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Surface Transportation Board
c/o Scott Zimmerman, Acting Director
Office of Proceedings
395 E. Street, S.W.
Washington, DC 20423-0001

Re: STB – Docket No. EP 730 (Sub No. 1)
Confirmation of Continued Availability –
Arbitrator Bradley A. Areheart, Esq.



AREHEART ARBITRATION

By E-filing

Dear Chairman Primus, Members of the Board, Acting Director Zimmerman, and Board Staff:

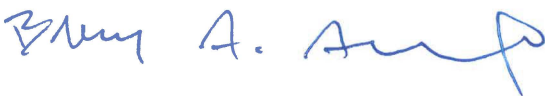
Thank you for providing me with the opportunity to seek renewal of my status on the Surface Transportation Board's Roster of Arbitrators. I make this application pursuant to docket number EP 730 (Sub. No. 1), dated December 27, 2024, and in accordance with the provisions of 49 C.F.R. § 1198.6(b).

Briefly, I am writing to confirm my continued availability to hear rail rate and practice complaints under the Board's jurisdiction. I have issued many awards in the rail industry over the last 12 months and have nearly a dozen more appointments pending. I have also attached an updated resume that features my current biographical information.

My current fee for arbitration-related services is \$400 per hour. I am available for in-person hearings, and am also adept at conducting arbitrations remotely.

Thank you for your consideration. I look forward to continued service as a roster member.

Sincerely,



Bradley Areheart
Arbitrator, Professor of Law
areheartADR@gmail.com

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arbitration experience

Have served as sole arbitrator in 150+ commercial, consumer, employment, and labor arbitrations. Have frequently served as chair in three-arbitrator panels.

National Rosters:

CPR Panel of Distinguished Neutrals (commercial, trademark, insurance, employment, and banking panels); FORUM ADR; Federal Mediation and Conciliation Service; American Arbitration Association (commercial, consumer, employment, employee benefits, labor, and telecommunications panels); Surface Transportation Board; National Mediation Board; Council for Higher Education Accreditation

Court ADR Rosters: U.S. District Court, E. District of Tennessee; U.S. District Court, W. District of Texas

Types of Arbitrations Handled:

Commercial: Have served as arbitrator in class actions as well as complex breach of contract disputes in automotive industry; e-commerce and tax advisory industries; securities and brokerage disputes; and intellectual property claims, including trademark, copyright, and licensing disputes, in the entertainment industry; account and depositor agreement disputes in the banking industry; and cancellation of event and payment claims in the secondary ticketing market. Have also served in warranty and implied warranty cases.

Consumer: Have served as sole arbitrator in approximately 50 consumer arbitrations, with amounts in controversy ranging from \$2,000 to \$2,000,000. Industries for consumer disputes include automotive, banking, entertainment, financial, fintech, hospitality, media, retail, telecommunications, timeshare, and warranty providers. Claims have included the following causes of action: Fraud; Misrepresentation; Breach of Contract; Trademark, Copyright, and licensing claims; Unjust Enrichment; Telephone Consumer Protection Act; Invasion of Privacy; Trespass to Chattels; Intentional Infliction of Emotional Distress; Federal Communications Act; Gross Negligence; Negligence; Negligent Hiring & Supervision; Ohio Consumer Sales Practice Act; Tennessee Consumer Protection Act; Tennessee Personal & Commercial Computer Act; Computer Fraud & Abuse Act; and Tennessee Timeshare Act; and Infringement of Name, Image, or Likeness.

Employment: Have served as arbitrator in employment claims for underpayment (FLSA, contract, and unjust enrichment) in a host of industries, including retail, transportation, healthcare, clothing manufacture, and recruitment industries. Have also arbitrated cases involving claims of discrimination, harassment, and retaliation under Title VII, as well as failure to accommodate claims under the Americans with Disabilities Act. Finally, have experience arbitrating claims for breach of severance, nondisclosure, and noncompete agreements in hospitality, sales, and healthcare industries.

Employment Benefits: Have served as arbitrator in many cases involving claims for vacation pay, holiday pay, and apprenticeship training programs. Have additional expertise in withdrawal liability for multiemployer pension plans, and trustee deadlock disputes under the Taft-Hartley Act.

Executive Disputes: Have served as arbitrator in disputes arising out of employment agreements, non-compete agreements, confidentiality agreements, non-solicitation agreements, and partnership agreements. Have arbitrated employment contracts for highly compensated employees. The executives involved have worked in the fields of telecommunication, hospitality, and healthcare.

Labor: Have arbitrated dozens of labor disputes in both federal sector (military, defense contractors, firefighting, nuclear, health services, and police) and private sector (aerospace, railways, construction, healthcare, facilities management, media, education, food/beverage, telecommunications). Have been frequently selected to handle intricate contract interpretation matters, including issues of overtime, seniority pay, training programs, and vacation days.

Telecommunications and Emerging Technologies: Have served as arbitrator in cases involving theft of cryptocurrency, blockchain forensics, coin-swapping, crypto-laundering, SIM-swapping, and dual factor authentication. Have also arbitrated claims involving IP piracy and about a dozen disputes involving wireless carriers, fintech companies, and other telecommunication entities. Additionally, has taught Intellectual Property in the law school setting, and is thus well-suited to understand emerging technologies.

Published Awards: Firestone Building Prods. Co., 2023 BNA LA 117 (2023); Firestone Building Prods. Co., 2023 BNA LA 118 (2023); 2022 WL 1031605; 2022 WL 2129970; 2022 WL 4367702; 2021 WL 8825002

arbitration training

2024 **AHLA:** Health Care Arbitration Training (14 hours)
 2024 **NAA:** Arbitrator Training (Dallas, TX) (6 hours)
 2023 **NAA:** Airline Arbitration Training (Denver, CO) (4 hours)
 2023 **NARR:** Railroad Arbitration Training (8 hours)
 2023 **CHEA:** Council for Higher Education Accreditation Arbitrator Training (2 hours)
AAA: Arbitration Fundamentals and Best Practices for New AAA Arbitrators (2 days); ACE23 Panelist Safety and Security (1 hour); Awarding Attorney Fees, Costs and Post-Award Interest in Arbitrations (1 hour); ACE22: Process Essentials for AAA Arbitrators (1 hour); ACE21 Impartiality: Do You Know Where Your Biases Are? (1 hour); The American Arbitration Association's Adoption of Initial Employment and FLSA Discovery Protocols (1 hour); ACE20 Cyber Security: A Shared Responsibility (1 hour); AAA Arbitration Awards—Safeguarding, Deciding and Writing Awards (2 hours)
 2019-
 2021- **FMCS:** Becoming a Labor Arbitrator (5 days); Arbitrating in the Federal Sector (2 days)

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

Over a decade teaching as a law professor.

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
 2019– Teach Employment Law course as part of the M.S. in Management & Human Resources program
Stetson University College of Law
 2010–12 Bruce R. Jacob Visiting Assistant Professor
Courses taught: contracts • disability law • health law • intellectual property

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

Related Publications & Speaking

Have written and spoken extensively on commercial law, contracts, labor law, and employment law. Have also written about alternative dispute resolution. Have been published in the most competitive law journals, including Yale Law Journal, University of Chicago Law Review, and Michigan Law Review.

Have a 600-page treatise on Employment Law with Lexis (forthcoming 2025). Am coauthor on a Labor Law textbook with West Academic.

A full list of publications and/or honors is available upon request.

bar membership

2005 Texas