared numerous offering documents for initial fund raising efforts of start-up and secondary funding companies
- Purchased and sold for own companies and for clients contaminated properties including prospective purchaser agreements and negotiated releases from relevant agencies
- Developed first distributed energy generation system to connect with the Los Angeles power grid during the power crisis of 2001
- Lobbied for and worked on legislation and regulations at all levels of federal and state governments and local regulatory agencies
- Developed and marketed construction dispute resolution process for significant public and private construction projects

- Preliminary designs for a human resources dispute resolution program for a Midwest Native American Tribe
- Large, public, non-profit facilitation over future agendas for non-profits in San Diego

References: available upon request