

ANDREW DORCHESTER, FRICS, CRE

PROFESSIONAL QUALIFICATIONS

Introduction

Mr. Dorchester is a valuation economist who brings clarity to valuation disputes by ensuring expert opinions are proper, relevant, understandable, and defensible. The importance of those four traits cannot be emphasized enough, but more on that in a moment. In this capacity he serves as an expert witness, arbitrator, mediator, and litigation support advisor. He has been involved in hundreds of litigated matters with claims totaling over \$1-trillion, was an FBI Academy instructor on forensic investigations of appraisal fraud, a real property tax appeals commissioner for the District of Columbia, and is an author on valuation theory and methodology. Through his nation-wide and international experience of working on some of the largest and most heavily contested valuation disputes – the litigated property value diminution claims related to the Exxon Valdez oil spill is an example – to much smaller litigation, his active involvement and leadership in national and international professional matters related to the valuation profession, his management of the largest litigation support team in the US specializing in real estate valuation issues, he brings substantial experience to the cases he becomes involved in.

Expert reports, which deal with valuation and economics issues, that are proper, relevant, understandable, and defensible are sparse in valuation disputes. The result: frustrated triers-of-fact that issue unfavorable rulings and verdicts. Expert conclusions that triers-of-fact can confidently rely upon in valuation disputes are not something happens by accident or something that should be left to chance. If you take nothing else away from this introduction, please develop an appreciation of this fact.

Whether you're looking to test the strength and weaknesses of your case or expert, looking for a deeper level of understanding about an opposing expert's work, need to establish a proper damage or valuation theory, need to determine whether an event had an effect on a market, are seeking a mediated or arbitrated resolution to a valuation dispute, need counsel on any issue related to valuation economics, or would like to pick his brain, feel free to give him a call.

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. He has instructed courses at Georgetown University and the FBI Academy, and was a commissioner on the District of Columbia Real Property Tax Appeal Commission. 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 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 is a forensic appraisal investigator. Investigations typically require the reconstruction, many times with minimal information, of statistical, valuation, and economic work of opposing experts. This type of work has successfully been used many times as the basis of a Daubert challenge. He has consulted for the FBI on multiple occasions, in addition to instructing classes in forensic examinations of appraisals at the FBI Academy.

Expert Witness Testimony: Mr. Dorchester has served an expert witness and a rebuttal expert witness regarding acceptable valuation and damages theory.

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 and its Negotiation Institute.

Team Development/Case Management: Mr. Dorchester regularly assists legal counsel in the finding/hiring of the right experts for a particular case. 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 complement the testimony of another. He has also managed trial teams on a number of occasions.

Valuation and Economic Expertise: For five years Mr. Dorchester oversaw valuation activities related to litigated matters for Cushman & Wakefield, in addition to providing counsel on a wide range of other valuation activities. 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.

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 - 2016)

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 concerned 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.

Property Tax Appeals

District of Columbia Real Property Tax Appeal Commission (2012 - 2014)

The Hon. Andrew Dorchester served as a Commissioner for Washington, DC's Real Property Tax Appeal Commission, an 11-member appellate body for all property tax appeals in Washington. He was appointed by Mayor Vincent Gray and confirmed by unanimous consent of the District of Columbia City Council (District Resolution PR 19-631) on July 10, 2012. He was reappointed by the mayor in 2014, but declined the reappointment. During his time on the Commission he presided over 550 hearings involving approximately 2,000 parcels of real estate, with \$6.5-billion in total disputed value with a total assessed value of around \$27-billion.

Appeal of the Property Tax Assessment of the Alaska Pipeline (2005 - 2011)

Mr. Dorchester provided 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.

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 - 2012)

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 - 2011)

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 - 2012)

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.

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)

Mr. Dorchester provided consultation and litigation support to 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 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 - 2013)

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

National Institute of Building Sciences (2012 - Present)

The National Institute of Building Sciences is a non-profit, non-governmental organization, which is authorized by the U.S. Congress, that focuses on the identification and resolution of problems and potential problems that hamper the construction of safe, affordable structures for housing, commerce and industry throughout the United States. The Institute serves the Nation by supporting advances in building science and technology to improve the built environment. Mr. Dorchester serves on the Institute's Council on Finance, Insurance and Real Estate.

RICS Americas Valuation Council (2009 - Present)

Launched in 1868, **the Royal Institution of Chartered Surveyors (RICS) is the leading member organization in the world for professionals in property, land, real estate, construction and related environmental issues.** The organization, in its mission to protect the public interest, provides impartial, authoritative advice on key issues affecting the public to businesses as well as governments and policy makers. It has over 100,000 members in over 146 countries around the world.

Mr. Dorchester serves on the RICS Americas Valuation Council and is its Washington-based, government relations representative and regularly meets with regulators and policy makers on valuation issues. He chairs the Valuation Council's board on Going Concern Valuation and also serves on the Valuation Standards Board and Specialty Practices Board.

The Valuation Think Tank (2008 - 2009)

Mr. Dorchester was a founding member of the Valuation Think Tank, 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 and Spearfish, SD
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 that served multiple client types; and part of an overall corporation with over 7,000 employees and offices in over 50 countries.)
Washington, DC
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 concentrated in Legal & Political Philosophy, an intensive study in modern and classical philosophy, law, political science, economics, history, ethics, and social thought. The majority of his studies were completed through Amherst College and Harvard University.

For three years he 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, Board Member
RICS Americas Alternative Dispute Resolution working group, Co-Chair
RICS Americas Going Concern Valuation working group, Chairman
RICS Americas Mid-Atlantic Chapter, Board Member

Counselors of Real Estate, Member (CRE Designation)

American Real Estate Society

Speaking Engagements

“Real Estate Valuation Basics 101.” Financial Poise webinar in their *Real Dumbed Down* series. Cosponsored by ChamberWise and West LegalEdcenter. May 27, 2016.

“Valuing Real Estate.” Financial Poise webinar in their *Valuation 2015* series. Cosponsored by ChamberWise and West LegalEdcenter. November 5, 2015.

“Fraud in the Data World.” International Association of Assessing Officers Annual Conference. Phoenix, AZ. September 21, 2011.

“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. FBI Academy. Quantico, VA. 2010-2011.

Publications

“Accept to Shortcuts When It Comes to Competence.” *Mortgage Banking Magazine*. January
2013.

“Neat, Plausible, and Wrong.” *Modus*. July/August 2012.

“Real Estate Valuation, Cognitive Risk, and Translational Research.” *Journal of Property
Investment & Finance*. Coauthored with Larry E. Wofford, Ph.D and Michael L. Trolio, Ph.D.
2011.

“Cognitive Risk and Real Estate Portfolio Analysis.” *The Journal of Real Estate Portfolio Analysis*.
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.

Awards

Outstanding Paper Award Winner. Literati Network Awards for Excellence 2012. “Real Estate
Valuation, Cognitive Risk, and Translational Research.”

Testimony Rendered in the Past Four Years

Tavegie, et al. v. Black Hills Power, Inc. U.S. District of Wyoming. Civil No. 13-CV-84-S.
Expert report filed March 4, 2015.
Deposition taken June 2, 2015. Rapid City, SD.

Sarah Keener and Robert Green v. C. Jack Pearce, et al. Superior Court for the District of
Columbia. Case No. 2014 CA 004847B and 2014 CA 004848 B.
Expert report filed June 24, 2015.
Deposition taken November 16, 2015. Seattle, WA.

Civic and Personal Activities

FAA, Private Pilot, license earned 1991

Board of Directors, 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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