

ANDREW DORCHESTER, FRICS, CRE

PROFESSIONAL QUALIFICATIONS

Personal Message

Hello and thank you for taking the time to read my CV. My introductory goal is to make this document no longer than it needs to be, and to give you some personal insight as to who I am and what I do before you read the rest -- stuff that most people feel is *de rigueur* and obligatory in a CV. That will be under the second section header.

In a nutshell, what I do is make certain that valuation and economic quantification questions asked in disputes get properly answered by expert witnesses and argued by legal counsel. Although some of the terms get thrown about a bit, I specialize in Dispute Analysis and Litigation Support. The Dispute Analysis part usually occurs before formal litigation, or in response to a complaint by someone else. I enter the picture by helping lawyers, their clients, and sometimes even expert witnesses to dissect what the pertinent issues are (and are not!) when valuation or potential damage numbers are involved. That can happen at any time in litigation clear up to final arguments. It becomes very important in another area of my expertise, alternative dispute resolution. Here, many people (including mediators and arbitrators) get sidetracked by their own expertise, interests, or special influences. What I do, whether in an ADR role or as a consultant, is define or assist in defining the railroad, find the tracks, and help decide what the journey is all about and how we should get to the station.

Litigation Support will waste your time if you Google it – the examples are like a wastepaper basket: a collective noun that a lot of things are thrown into. The Litigation Support functions which are my specialties include finding out who the adverse players really are, who their witnesses are or are likely to be, evaluating witnesses and issues on both sides of the litigation, researching and providing evidence about people's backgrounds, track records, and tendencies, truth testing "evidence" and assertions, and a host of other functions that act like a bridge *support* – they are the structure that lets a train get across a wide and potentially dangerous chasm. I make sure that witnesses fit to the best needs of the situation, that they know what their job is, and that they do it. Nope, I don't compete with the lawyers, but using these few examples to illustrate, I bring an experience, perspective, and technical skills that not too many lawyers or their expert witnesses are likely to have. I can help the advocate without conflict of interest because I do not provide expert witness services. But I do ascribe to high principles and a Code of Professional Practice and can tell when witnesses or others don't, or that they do not follow them.

My 20 years of counseling in this field has involved hundreds of cases and total claims in excess of a trillion dollars. I often see witnesses and attorneys miss opportunities, sometimes small and often times large. The marrying of such things as valuation theory and best practices to case facts and the law is an art and something that neither an expert witness nor the legal counsel should expect to be a trial-ready expert. Ever hear of increased legal costs, confused triers of fact (who are inclined to "split the baby" on claims), disappointing verdicts, and occasionally unfavorable summary judgments? My job is to make certain, in both large and small cases, that those things don't happen.

As clients and experts with whom I have worked will tell you and have told others, I am adept at looking for opportunities to clarify issues and bring efficiency to disputed matters. Those are just some of what I do that bring me joy and my clients success.

The remainder of this dialog will explain some of the ways I do what I do. I love my work in helping others to put their best foot forward. In fact, both feet. I look forward to hearing from you so I may better answer your specific questions. Even if you merely want to bounce some ideas off of me (no charge), please feel free to give me a call.

And now for the CV stuff:

Experience

Mr. Dorchester has provided consultation on complex, disputed valuation and real estate economic matters in every state and a number of foreign countries. He regularly has involvement in litigated cases with claims in excess of \$100-million, in addition to having been involved in dozens of cases with claims in excess of a billion dollars. His total litigated claims experience is in excess of a trillion dollars. His experience includes:

Litigation Counseling: Mr. Dorchester regularly assists legal counsel in understanding the intricacies of economic, econometric, valuation, statistical, and real estate issues involved in complex commercial litigation. He serves of counsel in the development of deposition, arbitration, trial, appeal, and general litigation strategies, in addition to the development and implementation of political strategies. His work often involves development of or defense against motions in limine and Daubert challenges. He has counseled numerous legal teams in their successful challenges to rulings and case law by performing in-depth analysis of the facts behind those rulings. He regularly works with a experts, even a Nobel-laureate on a number of occasions, to improve their reports and enhance their testimony. Due to his extensive experience in the field, has a detailed knowledge of strengths and weaknesses many valuation experts.

Forensic Analysis: Mr. Dorchester has been involved in numerous forensic investigations. In these investigations he has reconstructed, many times with minimal information, the statistical, valuation, and economic work of opposing experts. Work such as this has often successfully been used as the basis of a Daubert challenge. He has also instructed multiple classes in forensic examinations of appraisals for the FBI.

Arbitration: Mr. Dorchester has served as an arbitrator in a number complex cases with multi-million dollar claims. He has served on arbitration panels with judges, attorneys, and valuers. As an arbitrator he is an effective case manager, who recognizes the importance of fairness and allowing each side to present its case, but arbitration's inherent requirement for efficiency. Outside of his role as an arbitrator, has involvement in dozens of other arbitrations. He has expert knowledge of the Federal Arbitration Act and the rules of AAA and JAMS. He is an alumnus of the American Bar Association's Arbitration Training Institute.

Team Development/Case Management: Mr. Dorchester regularly assists legal counsel in the finding/hiring of the right experts for a particular case - these searches are not limited to experts at Cushman & Wakefield. These experts include real estate valuers, business valuers, statisticians, econometricians, economists, accountants, financial analysts, engineers, and historians. Working with teams of experts, before and during trial, to coordinate their activities

so that the testimony of one expert will compliment the testimony of another. He has also managed trial teams on a number of occasions.

Valuation and Economic Expertise: While Mr. Dorchester is not an appraiser, he has extensive valuation expertise - his grandfather, father (past president of the Appraisal Institute), and two uncles are/were appraisers. His valuation experience, either in assisting in the development of appraisals, investigation of appraisals, or overview of the appraisal process extends to real estate in every state and a number of foreign countries and has involved retrospective dates as far back as the eighteenth century. Economic and valuation assignments that he has been involved in include complex issues related to toxic torts, condemnation, contracts, temporary takings, condemnations, inverse takings, defective construction, nuisance and trespass, landfill economics, leases, and prejudgment interest, among other issues.

Statistical and Survey Work: Mr. Dorchester has significant experience in statistical modeling work and survey development. This experience includes the development of multiple regression analyses in a variety of markets across the United States, totaling in excess of a million properties over the course of his career. This work has also involved the re-creation, analysis, modeling, and review of the statistical and survey work of other experts.

Research and Analysis: Mr. Dorchester has a deep background in legal, historic, and economic research. This experience includes not just electronic research, but field research at the National Archives, Library of Congress, and obscure libraries and government offices throughout the country.

Software Development and Expertise: Mr. Dorchester is experienced in a variety of database, GIS, and statistical applications in addition to software development activities. He has managed large teams of analysts in the development of sophisticated datasets for the economic analysis of entire counties.

Special Experience

Examples of Mr. Dorchester's special experience include:

Environmental Issues

Exxon Valdez Oil Spill (1990 - 1999)

From 1990 until 1994, Mr. Dorchester assisted the principal economics/valuation expert witness for Exxon in the assessing the impact on real estate values of the oil spilled from the tanker/vessel Exxon Valdez in Prince William Sound, Alaska in 1989. In looking at approximately 2,000-miles of coastline in Alaska, this work included performing economic analyses, GIS mapping, extensive field inspections, video work, legal research, and scientific research. After 1994, counseled Exxon's legal team in its successful efforts in fighting an appeal of the verdict.

Marilyn Cook, et al v. Rockwell International Corporation and the Dow Chemical Company (1992 - Present)

From 1992 until 2004, Mr. Dorchester assisted the principal economic/valuation expert witness for Dow Chemical, Rockwell Corporation, and the U.S. Department of Energy in litigation concerning alleged plutonium contamination originating from the Rocky Flats nuclear weapons production facility. The litigation concerns claims of the diminution of property values of over 50,000 residences in a 25-square mile area north of Denver, Colorado.

Work included studies of market activities for the area from the 1950s to current dates, in addition to substantial economic analysis work. Beginning in 2004, he concluded his assistance to the principal expert witness and worked exclusively on counseling the trial team in its efforts to prepare for the 2005/2006 trial. This counsel included general litigation strategies, cross examination strategies and analysis of the work and writings of opposing experts, direct examination strategies and witness preparation, trial exhibit strategies and development, in addition to other responsibilities.

Marshall Island Nuclear Claims Tribunal (2004 - 2006)

Mr. Dorchester consulted with the Nuclear Claims Tribunal in the Marshall Islands over a dispute relating the economic effects of U.S. testing of thermonuclear weapons in the 1950s. After reviewed reviewing radiological data, studying the political history of the Islands, and reviewing valuations performed in conjunction with the matter, he counseled the Tribunal to aid it in a settlement of damage claims concerning the testing.

Melody L. Baker, et al v. Motorola Inc., et al and McIntire, et al v. Motorola Inc., et al (1993 - 2004)

Mr. Dorchester provided consultation and litigation support in a dispute regarding TCE groundwater contamination from two Superfund designated plumes involving over 75,000 properties in the Phoenix, Arizona metropolitan area. Work he performed included the development of statistical models measuring the significance of the Superfund status on real estate values. Extensive work with counsel was also performed in developing strategies to deal with opposing expert witnesses.

Lockheed-Martin (1998 - 1999)

Mr. Dorchester consulted with and performed studies for Lockheed-Martin in a groundwater contamination case related to its Skunk Works weapons development facilities. The case, which was settled outside of court, involved more than 70,000 properties in Burbank, California. Work performed included the development of statistical models measuring the significance of the alleged contamination on real estate values.

Contracts issues**Concessions Operations with the National Parks (1999 - Present)**

Mr. Dorchester provided litigation support services in a variety of cases involving the determination of compensation to owners of concessions operations within the National Parks ("NP"), in addition to serving as a party-appointed arbitrator in a number of cases. Concessions operations have included those at Yellowstone NP, Grand Canyon NP, Crater Lake NP, the ferry service to Liberty and Ellis Islands, in addition to many others. These complex arbitrations involve matters ranging from contract law, to Congressional intent, to the determination sound value.

Oenga v. United States, BP Exploration, et al (2010 - Present)

Mr. Dorchester is providing litigation consultation services in a dispute involving the lease of land located outside of Prudhoe Bay, on Alaska's north slope by the Bureau of Indian Affairs to BP. The property was used for extended reach directional drilling. He has coordinated work between attorneys for the Department of Justice, valuation experts, oil experts, and

economics experts in a complex case involving corridor theory, drilling and oil exploration issues, and Alaskan economic issues.

Eminent Domain and Takings**McCarran Airport, Las Vegas, NV (2006 - Present)**

In 1995 Clark County, NV in an effort to increase the number of airline flights that could fly in and out of McCarran Airport, and thus boost tourism in Las Vegas, enacted a series of ordinances that affected the height to which buildings in certain flight paths could be built. Various landowners filed suit against Clark County as a result claiming that they suffered an inverse taking. In one of the initial cases, the court based its decision on an incomplete understanding of the some of the issues and relevant case law. That decision served as a precedent for later cases. Mr. Dorchester worked with legal counsel for Clark County on developing an economic theory of the issues at stake in the matter, in order to convince an appeals court to overrule the original case. The economic theory was based on established case law, in addition to economic and real estate valuation theory.

Land Recovery, Inc. and Resource Investments, Inc. v. United States (2003)

Mr. Dorchester served as part of a mediation team in a matter involving a landfill south of Seattle, WA. Issues involved a moratorium that was temporarily imposed on the development of a landfill and the establishment of a means to measure the economic consequences of that temporary taking.

Government Investigations**US GAO Inquiry into Appraisals Performed by the U.S. Appraisal Services Directorate (2006)**

Mr. Dorchester and a team selected by the Appraisal Foundation, at the request of the U.S. Government Accountability Office, reviewed over a hundred appraisals of real estate located throughout the United States that were performed on behalf of the Appraisal Services Directorate. The reviews focused on whether the appraisals followed generally accepted valuation principles and complied with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions. The work was performed as part of an audit of the Directorate's quality control.

Office of Inspector General, Department of Interior Investigation into BLM Practices (2002 - 2003)

Mr. Dorchester and a team selected by the Appraisal Foundation, provided consultation to the Office of Inspector General of the U.S. Department of Interior in a review of the management and organization of the Bureau of Land Management's appraisal functions. Reviews of BLM work focused on whether its appraisals followed generally accepted valuation principles and complied with USPAP. The U.S. Appraisal Services Directorate was established as a result of this work.

Lending issues**American Association for Justice v. Wachovia (2009 - Present)**

Mr. Dorchester is currently engaged in litigation support activities in a dispute over alleged damages from the cancellation of a loan contract by Wachovia for the financing of a building the American Association for Justice (formerly known as the Association of Trial Lawyers of America) was acquiring for its new headquarters. He has assisted the legal counsel in establishing an economic theory of the case; counseling on cross examination strategies for the opposing expert witness, in addition to legal challenges to the witness; forensically analyzed the work of the opposing expert; and provided counsel on instructing Wachovia's rebuttal witness.

Tax Appeals**Appeal of the Property Tax Assessment of the Alaska Pipeline (2005 - Present)**

Mr. Dorchester has provided ongoing litigation counseling services to a conglomeration of oil companies and their valuation expert witnesses in the appeal of the property tax assessment of the 800-mile corridor on which the Trans Alaska Pipeline is located.

Retrospective Analyses**Cayuga Indian Nation of New York v. George E. Pataki (1999 - 2000)**

In 1795 the State of New York purchased a large parcel of land from the Cayuga Indians in the Finger Lake area. In 1990s a federal judge ruled the transaction to be a violation of the US Constitution, which prohibits a state from dealing with a foreign government, and ordered the state to re-compensate the Cayuga Nation for the market value of the land as of 1795 plus interest. Mr. Dorchester managed a team in performing extensive historic, economic, and transaction research. The research was used as a foundation for a complex analysis in which the value of the property as of 1795 was opined to. Additional analysis was performed into the issue of interest rates and risk, taking into account the enormity of US economic history and the political stability of the US over that 200+ year period. Litigation counseling services were provided to the Office of the New York State Attorney in regards to this litigation.

Land Grantors v. United States (2004)

Mr. Dorchester provided consultation and litigation support with the U.S. Department of Justice in a Congressional referral case relating to the condemnation of hundreds of properties in western Kentucky during World War II for military necessity. He directed statistical and GIS analyses that were performed to determine whether compensation at the time was proportional.

Forensic Analyses**BFA Liquidation Trust v. Arthur Andersen LLP (2001 - 2002)**

Given only three weeks, Mr. Dorchester successfully managed the sorting and assisted in the forensic analysis over 380 boxes of deliberately disorganized materials to determine the investment merit of assets owned by the Baptist Foundation of Arizona. The work was done in the wake of the Foundation's collapse, due to the discovery that it was a Ponzi scheme. It was largest collapse of a non-profit organization in U.S. history. Work

in regards to the matter specifically focused on audits performed by Arthur Andersen, which certified that the Foundation was in good financial health. Forensic work Mr. Dorchester included analysis of appraisals, review of file documentation and audit practices, and investigating issues related to the financial solvency of the Foundation. Based on this work, Arthur Andersen agreed to a \$212-million settlement.

Entran II Litigation Concerning Goodyear Tire & Rubber Company (2001 - 2006)

Currently engaged in consultation and litigation support with Goodyear Tire & Rubber Company regarding litigation concerning the economic effect of the installment of Entran II (an in-floor radiant heating system) in residences throughout Colorado. Work has primarily involved the development of strategies to refute opposing statistical and valuation experts.

Criminal Law**United States v. Charles Keating (1990 - 1992)**

Mr. Dorchester assisted in the assessment of the “investment merit” of projects owned and developed by Lincoln Savings and Loan at the request of National Union Insurance Company. This work later became the basis work done for the U.S. Public Defender’s Office in the matter of U.S. v. Charles Keating.

Federal Bureau of Investigation: Appraisal Fraud (2010 - Present)

Mr. Dorchester is a frequent lecturer at the FBI. He has counseled the FBI on issues related to appraisal fraud and forensic investigations of appraisals. Additionally, he has instructed a number of classes, as part of the FBI’s Forensic Account Core Training Session (FACTS) program for students who will graduate as FBI Special Agents, at the FBI Academy in Quantico, VA.

Professional Work**The RICS Americas Valuation Council (2009 - Present)**

Mr. Dorchester serves on the RICS Americas Valuation Council and is also a member of the Council’s Specialty Practices Board. The RICS Americas Valuation Council debates and makes recommendations on the most important issues facing valuation professionals and their clients, always serving the public interest.

The Valuation Think Tank (2008 - 2009)

Mr. Dorchester was a founding member of the Valuation Think, which promoted unification of the valuation profession. The Think Tank was responsible for the signing of a memorandum of understanding to unify the valuation profession between the Royal Institution of Chartered Surveyors, the American Society of Appraisers, and the American Society of Farm Managers and Rural Appraisers. In 2009 the Valuation Think Tank was incorporated in to the Royal Institution of Chartered Surveyors as the RICS Americas Valuation Council.

Uniform Appraisal Standards for Federal Land Acquisitions (“Yellow Book”) (2008)

Mr. Dorchester assisted in the writing of a seminar dealing with the Uniform Appraisal Standards for Federal Land Acquisitions for both the Appraisal Institute and the American Society of Farm Managers & Rural Appraisers.

International Valuation Standards Council (1988 - 2008)

Mr. Dorchester provided consultation for and have attended many of meetings of the International Valuation Standards Council (IVSC), an NGO member of the United Nations, throughout the world. IVSC establishes international standards for valuation. His father was the founder, a 20-year U.S. representative, and two-year world chairman of IVSC, and his uncle also served as world chairman for two years.

Professional History

The Dorchester Group, LLC

Member
Washington, DC
2011 -

Cushman & Wakefield, Inc.

Co-National Practice Leader and Managing Director
Dispute Analysis & Litigation Support Services (this is a nationally based 25-member litigation support and expert witness team)
2007 - 2011

The Dorchester Group, LLC

Member
Scottsdale, Arizona
1996-2007

Real Estate Sciences International, Inc.

Part time
Chicago, IL and Scottsdale, AZ
1989-1996

Real Estate Research Corporation

Part time
Chicago, IL
1986-1988

Education

Hampshire College, B.A., Legal & Political Philosophy, 1997.

Mr. Dorchester attended Hampshire College and concentrated in Legal & Political Philosophy, an intensive study requiring knowledge of modern and classical philosophy, law, political science, economics, history, ethics, and social thought. Over half of Mr. Dorchester's undergraduate classes were taken at Amherst College and Harvard University.

From 1993 until his graduation, Mr. Dorchester served as a teaching assistant to his advisor and mentor Professor Lester J. Mazor, former law clerk to the Hon. Warren E. Burger (Chief Justice U.S. Supreme Court).

In 1993 and 1994, he served as the Chief Editor for the *Five College Journal of Law and Society* published by Amherst, Hampshire, Smith, and Mount Holyoke Colleges, and the University of Massachusetts.

Professional Affiliations

American Bar Association, Member of the Litigation; Dispute Resolution; and Real Property, Trust & Estate Law sections

Royal Institution of Chartered Surveyors, Fellow (FRICS Designation)
RICS Americas Valuation Council Real Property board member

Counselors of Real Estate, Member (CRE Designation)

American Real Estate Society

Speaking Engagements

“Fraud in the Data World.” International Association of Assessing Officers Annual Conference. Phoenix, AZ. September 21, 2001.

“Valuer Awareness: Fraud.” Royal Institution of Chartered Surveyors International Valuation Conference. London, UK. November 17, 2010.

“Managing Cognitive Risk in Real Estate.” Valuation Colloquium. Clemson University. Greenville, SC. November 12, 2010.

“Investigating Appraisal Fraud.” The Appraisal Institute, Chicago Chapter. Chicago, IL. September 22, 2010.

“Fraud In and Around Appraisals.” The Federal Bureau of Investigation. J. Edgar Hoover Building, Washington, DC. July 21, 2010.

“Detecting Fraud in Real Estate Appraisals.” The Federal Bureau of Investigation. J. Edgar Hoover Building, Washington, DC. May 12, 2010.

“Litigation in the Current Economy.” The Johns Hopkins University. Washington, DC. March 18, 2010.

“The Role of the Valuation Professional in Litigation.” The Third Annual Eminent Domain Continuing Legal Education Conference hosted by CLE International. Richmond, VA. April 23, 2009.

“Lessons Learned: A Synopsis of Investigations of BLM, DOI, and NRCS.” U.S. Department of Interior Conference. Seattle, WA. October 7, 2008.

Teaching Credentials

Guest Lecturer. Georgetown University, School of Government. GOVT354
“Environmental Politics.” Fall 2011.

Instructor: Forensic Accounting Core Training Session (FACTS) - Forensic
Examinations of Appraisals. The FBI Academy. Quantico, VA. 2010-.

Publications

“Cognitive Risk and Real Estate Portfolio Analysis.” *The Journal of Real Estate Portfolio
Analysis*. To be published in the spring of 2011. Coauthored with Larry E. Wofford,
Ph.D and Michael L. Trolio, Ph.D.

“Managing Cognitive Risk in Real Estate.” *Journal of Property Research*. Vol. 27, No. 4,
2010. Coauthored with Larry E. Wofford, Ph.D and Michael L. Trolio, Ph.D.

Civic and Personal Activities

FAA, Private Pilot, license earned 1991

Board of Directors and Director of Operations, The Joyful Child Foundation – In Memory
of Samantha Runnion, 2002-present.

Formally recognized and awarded for his efforts for this organization by the
California State Assembly, July 2008.

Advisor and lobbyist for the Surviving Parents Coalition, 2007-present

- Assisted in the passage of the *PROTECT Our Children Act of 2008*.
- Assisted in the passage of appropriations totaling approximately half a billion
dollars for law enforcement in the United States.

Advisor on fundraising strategies to the National Parks Foundation for the Flight 93 National
Memorial in Shanksville, PA, 2010-2011.

Contact

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