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January 12, 2023
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January 12, 2023

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Surface Transportation Board
c/o Director Mai T. Dinh
Office of Proceedings
395 E. Street, S.W.
Washington, DC 20424-0001

Re: Arbitrator Application for Surface Transportation Board –
Docket No. EP 730 (Sub-No. 1):
Application of Arbitrator Bradley A. Areheart

Dear Chairman Oberman, Director Dinh, and Members of the Board:

I am writing to seek appointment to the Surface Transportation Board's Roster of Arbitrators per docket no. EP 730 (sub-no. 1), dated December 15, 2022.

I have a rich understanding of labor/management relations, which has been deepened by my 12+ years as a law professor. I teach all of the labor and employment courses at the University of Tennessee College of Law, including Labor Law, Disability Law, Employment Law, and Employment Discrimination. As a part of my Labor Law course, students learn about the Railway Labor Act. I also teach Contracts each year and am well-versed in all principles surrounding contract construction and interpretation. I regularly publish and speak on both arbitration and labor relations. For example, I have a forthcoming book chapter (Cambridge University Press, 2024) on Arbitral Subpoenas.

Prior to teaching, I worked for five years in litigation with several international law firms and handled a wide variety of disputes, including government contracts, government relations, and cases in the aviation and railway industries. The work in government contracts, in particular, afforded me a unique perspective on economic regulation and publicly-subsidized industries.

Last fall, while attending the National Association of Railroad Referees' (NARR) annual conference on railway industry labor relations, I learned a great deal about the STB and its processes for providing economic oversight of the industry's business dealings. I was intrigued to learn about its process for resolving disputes over labor protective provisions, and subsequently glad to see the STB's updated call for arbitrators.

📍 **BRAD AREHEART**
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My experience as an arbitrator dates back to 2019. Since that time, I have served as sole arbitrator in over 50 consumer, commercial, employment, and labor arbitrations. This experience has afforded me a breadth of experience on business and economic matters.

I am a member of the National Mediation Board (NMB) and the Federal Mediation and Conciliation Service's (FMCS) roster of arbitrators for labor disputes. I regularly work on labor arbitrations involving discharge, discipline, and contract interpretation under collective bargaining agreements – and I have presided over arbitrations in the transportation industry. I am also a member of the expedited arbitration panel for US Air Force Base Warner Robins and American Federation of Government Employees (AFGE). Further, I am a member of several state-level labor rosters, including the Pennsylvania Labor Relations Board, Montana Board of Personnel Appeals, and Iowa Public Employment Relations Board.

I am a member of the Employment, Commercial, and Consumer panels for the American Arbitration Association (AAA), and am a public arbitrator for FINRA. I am a court-approved arbitrator for the U.S. District Courts for the Eastern District of Tennessee and the Western District of Texas.

I have trained with three members of the National Academy of Arbitrators on labor and employment matters (Marty Malin, Rick Bales, and Mark Travis). I have also received extensive training on arbitration from AAA, FMCS, and FINRA (as outlined in the attached CV). My current rate for arbitration services in the commercial sector is \$325 per hour.

Thank you for considering my application. I have enclosed my CV for your review. Please do not hesitate to call or email me if you require additional information. I would be honored to serve as a member of the Surface Transportation Board's arbitrator roster.

Sincerely,



Bradley A. Areheart
Arbitrator, Professor of Law

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arbitration experience

Have served as sole arbitrator in 50+ consumer, commercial, employment, and labor disputes.

2022– **U.S. Air Force (Robins AFB) and American Federation of Government Employees**
Expedited Arbitrator Panel

2022– **Federal Mediation and Conciliation Service**
Member, Labor Arbitrator Roster

2022– **National Mediation Board**
Member, Labor Arbitrator Roster

2022– **FORUM ADR**, Commercial and Employment Arbitrator

American Arbitration Association
2021– Member, Commercial Arbitration Panel, Consumer Arbitration Panel
2019– Member, Employment Arbitration Panel

2021– **FINRA**, Public Arbitrator

State-Level Rosters: **Pennsylvania Labor Relations Board** (2022–); **Montana Board of Personnel Appeals** (2022–); **Iowa Public Employment Relations Board** (2022–)

Court ADR Rosters: **U.S. District Court, Eastern District of Tennessee**; **U.S. District Court, Western District of Texas**

Training

2022 Dispute Resolution: Your Duty to Disclose (FINRA)
ACE22: Process Essentials for AAA Arbitrators (AAA)

2021 Arbitrating in the Federal Sector (FMCS, 2 days)
Chairperson Training Program (FINRA, 6 hours)
Dispute Resolution: Basic Arbitrator Training Program (FINRA, 6 hours)
Becoming a Labor Arbitrator (FMCS, 5 days)
ACE21 Impartiality: Do You Know Where Your Biases Are? (AAA)
The American Arbitration Association's Adoption of Initial Employment and FLSA Discovery Protocols (AAA)

2020 ACE20 Cyber Security: A Shared Responsibility (AAA)

2019 Arbitration Fundamentals and Best Practices for New AAA Arbitrators (AAA, 2 days)
AAA Arbitration Awards–Safeguarding, Deciding and Writing Awards ACE01 (AAA)

Arbitration Publications

2022– *Arbitral Subpoenas*, in *U.S. ARBITRATION LAW AT THE FEDERAL ARBITRATION ACT'S CENTENARY: SUCCESSES, FAILURES, AND A ROADMAP FOR REFORM* (Jill Gross & Rick Bales eds., Cambridge University Press, forthcoming 2024)
Editorial Board Member, *INTEREST ARBITRATION* (Miller, Vannoy, and Scott 3d ed., LRIS Books, 2022).

teaching experience

Over a decade teaching as a law professor. Teaches Contracts, Labor Law, Employment Law, Employment Discrimination, and Disability Law.

University of Tennessee College of Law

- 2020– Professor of Law
2016–20 Associate Professor of Law (with tenure)
2012–16 Associate Professor of Law
Courses taught: business associations • contracts • disability law • employment discrimination
employment law • labor law

UT Haslam College of Business

- Courses taught:* Legal & Ethical Issues in Management; modules on assessing legal risk in the Executive MBA for Strategic Leadership; and modules on contracts and labor/employment law in the Aerospace & Defense MBA program.
- 2016–

Stetson University College of Law

- 2010–12 Bruce R. Jacob Visiting Assistant Professor
Courses taught: contracts • disability law • health law • intellectual property

education

- 2005 JD with honors, **University of Texas School of Law**
Texas Law Review
- 2001 BA cum laude, **Baylor University**
Major in Philosophy

professional experience

Worked as litigation associate in law firms representing clients in various types of business disputes. Work included breach of contract, breach of fiduciary duty, fraud, ERISA, employment, and intellectual property claims. Work spanned a variety of industries, including aviation, construction, real estate, technology, telecommunications, and transportation. Also handled commercial disputes involving government contracts, as well as bid protests with the federal government.

- 2008–10 **DLA Piper**
Associate, Austin, TX
- 2006–08 **Jenner & Block**
Associate, Dallas, TX
- 2005–06 **Naman, Howell, Smith & Lee**
Associate, Waco, TX
- 2001–02 **Lake Air Middle School**
English Teacher and Athletic Coach, Waco, TX

publications & honors

- Have written extensively on labor and employment law, especially in the areas of gender, sex, race, ethnicity, religion, age, disability, genetics, and pregnancy. Have also written about alternative dispute resolution, privacy, big data, and internet accessibility. Have been published in the most competitive law reviews, including the top-ranked Yale Law Journal. Research has been cited by attorneys (in court briefs), scholars, and most recently, in a decision by the U.S. Court of Appeals for the Third Circuit. Have won several*
- 2007–

awards for writing and was named the top cited scholar for UT College of Law in 2019, the only year such an award was given. A full list of publications and/or honors is available upon request.

presentations

2010–
Have lectured widely on contract law, labor law, and employment law. Have spoken at national conferences, law schools, business schools, and/or to practicing lawyers. A full list of presentations is available upon request.

professional organizations

Member, Knoxville Bar Association
Member, American Bar Association
Member, Labor and Employment Relations Association
Member, Tennessee Employment Relations Research Association
Member, Society of Federal Labor and Employee Relations Professionals

relevant service

American Association of Law Schools
2016–17 Chair, Employment Discrimination Section
2012–20 Executive Committee Member, Labor Relations and Employment Law Section
University of Tennessee
2018–21 University Appeals Committee, handles appeals from discharge and suspension
2020– Title IX Hearing Officer

bar membership

2005 Texas

arbitration fees; cancellation

Fees: \$1,500 per diem for labor matters. \$325 for employment and commercial matters.

Expenses: Conference calls, study time, opinion and award preparation, and any other time spent on the case or case administration will be billed in a labor matter as a fraction of the *per diem*, or for all other matters, by applying the hourly rate. Actual travel and out of pocket expenses are billed as incurred; administrative overhead is not charged.

Cancellations: One day's per diem will be charged for each scheduled hearing day postponed or cancelled with less than thirty (30) day's notice.