



Agreement, but most importantly in Sections V.C, where the Track A Neutral is tasked with determining the merits of all Track A claims submitted, and Section V.D, where the Track B Neutral is tasked with determining the merits of all Track B claims submitted.

In Paragraph 11 of its Order preliminarily approving the Settlement Agreement (Dkt. No. 172), this Court stated that “[u]pon further motion of the Parties, and prior to or concurrent with Final Approval of the Settlement Agreement, the Court will approve a Track A Neutral to fulfill the role designated for the Track A Neutral in the Settlement Agreement.” Paragraph 12 contained identical language regarding the appointment of the Track B Neutral. Pursuant to the Court’s direction, Class Counsel hereby seek approval of the Court for the appointment of JAMS as both the Track A and Track B Neutral under the Settlement Agreement. Both the Defendant and the Attorney General have informed Class Counsel that they approve of the appointment of JAMS in these roles.

JAMS is one of the nation’s leading providers of Alternative Dispute Resolution services, including claims adjudication, arbitration, private judging, neutral evaluation, and special mastering. JAMS has a strong reputation for the fairness, objectivity, and neutrality of its Neutrals, which Class Counsel are confident they will bring to bear in determining claims in this case.

Of particular relevance to this case, as this Court is well aware, JAMS neutrals were involved in the adjudication of all Track A claims under the *Pigford v. Glickman* Consent Decree. In serving in this role, JAMS neutrals reviewed and decided more than 22,500 original claims, and approximately 3,000 claims on re-examination. Through this work, JAMS developed a familiarity with the types of claims likely to be submitted under the Settlement Agreement in the present action, the documentation supporting them, and the intricacies of

USDA loan and non-credit programs that underlie them. They also developed experience identifying and resolving issues involving debt relief for Track A claimants, which can become complicated in cases involving consolidation or restructuring.

To adjudicate the claims in this case, JAMS has identified a panel of attorneys comprised of highly experienced members of the bench and bar: Hon. Bernetta D. Bush; Hon. David Coar; Hon. Candace Cooper; Dean Jay Folberg; Joan Grafstein, Esq.; Deborah Haude, Esq.; Marvin Johnson, Esq.; Homer LaRue, Esq.; Hon. June Lehrman; Lester J. Levy, Esq. (Chief Adjudicator); Michael Lewis, Esq.; Hon. William Missouri; Hon. Sherman Smith; Hon. Greer Stroud; Nancy J. Warren, Esq.; and John J. Welsh, Esq. Curricula vitae for each of these proposed neutrals are attached hereto as Exhibit A. Should JAMS be approved by this Court as the Track A and Track B Neutral, prior to adjudicating claims in this case, each of these neutrals will take an oath administered by the Court that he or she will “determine each claim faithfully, fairly, and to the best of his or her ability.” Settlement Agreement § II.JJ; *see also* Claims Resolution Act, § 201(g)(2).

In anticipation of this Motion, a number of JAMS neutrals and claim reviewers at BrownGreer PLC (who will be supporting JAMS in its role as Track A Neutral<sup>2</sup>) have already attended a full-day training session presented by the Farmers Legal Action Group (FLAG), which provided relevant information on USDA loan and non-credit programs generally. JAMS and BrownGreer have committed to provide additional training for their neutrals and reviewers prior to the adjudication of claims. This additional training will cover, among other things, the Track A and B processes in the Settlement and the responsibilities of the Track A and B Neutrals; the electronic methods for accessing, reviewing, and deciding Track A and B claims

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<sup>2</sup> BrownGreer has been retained to assist JAMS in the adjudication process. Its role will be to perform initial reviews on all Track A claims, subject to a *de novo* review by JAMS neutrals, and to assist in the quality control review of the process.

themselves; and protocols to ensure that claims are processed and determined fairly and consistently.

Class Counsel are confident that JAMS has the experience and expertise needed to effectively and fairly serve as both the Track A and B Neutral in this case. Class Counsel, therefore, respectfully ask that this Court approve the appointment of JAMS to these roles under the Settlement Agreement.

Respectfully submitted,

\_\_\_\_\_/s/  
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\_\_\_\_\_/s/  
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\_\_\_\_\_/s/  
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Dated: August 1, 2011

**CERTIFICATE OF SERVICE**

I certify that on August 1, 2011, I served this Motion on all counsel of record by filing a copy via the ECF system.

/s/

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Michael W. Lieberman



# **Exhibit A**



**Hon. Bernetta D. Bush (Ret.)**

Hon. Bernetta D. Bush (Ret.) has over 15 years of distinguished service on the Circuit Court of Cook County, Chicago IL. She is known for her ability to listen to both sides of a dispute and for her success in achieving fair, expeditious and cost effective resolution to complex disputes.

**ADR Experience and Qualifications**

Judge Bush brings over 30 years experience as a judicial officer and legal practitioner to her dispute resolution practice. She has extensive experience in the resolution of a wide array of complex and multi party disputes in the following areas:

- Arbitration
- Business and commercial disputes
- Class Actions
- Employment
- Environmental
- Health Care
- Insurance
- Personal Injury
- Real estate

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**Representative Matters**

Business/Commercial

- Decided multimillion, multi-party dispute between shareholders regarding valuation and dissolution of manufacturing company
- Decided valuation dispute between shareholders in a closely held Wine Distribution Company
- Settled a dispute involving a national hotel chain billing procedures
- Handled a multi-party dispute involving a wireless communication company and a competitor over tower access issues.
- Resolve numerous disputes between law firms and former partners

Class Action

- Mediated a class action involving warranty of major window manufacturer
- Appointed special master in class action involving detention condition of suspects retained in the City of Chicago Police Stations
- Resolved nationwide class action involving price fixing in music industry
- Settled nationwide class action involving mislabeling of baby formula where the directions provide in Spanish resulted in incorrect preparation of the formula
- Settled class action involving a dispute with a major newspaper over circulation numbers in the Chicago area
- Settled national class action involving charges for telephone services to hotel guests of a national hotel chain
- Settled class action involving the charges associated with the purchase of Chicago Cub tickets by mail

Employment

- Settled, mediated and decided numerous disputes involving restrict covenants, non compete non solicitation and confidentiality clauses in employment contracts
- Decided disputes involving termination, salary and benefits of chief executives in major companies
- Decided disputes involving Illinois Wage Payment and Collection disputes
- Resolved matter involving partnership disputes

Environment

- Decided a dispute involving the Chicago Metropolitan Water Reclamation District and discharges of



- waste materials by a metal manufacturer into the waters of Lake Michigan
- Resolved a dispute involving a major natural gas company and insurers over underground contamination and a seepage issues
- Decided many disputes involving contamination caused by underground storage tanks
- Settled a matter involving a dispute over contamination caused by printing equipment of a local newspaper company
- Decided disputes involving mold and toxic substances in condominiums, single family homes and commercial properties

#### Health Care

- Handled numerous disputes involving medical billing claims between hospitals and medical insurers including Medicare
- Handled disputes involving hospitals for wrongful discharge claims by hospital executives and doctors
- Handled contract disputes between doctors and medical groups

#### Insurance

- Decided a insurance coverage dispute between a major gas company and multiple insurers
- Decided or settled numerous disputes involving duty to defend and/or indemnify in personal injury, property damage and medical malpractice claims against insured parties
- Decided or settled multiple disputes between owners of motor vehicles and insurance carriers involving coverage and duty to defend
- Decided or settled numerous malpractice and professional coverage disputes involving the legal and medical profession

#### Real Estate

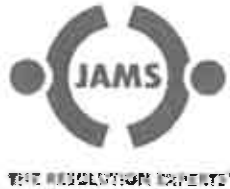
- Decided multimillion dollar dispute between limited Partners and LLC over a real estate development in Chicago's South Loop
- Decided a dispute between the City of Chicago, developer and a condominium Association over air and land rights regarding further construction on current site
- Decided or settled numerous disputes involving residential and commercial foreclosures

#### **Honors, Memberships, and Professional Activities**

- Member, Chicago Bar Association, Cook County Bar Association, National Bar Association, Black Women's Bar Association, Black Women Lawyers' Association
- Board member, Illinois Judges Association and Illinois Judicial Council
- Judicial Fellow, Association of Trial Lawyers
- Lecturer and panelist, Chicago Bar Association, Illinois Bar Association, National Bar Association, DePaul University School of Law, Loyola University School of Law, and many other legal organizations
- Faculty, Mediation Course, Chicago, National Judicial College, 2007, 2008
- Faculty, Supreme Court Conference, 2005-2007

#### **Background and Education**

- Judge, Circuit Court of Cook County (1992 - 2007)
- Ethics Officer City Colleges of Chicago (2007 - )
- J.D., DePaul University College of Law, 1977
- M.A., Northeastern Illinois University, 1973
- B.A., Northeastern Illinois University, 1970



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*"Parties to a dispute will settle a matter when they believe that it is in their best interests to do so. They don't always see clearly what those interests are. My job as a mediator is to help them analyze the interests at stake and to assist the disputants in determining whether and how the matter can be resolved."*

#### Case Manager

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#### Hon. David H. Coar (Ret.)

**Hon. David H. Coar (Ret.)** served as United States District Judge for the Northern District of Illinois for 16 years and as a United States Bankruptcy Judge for 8 years. From 1979 to 1982, he served as the first United States Bankruptcy Trustee in the Northern District of Illinois. As Associate Professor of Law at DePaul University College of Law, Judge Coar taught courses on ethics, corporations, corporate finance, constitutional law, labor law, and professional responsibility. As a practicing lawyer, Judge Coar represented private plaintiffs in the case that determined how Title VII impacted the merger of previously segregated lines of progression in the steel industry.

Judge Coar has traveled extensively across the globe to consult on judicial and economic issues and has participated in educational programs for foreign judges in the U.S. and overseas. He has participated in programs in China, Russia, Nigeria, and Cameroon sponsored by law schools, the National Center for State Courts, the U.S. Department of State, and the U.S. Department of Commerce. The Bar has praised Judge Coar for his excellent legal ability, handling of complex cases, integrity, and independence.

#### ADR Experience and Qualifications

- As a U.S. District Judge, he has tried and settled hundreds of cases involving the full array of matters subject to federal jurisdiction including class action Multi District Litigation, complex corporate, commercial, employment, intellectual property, mass tort, and securities cases. Maintaining a special interest in automation within the courts, he was a member of the Information Technology Committee, heading the Budget Subcommittee.
- Prior to being appointed to the District Court, Judge Coar was appointed a U.S. Bankruptcy Judge in 1986, where he oversaw large corporate reorganization and bankruptcy cases.
- In 1979, pursuant to the newly enacted Bankruptcy Code, Judge Coar became one of ten U.S. Trustees in the country, under a pilot program established within the U.S. Department of Justice. In that capacity, he monitored cases and appointed and supervised trustees and examiners in bankruptcy proceedings.
- As a former member of the Bankruptcy and District Judge Education Committees of the Federal Judicial Center, he has been a frequent presenter at its programs.

#### Representative Matters

- **Bankruptcy:**
  - Presided over the first large (and most successful) asbestos bankruptcy case resulting in a consensual plan that has served as a model for subsequent cases. Claims totaling over \$92 billion dollars were resolved. Over 90% of the stock of the reorganized company was issued to a trust for asbestos injury claimants. Complicated (and at the time, unresolved) issues of future claims, corporate governance, and liability of the trust were successfully navigated.
  - Successfully settled a \$30 million dollar avoidance action in a bankruptcy case involving a foreign creditor of a debtor.
- **Class Action MDL Cases:**
  - Served as assignee judge in three large class action multi-district litigation cases involving alleged product liability, antitrust, and securities/breach of fiduciary duties issues.
- **Employment:**
  - Resolved case of first impression under the Wage and Hour law after a five week trial and remand after appeal.
  - Presided over several large Title VII class action cases involving claims of race, sex, and age discrimination, all of which were resolved short of trial.
- **Intellectual Property:**
  - Presided over many complex intellectual property cases including patent, copyright and trademark/trade dress matters. Several of the trade dress cases involved the rights of franchisees after termination of the franchise agreements. They were resolved during trial by addressing the matter of settlement at the conclusion of each trial day.

- **Lender Liability:**
  - Presided over and resolved many lender cases including counterclaims for equitable subordination and claims of breach of fiduciary duty by the lender.
- **Securities:**
  - Resolved complex securities matters including cases alleging breach of fiduciary duty, violations of the Williams Act, and fraud under federal and state securities law. Some of these cases included determining whether a particular instrument was a security within the meaning of the securities laws.

#### **Honors, Memberships, and Professional Activities**

- Member, Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, 2007-2010
- Member, Information Technology Committee, Judicial Conference of the United States, 1999-2005 (served as chair of the budget subcommittee)
- Visiting Committee, University of Chicago Law School, 1998-2000
- Conferee, Emeritus, National Bankruptcy Conference
- Member, American Bankruptcy Institute
- Member, American College of Bankruptcy
- Past board member, Federal Judges Association
- Past board member, National Conference of Bankruptcy Judges
- Served on the editorial board of the *American Bankruptcy Law Journal*
- Speaker on topics ranging from bankruptcy, intellectual property, sentencing, employment discrimination, and the use of technology in the courts

#### **Background and Education**

- Judge, United States District Court, Northern District of Illinois, 1994-2010
- Judge, United States Bankruptcy Court, Northern District of Illinois, 1986-1994
- Visiting Professor of Law, Marshall-Wythe Law School, College of William and Mary, 1985
- Associate Dean and Associate Professor of Law, DePaul University College of Law, 1974-1979 and 1982-1994
- United States Trustee, United States District Court for the Northern District of Illinois, 1979-1982
- Private law practice, Mobile and Birmingham, AL, 1971-1974
- Carnegie Foundation Intern, NAACP Legal Defense and Education Fund, Inc., 1970-1971
- LL.M., Harvard Law School, 1970
- J.D., Loyola University Law School, 1969
- B.A., Syracuse University, 1964
- United States Marine Corps Reserves, 1965-1971
- Sergeant, United States Marine Corps, 1965



**Hon. Candace Cooper (Ret.)**

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*"I just have the highest, highest praise for her... she has an ideal judicial temperament."*

*"She is extraordinarily professional and very competent and knowledgeable."*

*- Quotes from attorneys and colleagues*

**Case Manager**

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**Hon. Candace Cooper (Ret.)** has nearly three decades of judicial experience and has earned a reputation as a highly accomplished judge with a common sense approach to resolving disputes. Justice Cooper brings an ideal temperament and a wealth of legal expertise in handling complex, often highly publicized cases. She served for nine years on the California Court of Appeal, Second District, most recently as Presiding Justice of Division Eight from 2001-2008, and as a Superior and Municipal Court judge prior to that. Justice Cooper has also served on the Los Angeles Superior Court for 12 years, handling a variety of assignments, ranging from court management, civil master calendar and civil trials to felony criminal and death penalty trials to juvenile dependency and delinquency.

During her noteworthy career, Justice Cooper has also made tremendous contributions to the legal community through her dedicated involvement in educational and professional associations. She served as president of the California Judges Association from 1988-1989. She was the second African-American, as well as the second woman, to head the nearly 2,000-member voluntary professional association representing all judicial officers throughout the state from the California Supreme Court to the remaining Justice Courts. Justice Cooper also served as a faculty member for the Continuing Judicial Studies Program, the Judicial College and the New Judges Orientation, teaching courses in evidence, jury selection, fairness and elimination of bias.

**Comments from Counsel**

Read about "What Counsel Say About Justice Cooper's ADR Style and Skills"

**Representative Matters**

**Arbitration**

- Unconscionability
- Required disclosures for binding arbitration agreements
- Scope of arbitrator power
- Action to enforce arbitration award

**Attorney Fees**

- Award of experts witness fees against municipality
- Award of attorney fees against board of homeowners association
- Attorney fees under Intervenor Compensation Provisions
- Determination of prevailing party

**Attorney Malpractice**

- Companion malicious prosecution case

**Construction**

- Construction Services Licensing Law
- Construction defect

**Commercial/Business Litigation**

- Contract interpretation
  - Course of performance
  - Implied-in-fact contracts
    - Ownership of employee inventions
- Contract performance
  - Exclusive distribution rights
- Misappropriation
- Intellectual Property

**CEQA**

**Class Action Litigation**

- Class certification

**Conflict of Laws**

**Discovery Disputes**

- Scope

- Privacy
- Trade secrets
- Attorney-client privilege
- Clergy-penitent privilege
- Sealing and protective orders
- Election Law**
- Compliance with Election Code
  - Ballot requirements
- Initiative requirements
  - Revision vs. amendment of State Constitution
  - "Single Issue" limitation
- Employment**
- FEHA
  - Wrongful termination/employment discrimination
  - Attorney fee awards
  - Expert fee awards
- B&P 1700
- Workers compensation
  - Unreasonable delay
- Family Law**
- Professional goodwill as community asset
- "In Kind" property division
- Foreign Judgment**
- Uniform Foreign Money Judgments Recognition Act
  - Finality of foreign judgment
  - Public policy
- Insurance**
- Coverage
  - "Duty to defend"
  - Excess policy coverage
  - Subrogation
- Liability
- Intellectual Property**
- Unauthorized commercial appropriation of name, photo or likeness
- Right of publicity/right of privacy
- Copyright Act
- Uniform Trade Secrets Act
- Misappropriation of patents/trademarks
- Licensing
- Infringement
- Agreement to disclose abstract idea
- Good will
- Medical Malpractice**
- Standard of care
- Statute of limitations
- Negligence**
- Existence of duty
- Assumption of risk
- Probate**
- Creditor claim vs. will challenge
- Product Liability**
- Design defect/manufacturing defect
- Failure to warn
- Real Property**
- Premises liability
  - Dangerous condition
- Condominium association
  - Interpretation of CC&Rs
  - Liability of homeowners association board
- Escrow
  - Misappropriation of trust assets by escrow agent officers and employees
- Subdivision and Map Acts
- Landlord-tenant
- Statutes of Limitation**

- Delayed discovery

#### **Water Law**

- Allocation of storage space in Central Basin water resource

#### **Wrongful Death**

- Responsibility of amusement park as "common carrier"

#### **Comments from Counsel**

##### ***What Counsel Say About Justice Cooper's ADR Style and Skills***

- "She is very smart and grasps complex issues quickly. She also has an impressive memory and ability to recall which results in very efficient and timely rulings. She requires that the attorneys know their case, their theories and how the discovery/evidence sought and adduced fits within those theories from very early in the case. She also focuses on the practical — particularly when dealing with production of voluminous evidence — which requires independent and creative problem solving in the context of discovery production."
- "Justice Cooper is excellent. She was very instrumental in getting this case settled after the mediation...I will definitely use her again."
- "What most impressed me was that she followed up a couple times on her own and acted as a telephone mediator... that's something no other mediator has done, and I've been doing this for a while."
- "She's a good listener and works hard to understand the positions that various sides have..."
- "I just have the highest regards for Justice Cooper and I know that she was recommended by our lead attorney to be used on an upcoming case... "
- "She does not tend to cut people off, she does not pre-judge. By nature, she's a collaborator, as opposed to an advocate."
- "She was able to express difficult and sensitive issues in a delicate and compassionate way, but she also has steel in her spine. She has a very good sense for when she needs to be blunt."
- "Cooper flawlessly walks the line between tactful and tenacious... "

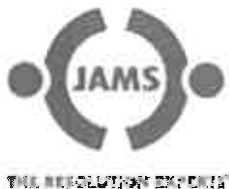
#### **Honors, Memberships, and Professional Activities**

- "Peacekeeping and Persistence," *Daily Journal*, Verdicts & Settlements profile, August 21, 2009
- Roger J. Traynor Memorial Award, Appellate Justice of the Year, Consumer Attorneys Association of Los Angeles, 2003
- Bernard S. Jefferson Judge of the Year Award, California Association of Black Lawyers, 2002
- Crystal Heart Award, Loved Ones of Homicide Victims, 2000
- Justice Joan Dempsey Klein Distinguished Judge Award, California Women Lawyers, 1997
- Alumni Merit Award, University of Southern California, General Alumni Association, 1994
- Outstanding Trial Jurist, Los Angeles County Bar Association, 1992-1993
- Criminal Court Judge of the Year, Century City Bar Association, 1992
- Silver Achievement Award, Los Angeles Y.W.C.A., 1991
- Superior Court Judge of the Year, Los Angeles County Bar Association Criminal Justice Section, 1990
- Ernestine Stalhut Award, Women Lawyers Association of Los Angeles, 1989
- Board of Councilors, University of Southern California Law Center, 1997-present; Chair, 2001–2003; Vice-Chair, 1999-2000; General Alumni Association; Board of Directors, 1995
- Judicial Council Select Committee on Judicial Retirement, 1993
- The State Bar of California: Commission on the Future of the Legal Profession and the State Bar, 1992-1995
- Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts, 1991-1997
- Judicial Council Advisory Committee on Private Judges, 1989-1990
- ABA Advisory Committee for "Understanding the Courts" Videotape Project, 1988-1990
- President, California Judges Association, 1988-1989; Executive Committee, 1987-1988; Chairperson, Annual Meetings Seminar Committee, 1986
- Municipal Court Judges Association, Planning & Research Advisory Committee, 1984-1987; Marshal's Committee, 1982
- Board Member, LAC/USC Institutional Review Board, 1981-1988
- Life Member, National Bar Association, 1980-present
- Member, Los Angeles County Bar Association, 1974-present
- Panelist, California State Bar Association Annual Meeting, 1998, 2008
- Lecturer, Los Angeles County Bar Association, 2004
- Lecturer, Consumer Attorneys Association of Los Angeles, 2003
- Lecturer, California Statewide Conference on Race and Ethnic Bias in the Court, 2002
- Lecturer, Judicial College, 1981, 1982, 1987, 2002 (Bernard Witkin Lecture)

- Faculty, Continuing Judicial Studies Program (CJSP) 1982, 1984, 1986, 1998
- Lecturer, Continuing Education of the Bar, 1992, 1994, 1996
- Lecturer, Center for Judicial Education and Research (CJER), 1981-1982

**Background and Education**

- Presiding Justice, California Court of Appeal, Second District, Division Eight, 2001-2008
- Associate Justice, California Court of Appeal, Second District, Division Two, 1999-2001
- Judge, Los Angeles County Superior Court, 1987-1998
- Judge, Los Angeles Municipal Court, 1980-1987
- Associate, Gibson, Dunn & Crutcher, 1974-1980
- Summer Associate, O'Melveny & Myers, 1972
- Law Clerk, Occidental Petroleum Oil Company, 1971
- J.D., University of Southern California, Gould School of Law, 1973
- B.A., University of Southern California, 1970



**Jay Folberg, Esq.**

**Jay Folberg, Esq.**, former Dean at the University of San Francisco School of Law, has resolved complex disputes on a wide variety of subjects. Considered one of the founders of ADR practice with decades of experience as a mediator and arbitrator, he is particularly skilled at getting to the heart of multifaceted issues and dealing with the human factors that create obstacles to settlement.

**ADR Experience and Qualifications**

- Successfully mediated multi-party institutional and public policy disputes, complex business, education related, employment, healthcare, construction, housing, environmental, land use, estate and probate, family, intellectual property, non-profit organizations, partnership, civil rights, and sexual harassment cases
- Trained judges and lawyers in mediation throughout the world and has extensive international ADR experience
- Authored several books and numerous articles on ADR

**Representative Matters**

**MEDIATIONS:**

**Business/Commercial**

- Corporate restructuring based on minority shareholders' suit
- Complex trade secrets, unfair competition claims and cross claims between major nonprofit healthcare organizations
- Dissolution of family business, including federal libel and slander claims
- Fraud and breach of contract claims involving sale of car dealership
- Trade secrets and unfair competition claims between biotech companies regarding testing methods, evaluation protocols, and marketing strategies for cancer treatment

**Education/Schools**

- Faculty disability and age discrimination cases
- Special Education disputes
- Tenure, promotion, and dismissal cases
- Title IX sports discrimination claims
- Class action by Native Americans against school closure

**Employment**

- Employment discrimination and sexual harassment claims against major companies and federal agencies
- Wrongful termination claims of executive employment contracts

**Environmental**

- Environmental conflict involving water quality and CEQA issues for a large residential development
- Land use and traffic impact dispute between municipality, county, and environmental groups regarding residential development involving over 8,000 new homes

**Estates/Probate/Trusts**

- Contentious dispute between descendants over stock in closely held corporation owning a destination resort
- Intergenerational family dispute between siblings and their children over use and expense allocation for multimillion dollar estate
- Multi-party dispute over descendant's family trust

**Family Law**

- Divorce, family, and intergenerational conflicts of all types

**Government/Public Agency**

- Federal housing discrimination suit involving multi-unit residential units
- First amendment and false arrest claims by protestors against private and public theme park and entertainment facilities
- Public policy conflict between State of California and county energy assistance programs over

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*"[Jay possesses] the temperament and patience that made it possible to settle an extremely complicated and contentious issue. Without you, there simply would not have been a deal."*

*-Chairman of prominent Bay Area non-profit organization*

**Case Manager**

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allocating an ongoing \$70 million a year federal grant

**Professional Liability**

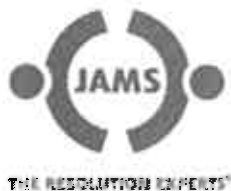
- Legal ethics and malpractice claims against attorneys

**Honors, Memberships, and Professional Activities**

- Bernard Witkin Amicus Curiae Award for leadership in alternative dispute resolution and outstanding service to the California courts, Judicial Council of California, 2003
- Distinguished Contribution to Mediation Award, Mediation Society, 2000
- Distinguished Mediator Award, Academy of Family Mediators, 1999
- Chair, Ethics Committee, American Bar Association, Section of Dispute Resolution
- Member, American Board of Trial Advocates (ABOTA)
- Chair, Judicial Council Blue Ribbon Panel of Experts on Arbitrator Ethics, 2001-2002
- Chair, Judicial Council Task Force on Alternative Dispute Resolution, 1998-1999
- President, Academy of Family Mediators, 1989-1990
- Chair, Section of Dispute Resolution, Association of American Law Schools, 1985-1986
- President, Association of Family and Conciliation Courts, 1983-1984
- Chair, Oregon State Bar, Family Law Section, 1979-1980
- Manville Personal Injury Settlement Trust - National Arbitration Panel
- California Court of Appeal Mediation Panel
- Federal Court (NDC) Mediation Panel
- CPR Panel of Distinguished Neutrals
- JAMS Foundation, Executive Director (Non-profit, charitable foundation)
- JAMS Institute, Executive Director (Training and continuing education)
- Publications:
  - **Selected Books:**
  - *Mediation: The Roles of Advocate and Neutral*, Aspen (2006)
  - *Lawyer Negotiation*, Aspen (2006)
  - *Resolving Disputes: Theory, Practice and Law*, Aspen (2005)
  - *Divorce and Family Mediation*, Guilford Press (2004)
  - *Mediation: A Comprehensive Guide*, Jossey-Bass (1984)
  - **Selected Articles:**
  - *Arbitration Ethics - Is California the Future?* 18 *Ohio State Journal on Dispute Resolution*, Issue 2 (2003)
  - *Alternative Dispute Resolution: An Empirical Analysis*, 46 *Stanford Law Review* 1487 (1994)
  - *Use of ADR in California Courts: Findings and Proposals*, 26 *USF Law Review* 343 (1992)

**Background and Education**

- Experience as a litigator of commercial and insurance cases (Rives & Schwab, now Stoel Rives), as well as civil rights, education, consumer related disputes, including class actions, in state and federal courts (founding Executive Director of Oregon Legal Services)
- As a professor, taught trial practice, civil procedure, family law, and ADR courses at the University of San Francisco (Dean 1989-1999), Northwestern School of Law - Lewis and Clark College, the University of Washington, and the National Judicial College
- Extensive experience as a judge *pro tem*
- J.D., University of California Berkeley (Boalt Hall), 1968
- B.A. (Economics and Finance), California State University, San Francisco, 1963



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**Joan C. Grafstein, Esq.**

**Joan C. Grafstein, Esq.** is a skilled full-time mediator and arbitrator who has resolved hundreds of complex business/commercial, employment, ERISA, securities, real property, and university cases. With thirty years experience as an attorney, most as in-house counsel at Emory University and the University of Georgia, she has expertise and experience in resolving faculty, staff, and student disputes, including tenure denial, discrimination, and harassment claims, as well as representing the university in intellectual property, major construction, contract, and insurance disputes. She is well known for being hard working, prepared, and getting the difficult settlements done.

**ADR Experience and Qualifications**

- Arbitrator or mediator in hundreds of significant cases, including serving as chair, sole arbitrator, and panelist in business arbitrations under JAMS, AAA, and party-specific rules
- As university in-house counsel, frequently represented the institution at mediations and administrative hearings, often in employment disputes

**Representative Matters**

- **Representative Arbitrations**
  - Arbitrator in contract dispute between health plan and physician provider
  - Arbitrated fraud and breach of contract claims and counterclaims between California investors in Florida nursing home and the fired manager of the nursing home
  - Arbitrated breach of contract claim of land auction company against developer in North Carolina
  - Arbitrated ERISA case against employer for denial of medical benefits on grounds of pre-existing condition
  - Arbitrated multiple breach of contract and discrimination cases brought by terminated employees
  - Arbitrator in dispute between software developer and national food company over custom software
  - Arbitrator in dispute over asset purchase and sale agreement in health field
  - Arbitrated numerous disputes in FINRA (Financial Industry Regulatory Authority) and its predecessor NASD (National Association of Securities Dealers) Dispute Resolution, as chair of panel, panel member, and sole arbitrator, including claims brought by customers over mortgage-backed securities, and claims between brokers and dealers who are FINRA members and their "brokerage firms"
  - Sole arbitrator in two related claims for class action by over 2,000 firefighters seeking pay for breach of contract and quantum meruit
- **Representative Mediations**
  - Mediator in lawsuit by medical school faculty member against school and hospital
  - Mediated ERISA case against employer for denial of medical benefits on ground of unlawful act exclusion
  - Mediated disability discrimination and breach of contract claim against Fortune 100 company by employee fired for substance abuse
  - Mediated numerous discrimination cases and breach of contract disputes brought by dismissed employees
  - Mediated race discrimination employment claim against large public authority
  - Mediated catastrophic injury caused by truck collision for settlement in excess of one million dollars
  - Mediated numerous pro bono cases including civil disputes and applications for criminal warrants

**Honors, Memberships, and Professional Activities**

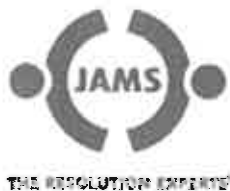
- Chair, Atlanta Bar Association Women in the Profession Section 2009-2010
- Program Co-Chair, American Bar Association Section of Dispute Resolution Spring 2011 Annual Conference
- Program Chair, 4th Annual Arbitration Institute, State Bar of Georgia Dispute Resolution

Section, August 2010

- Member: FINRA Dispute Resolution Board of Arbitrators; American Bar Association Sections of Business Law, Employment Law, Dispute Resolution, and International Law; State Bar of Georgia Sections of ADR, Intellectual Property, and Labor & Employment Law
- Registered Neutral, Georgia Office of Dispute Resolution
- Publications include: "Women in Negotiation." *The Atlanta Lawyer*, January 2008; "Developments in Party-Appointed Arbitrator Cases," *Dispute Resolution News*, Spring 2004
- Frequent speaker on arbitration and mediation topics at national conferences including Annual Section Meetings of the American Bar Association: panel chair and moderator, "Current Trends in International Arbitration" (2010) at ABA Mid-year Meeting; panel member, "Is Commercial Arbitration Broken" (2010) at ABA Business Law Section; panel co-chair, "The Evolving State of Arbitration in China: Can a Foreign Party Get a Fair Hearing and an Enforceable Award?" (2009) at Fall Meeting, ABA International Law Section; panel chair, "Women in Negotiation" (2008) and "Arbitration of Employment Disputes" (2006), Annual Meeting of the ABA Dispute Resolution Section; presenter, "Faculty Tenure Denials: Current Law and Practical Tips" (2004) at Mid-year Meeting, National Association of College and University Attorneys. Panelist, "Developments in Arbitration Ethics," (2004) and "ADR in Institutional Settings" (2000) at Annual Georgia ADR Institute
- Author, "Improving Commercial Arbitration: The View of an Arbitrator and Former In-House Counsel" LexisNexis, April 30, 2010

**Background and Education**

- In-house counsel, Emory University Office of the General Counsel, 1986 – 2003
- Legal Advisor, University of Georgia, Division of Student Affairs 1981 – 1986
- Associate, Sutherland, Asbill and Brennan, 1980 - 1981
- Law Clerk to Judge James C. Hill, United States Court of Appeals for the Fifth Circuit, 1979 - 1980
- Adjunct Assistant Professor, Emory University School of Law, 1988 - 1989; Adjunct Assistant Professor, University of Georgia Criminal Justice Program, 1983 – 1986; Lecturer, Labor Law, University of Georgia School of Law, 1981 – 1982
- J.D., *summa cum laude*, *First In Class*, University of Georgia School of Law, 1979 (*Georgia Law Review*, Articles Editor; Order Of The Coif; Castellow Scholar)
- A.B., Government, Barnard College, Columbia University, 1968



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#### Deborah Gage Haude, Esq.

**Deborah Gage Haude, Esq.** mediates and arbitrates individual, multi-party, class action and collective claims and actions involving individuals, employees, executives, professionals and companies, partnerships, and not-for-profit organizations of all sizes. In both employment and in business disputes, parties and counsel have praised her ability to appreciate and handle highly charged emotional situations and to help parties work towards pragmatic solutions. Having litigated and resolved individual, class and collective actions for over 20 years as an attorney before becoming a neutral in 2003, Ms. Haude is comfortable with complex legal and factual situations and with managing all facets of large and small cases. As a Special Master for the resolution of a large and complex nationwide sexual harassment case, she made initial determinations, managed the claims and response process, adjudicated claims, and monitored the company's compliance with the consent decree.

#### ADR Experience and Qualifications

- Sole arbitrator, member and chair of arbitration panels, and party arbitrator. Arbitrator in individual, class action, and collective action cases.
- Mediator for individual and class action cases, as well as pre-litigation disputes.
- Special Master in a nationwide discrimination class action case, to adjudicate settlement awards in which she determined eligibility and now serves in a monitoring capacity

#### Representative Matters

- **Special Master/Settlement Master**
  - Ms. Haude was selected by class counsel and defense counsel and approved by a federal district judge in the Northern District of Illinois to be Special Master for a large, complex and creative settlement of a nationwide class action sexual harassment lawsuit. Ms. Haude initially determined eligibility of putative class members, directed the claims and response process, conducted neutral fact-finding, and adjudicated the claims of three tiers of claimants, including conducting hearings for one of the tiers. Following the adjudication phase, she monitored the company's compliance with the consent decree for a two year period.

#### Representative Mediations

- **Class Action**
  - Mediated information exchanges and then settlement of class action brought by three subclasses of management and non-management employees of a nationwide home improvement chain for unpaid vacation pay and bonuses in a class action under the Illinois Wage Payment and Collection Act (IWPCA)
  - Mediated a number of off-the-clock and/or misclassification class and collective action overtime claims and actions brought under various state laws and FLSA by employees in various industries and public employer, as well as retaliation claims of some named plaintiffs or class reps. Addressed issues of numerosity, commonality, manageability of hybrid Rule 23/FLSA actions, calculation of damages, and applicability of recent case law
- **Employment/Executives/Professionals**
  - Mediated claims by executives in start-up, active, and contracting businesses for breach of contract, fraudulent inducement, and various discrimination claims
  - Mediated separations of in-house counsel as well as associate of law firm
  - Mediated age, disability, gender, pregnancy, national origin, race, and sexual harassment claims under ADA, ADEA, OWBPA, ERISA, Title VII, PDA, EPA, §1981, and state laws of employees in variety of businesses and non-profits. Highly emotional sessions sometimes included spouse, significant other, parent and/or separate counsel for supervisor or franchisor
  - Mediated claims for retaliatory discharge and for various workplace torts
- **Business/Commercial/Boards**
  - Mediated governance dispute among factions of a not-for-profit board
  - Mediated breach of contract and other claims of separated Executive Director with

- committee of trade association's board
- o Mediated gender and regulatory claims of employee in banking industry, including mediating information exchanges, multiple sessions and presentation by employee and counsel to a committee of the board, followed by meeting with Ms. Haude and the board committee
- o Co-mediated dispute among condominium association, its insurer, independent adjuster, and contractor
- o Co-mediated dispute between trustee in bankruptcy and investment firm that had dealt with entity related to creator of Ponzi scheme
- o Co-mediated multi-party action among general contractor and two levels of subcontractors, involving surety and assignee

#### **Representative Arbitrations**

- **Class Action**

- o Arbitrated remaining issues in IWPCA class action described above, including eligibility to participate, handling of settlement fund, direction of claims administrator, type and extent of notice, fairness and attorneys fees
- o Arbitrated issues relating to notice, conditional certification and settlement of FLSA claims in misclassification collective overtime action brought by loan officers in over 20 states under FLSA and various state laws

- **Employment/Executives/Professionals**

- o As panelist, arbitrated action by partner of large professional organization that retirement was involuntary and violated partnership agreement and age discrimination laws
- o Arbitrated action by General Manager of acquired automotive-related company that termination was not for cause under executive employment agreement
- o Arbitrated actions for national origin and whistleblower claims, for ADA, state law disability discrimination, intentional infliction of emotional distress, and constructive discharge, and for race discrimination and racial harassment in restaurant, fast food, transportation-related and other industries
- o As sole arbitrator and as panelist, arbitrator in various arbitrations regarding bonus and compensation disputes in the accounting, consulting and financial services industries

- **Business/Commercial**

- o As sole arbitrator, arbitrated interim relief in portion of multi-party unfair competition action by a nationwide environmental service claiming breach of non-compete against one party
- o Selected as neutral chair of three arbitrator panel arbitrating uninsured motorist claim
- o As sole arbitrator in claim by credit card holder of various torts and violations of credit laws against large financial institution seeking payment oversaw settlement negotiations and settlement process
- o Sole arbitrator in numerous credit card and loan interest cases

#### **Honors, Memberships, and Professional Activities**

- American Bar Association, Illinois State, DuPage County, and Chicago Bar Associations
- Trial Bar, Northern District of Illinois. Member of the Bars of the State of Illinois, Northern District of Illinois, Eastern District of Michigan, Eastern District of Wisconsin, Seventh, Eighth and Tenth Circuit Courts of Appeal
- Speaker and panelist on topics related to arbitration, mediation, class action arbitration, wage and hour mediation, negotiation and related matters

#### **Background and Education**

- Arbitrator/Mediator, JAMS, 2004-present
- Arbitrator/Mediator, ADR Associates, LLC, 2003
- Attorney, Winston & Strawn, 1979-2003 (Partner-1985, Capital Partner-1994)
- J.D., Northwestern University School of Law, 1979
- B.A., Elmhurst College, 1972



**Marvin E. Johnson, Esq.**

**Marvin E. Johnson, Esq.** is a nationally recognized mediator, arbitrator, and trainer with over 27 years of dispute resolution experience. He is the Founder and Executive Director of the Center for Alternative Dispute Resolution, an internationally recognized ADR entity, which provides dispute resolution education and training to culturally diverse audiences.

#### **ADR Experience and Qualifications**

- Mediated and arbitrated over 1,500 cases involving for-profit and not-for-profit corporations, federal and state agencies, and local government entities with dealings in numerous sectors including:
  - Health care; transportation; public safety; restaurant & hotel; technology; amusement/recreation; manufacturing; utilities; agriculture; education; security; housing; media; construction; insurance; banking & finance; communication; retail sales; national defense; electronics; warehousing; photographic imaging; real estate; museums and libraries; membership organizations; and more.
- Extensive experience facilitating, mediating and arbitrating labor, employment, and contract issues between and within organizations including:
  - Absenteeism; alcohol and drug abuse; arbitrability; dress code; health and welfare; incentive rates/standards; job evaluation; job posting and bidding; layoff; bumping and recall; contract interpretation; past practice; reduction in force; safety; training; transfer; union business; working conditions; civil rights; ADA; EEO; salary/rate of pay; benefits; termination; suspension; performance appraisals; work assignments; job classification, seniority, promotion, overtime, vacation, holiday pay, work schedules, sub-contracting, severance pay; transportation; EEO, diversity; communication, relationships, goals and objectives; reorganization, planning, and development of new/modified service delivery; management rights; breach of contract; credit card abuse; cell phone abuse; computer security violation; harassment and other inappropriate conduct; breach of contract remedy

#### **Honors, Memberships, and Professional Activities**

- Member, U.S. Foreign Service Grievance Board, 2005-2007
- Member of the President of the American Bar Association's (ABA) Advisory Council on Diversity, member of the ABA-Section of Dispute Resolution's Council, and former Chair of the Section's Diversity Committee
- Member, Board of Directors and Tri-Chair of Diversity Committee, Association for Conflict Resolution (a merged organization of AFM, CREnet and SPIDR)
- Member, Board of Directors, International Academy of Mediators
- Member, National Bar Association, Arbitration Section (previous member, Advisory Board and Vice President of Programs)
- Mediation Training to executives, managers and employees, Vorkuta, Russia, 1998
- ADR Training to Young African Leaders, May 2000 and April 2002
- Conflict Mgt. Training to representatives of Central and Eastern European Roma Organizations, May 2003
- Federal Service Impasses Panel, 1999-2002
- Maryland Alternative Dispute Resolution Commission, 1998
- Foreign Service Impasse Disputes Panel, June 2000
- U.S. Consensus Council-Policy Consensus Professional Advisory Committee, 2001
- Maryland State Labor Relations Board, 2002-2003
- Executive Committee Member of MACRO and Chair of its Education and Schools Initiative (currently)

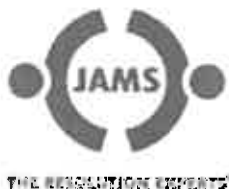
#### **Background and Education**

- Mediator, Arbitrator, and Trainer, Accormend Associates, 1984-2003
- Executive Director, Center for Alternative Dispute Resolution, 1986-present
- Associate Professor, Labor Relations, Law, and Dispute Resolution, Bowie State University, 1983-2000
- Director of Legal Programs, National Academy of Conciliators, 1983-1984
- Assistant Counsel, National Treasury Employees Union, 1981-1983
- Attorney, Federal Labor Relations Authority, Office of the General Counsel, 1980-1981
- Law Clerk, Federal Mediation and Conciliation Service, Office of the General Counsel, 1979-1980
- Legal Research Assistant, National Football League Players Association, Legal Department, 1978-1979
- Federal Labor Relations Specialist, Dept. of Labor-Management Services Administration, Office of Federal Labor-Management Relations, 1974-1978
- Labor Economist, Department of Labor, Labor-Management Services Administration, 1974
- J.D., Catholic University Law School, 1980; M.S., Industrial Relations, University of Wisconsin, 1974; B.B.A., Kent State University, 1972

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**Homer C. La Rue, Esq.**

**Homer C. La Rue, Esq.**, for more than 20 years, has served as an arbitrator and mediator in numerous employment, labor and non-labor disputes, both in the public as well as the private sector.

**ADR Experience and Qualifications**

- Arbitrated and mediated cases involving such issues as: absenteeism, arbitrability, conduct (off-duty)/personal, demotion, discipline (non-discharge), discipline (discharge), discrimination (age, disability, race, sex, religion, national origin), drug/alcohol offenses, holidays, insurance, leave, vacation, health/hospitalization, hiring practices, job performance, jurisdictional dispute, layoffs/bumping/recall, management rights, official time, past practices, promotion, retirement, safety/health conditions, seniority, sexual harassment, subcontracting/contracting out, tenure/reappointment, cost-of-living pay, holiday pay, incentive pay, job classification
- Diverse industry experience includes: airlines, automotive, beverage, chemicals, clothing, communications, construction, education, electronics, food (manufacturing/processing/service), government (local and federal), health care, hotels/motels, hospital/nursing home, maritime, nuclear energy, organizations, packaging, petroleum/petrochemicals, pharmaceuticals, plastics, police and fire, postal service, public utilities, transportation (bus and rail), and others
- Served as a mediator in approximately 1,000 public sector labor negotiations while with the New York State Public Employment Relations Board
- Conducted settlement conferences under the unfair labor practices provisions of the Taylor Law
- Directs the Alternative Dispute Resolution curriculum at Howard University School of Law in Washington, D.C.; founded and supervises the Law School's first ADR Clinic
- Lectures extensively in mediation, arbitration, and other forms of dispute resolution to a variety of business, labor, and bar groups including internationally. He serves as a technical advisor and trainer for the Commercial Law Development Program of the U.S. Dept. of Commerce on an ongoing project designed to assist in the development of a regional ADR system in Central and West Africa for the resolution of commercial disputes
- As the Director of the New York State School of Industrial and Labor Relations Extension Division in New York City, he oversaw the development of labor-management training programs and developed programs to assist persons of color in becoming mediators and arbitrators in labor and non-labor disputes
- Co-creator and designer of a JAMS-supported program to increase the diversity of mediators in the United States, known as ACCESS ADR

**Honors, Memberships, and Professional Activities**

- Chair, American Bar Association Dispute Resolution Section, 2009 - 2010
- Fellow, College of Labor and Employment Lawyers, Class of 2003
- Member, American Bar Association Section of Dispute Resolution and Member of the Section Council
- Member, National Academy of Arbitrators
- Member, Chartered Institute of Arbitrators, N. A. Branch
- Permanent arbitrator in a number of collective bargaining agreements including airlines and telecommunications
- Past Chair, Maryland State Labor Relations Board

**Background and Education**

- Arbitrator/Mediator, Federal Mediation & Conciliation Service and American Arbitration Assoc., 1983-2003
- Professor of Law, Howard University School of Law, since 1995 (teaching law since 1983)
- Associate Professor and Metropolitan Director, The Extension Division of the Cornell School of Industrial and Labor Relations, 1981-1983
- Regional Director-NYC, New York State Public Employment Relations Board, 1979-1981
- Assistant United States Attorney, Eastern District of NY (Civil Division of U.S. Attorney's Office), 1978-1979
- Assistant General Counsel, AFSCME, District Council 37 (NYC), 1975-1978
- M.I.L.R., Cornell University, School of Industrial and Labor Relations, 1975
- J.D., Cornell University School of Law, 1974
- B.A., Purdue University, 1970

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**June Lehrman**  
**Post Office Box 3000**  
**Culver City, California 90231**  
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**jlehrman@igc.org**

## **Professional Experience**

**2009-Current: Administrative Law Judge**  
**Office of Administrative Hearings, State of California**  
**Van Nuys, California**

Adjudication of administrative matters involving California agencies. Specializing in special education matters between parents, students and school districts, arising under the federal Individual with Disabilities Education Act, analogous state law, and federal and state regulations. Responsible for mediating disputes, adjudicating due process hearings, final decisions appealable to federal district court, motion practice and pre-hearing matters.

**1993-2009: June R. Lehrman**  
**Mediator, Arbitrator, Attorney At Law**  
**Culver City, California**

Extensive private full-time mediation and arbitration practice hearing broad variety of disputes including contract, fraud, business tort, partnership, professional malpractice, employment matters, construction and real estate, health care, insurance. Arbitrated and mediated numerous business disputes in a wide variety of industries including sales of businesses, disputes over payment terms, consulting agreements, covenants not to compete and related agreements, partnership and close corporate disputes, franchise, misappropriation of trade secrets, copyright, unfair competition, defamation. Extensive experience mediating and arbitrating disputes involving HMOs, hospitals, and other healthcare providers and payors. Numerous employment claims alleging discrimination/wrongful termination. Adjudicator and reviewer of claims arising under class action Consent Decree.

Panelist with Judicial Arbitration and Mediation Service (JAMS) 2002-2009.

Panelist with American Arbitration Association 1991-2002.

Panelist on pro-bono mediator panels including Los Angeles, Santa Barbara and Ventura County Superior Courts; United States Bankruptcy Court, Central District of California; United States Equal Employment Opportunity Commission, Los Angeles District Office; United States Postal Service; Los Angeles County Bar Association Dispute Resolution Services (DRS) Community Mediation Program. Hearing Examiner for City of Los Angeles Board of Civil Service Commissioners.

**1990-1993: Rosenberg, Chittum, Mendlin & Hecht**  
**Los Angeles, California**

**1985-1989: Irell & Manella, Los Angeles, California**

Litigation practice; responsible for all aspects of complex business litigation from inception of legal actions through post-trial procedures. Emphasis in complex contract, business tort, fraud, environmental and commercial real estate disputes.



## Education

*Law:* University of Michigan Law School, Ann Arbor, Michigan  
J.D. 1985, cum laude

*Undergraduate:* Yale University, New Haven, Connecticut  
B.A. 1980, cum laude, Russian and East European Studies  
Honors in the major

## Honors, Memberships, and Professional Activities

- Recognized for Alternative Dispute Resolution, Who's Who Legal, California 2009
- Fellow, Board Member, Vice-President (2008-2009), President-elect (2009-2010), College of Commercial Arbitrators
- Council Member, ABA Dispute Resolution Section, 2005-2010
- Board Member, California Dispute Resolution Council, 2001-2002
- President, Southern California Mediation Association, 2000
- Griffin Bell Volunteer Service Award, Dispute Resolution Services, 2000
- Peacemaker of the Year, Southern California Mediation Association

## Published Writings

June Lehrman, *Award Hesitation*, Los Angeles Daily Journal, February 24, 2009

June Lehrman, *Review Session*, Los Angeles Daily Journal, August 28, 2008

June Lehrman, *Language Logistics*, Los Angeles Daily Journal, February 15, 2007

The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration (Curtis E. von Kann, Editor in Chief, James M. Gaitis / June R. Lehrman, Editors) (Juris 2006)

June Lehrman, *Lesson of Church Mediation: Settlement Can't Be Forced*, Los Angeles Daily Journal, March 2, 2005

June Lehrman, *'Rojas' Doesn't Resolve All ADR Confidentiality Issues*, Los Angeles Daily Journal, July 14, 2004

Hon. Ming W. Chin, et al., California Practice Guide: Employment Litigation (June Lehrman, Contributing Editor, Ch. 18, Settlements and ADR) (The Rutter Group 2003)

June Lehrman, *On the Threshold of Arbitration*, Los Angeles Lawyer, December 26, 2003

June Lehrman, *En Banc 9th Circuit Reverses Two Decisions on Arbitration*, Los Angeles Daily Journal, October 2, 2003

June Lehrman, *Statute May Cover Statements Made Outside the Presence of a Mediator*, Los Angeles Daily Journal, June 12, 2003

June Lehrman, *Some State Injunctive Claims May Not Be Arbitrable*, Los Angeles Daily Journal, May 1, 2003

June R. Lehrman, *'Little' Applies 'Armendariz' to Some Claims at Common Law*, Los Angeles Daily Journal, March 12, 2003

June R. Lehrman, *Best and Worst Practices in Arbitration Advocacy*, ABA Dispute Resolution Magazine, Spring 2003

June Lehrman, *New Law May Have Sweeping Effect on California Arbitral Practice*, Metropolitan Corporate Counsel, December 2002

June Lehrman, *After Rojas, Counsel Must Be Careful When Preparing Evidence for Mediation*, Los Angeles Daily Journal, October 31, 2002

June R. Lehrman and Edith C. Schaffer, *California Transactions Forms – Business Transactions, Chapter 14 Alternative Dispute Resolution* (West 2007) (originally published 1997)

#### **References**

Available upon request.



**Lester J. Levy, Esq.**

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*"Lester relates well to class counsel, defense counsel, defendants and insurers alike. Among his great traits is his ability to skillfully assess each case and determine the particular role/style that will facilitate a settlement. He is fair, creative, a quick study and is well-respected." –Chair of class action practice at LA law firm*

*"Lester's honest and direct style creates a trusting relationship and open dialogue with attorneys and their clients. He transforms the most complex and emotionally challenging disputes into a process the parties can use to constructively resolve their differences. He quickly identifies the key issues, sets a course of action including a range of possible settlements, then gets it done." – Prominent Litigator*

**Lester J. Levy, Esq.** has been a full time neutral for nearly 16 years. Mr. Levy is a renowned mediator and arbitrator as well as settlement master/ombudsman and special master/referee. He uses his legal, analytical, and conciliation skills to craft the best possible resolution of each case. He is adept at handling large, complex cases involving multiple claims, parties and issues, and specifically those matters with long-term implications.

In complex matters, he serves as a lawyer for the settlement. He is retained by the lawyers, their clients and the court to provide a confidential forum where settlement discussions are organized appropriately for analysis, evaluation and resolution. Mr. Levy's goal is to achieve a resolution for the parties while maintaining a beneficial ongoing relationship whether in a business or community setting.

#### **ADR Style and Methods**

Mr. Levy's experience with ADR spans a wide variety of case types in which he is called upon to assist parties with their most difficult matters – often where other resolution processes have been unsuccessful.

- Mr. Levy has mediated cases to settlement that have involved complex issues as well as intricate relationships between multiple parties involved. Mr. Levy has been lauded for his ability to recalibrate relationships in order to achieve settlements that not only maintained a positive relationship between the parties, but also created model relationships for others facing similar issues to follow.
- As an arbitrator, Mr. Levy is known for his willingness to make difficult decisions based on the facts and law of each case. He takes a proactive approach to case management in order to focus both the evidence and pre-hearing discovery on the key, outcome-determinative issues so as to efficiently reach closure.
- Mr. Levy is one of the most experienced environmental mediators in the country and is often called upon to handle significant environmental cases nationally, including those alleging natural resource damages. He has a keen understanding of the scientific issues involved in environmental matters and works closely with technical experts to design creative and cost-effective solutions to complex environmental problems.
- Mr. Levy has also had years of experience as settlement master for massively complex class action and mass tort cases, where his role has been to ensure that the objectives of the settlement are reached fairly and as efficiently as possible. His role as a settlement master is to work with the parties and the court to design and monitor a process with an unwavering commitment to fairness that winnows out false claims, while ensuring that like claims are treated the same.

#### **Representative Matters**

Matters handled by Mr. Levy include the following:

- Chief Adjudicator/Arbitrator: decided 25 thousand individual civil rights claims alleging historical discrimination in national complex multi-year class action



**Michael K. Lewis, Esq.**

**Michael K. Lewis, Esq.** is widely recognized for his extraordinary ability to resolve the most complex disputes in virtually every area of law. He has successfully mediated and arbitrated hundreds of complex, multi-party, high profile matters.

**ADR Experience and Qualifications**

- Accomplished at effectively mediating and arbitrating disputes in a wide variety of areas including business/commercial, public policy, employment, environment, and governmental matters
- Advised dozens of organizations as an ADR consultant, including the Manville Personal Injury Settlement Trust, ABA's Mental Health Disabilities Project, ABA's BASICS Program, National Institute of Corrections, National Association of Attorneys General, several federal agencies, National Clients' Council, Council of Better Business Bureaus, federal and local courts around the country, as well as numerous law firms and companies.

**Representative Matters**

- Disputes of nine staff members alleging employment discrimination on the part of their union employer
- Dispute involving the expansion of the Dallas-Fort Worth Airport
- Dispute involving the closing of clinical services by a large hospital in Harlem
- Dispute surrounding the destruction of a producing gas well by a coal mining company
- Dispute regarding the cleanup of the HOD landfill in Illinois among 15 public and private parties
- Complex reinsurance dispute for the U.S. District Court in New Jersey
- Series of disputes arising out of the implementation of a consent decree involving the care and treatment of juvenile delinquents
- Disputes arising out of the purchase of an apartment building and its subsequent conversion to condominiums
- Dispute involving conditions in a large, publicly supported apartment complex and damages to municipal buildings alleged to have been caused by faulty architectural design and construction
- Co-mediation, with Linda Singer, of the BROS Superfund site in New Jersey and Old Southington Landfill Superfund site in Connecticut, as well as the Kramer Landfill and McKin Superfund sites
- *Pigford v. Glickman*, a case in which a large group of African-American farmers alleged that the U.S. Department of Agriculture had discriminated against them
- *Sokaogon v. Babbitt*, reached agreement regarding the treatment of a petition to take land into trust
- Monitor and Special Master for the District of Columbia Superior Court in *Jerry M. v. D.C.*, a case involving the care and treatment of juvenile delinquents
- Special Master in a federal district court case that involved confinement at the Washington State Penitentiary in Walla Walla, Washington

**Honors, Memberships, and Professional Activities**

- Outstanding Achievement for ADR Education/Training, American College of Civil Trial Mediators, 2001
- Member, National Bar Association, 2005–Present
- Member: JAMS Board of Directors, 2004–Present; JAMS Employment Practice Group, 2004–Present
- Board of Directors: Frederick B. Abramson Memorial Foundation, 1998–Present; Westtown Friends School, 1995–Present; Consensus Building Institute, 1993–Present; Search for Common Ground, 1997–present
- Member, Council of the American Bar Association Section on Dispute Resolution
- Featured on a television show produced by the American Law Institute and the American Bar Association and on numerous instructional videotapes
- Adjunct faculty member of law schools of Georgetown (1983–present), American University, George Washington University, University of New Mexico; Harvard Program of Instruction for Lawyers Mediation Workshop (1984–present); trainer for CPR Institute for Dispute Resolution

**Background and Education**

- JAMS, 2004–Present; ADR Associates, 1990–2003; Private mediation practice, 1983–1990
- Center for Community Justice (now Center for Dispute Settlement), Deputy Director, 1972–1983
- National Institute for Dispute Resolution, Deputy Director, 1983–1988
- U.S. Information Agency, Foreign Service Information Officer, 1967–1972
- J.D., Georgetown University Law Center, 1975
- B.A., Dartmouth College, 1967; Studied at U.S. Department of State's Foreign Service Institute

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*Recipient of numerous awards and citations:*

*Maryland Judicial Council Appreciation for Service, 2009*

*Resolution of Appreciation of Service as Member and Chair, Conference of Circuit Judges, 2008*

*President's Award, Prince George's Bar Association, 2007*

*Distinguished Service Award, National Center for State Courts, 2006*

**Case Manager**

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**Hon. William D. Missouri (Ret.)**

**Hon. William D. Missouri (Ret.)** was appointed to the Circuit Court for Prince George's County, Maryland in December 1987 and served most recently as Chief Judge of the Seventh Judicial Circuit. Prior to his appointment to the Circuit Court, Judge Missouri served as an Associate and Administrative Judge of the 5th District Court for Prince George's County. Judge Missouri is well regarded for his wealth of knowledge, impeccable reputation for integrity and character in government, and selfless service to the people of Maryland. He is the recipient of numerous awards and citations, the result of his service on countless judiciary, professional, and community committees and organizations.

Judge Missouri has presided over nearly all manner of civil cases during his more than 25 years of distinguished judicial service on the Maryland Circuit and District Courts.

**Representative Matters**

- **Business/Commercial:** Breach of contract; employment contracts; contract fraud; collections; foreclosure; licensing; fee disputes; partnership disputes; real estate and construction disputes
- **Class Action/Mass Tort:** Numerous failure to cover and policy restrictions by major insurance companies; product liability claims including automotive and container designs
- **Construction:** Disputes dealing with delay; loss of productivity; failure to mitigate; impact and acceleration claims; construction and design deficiencies and errors; scope-of-work issues; professional liability and negligence; economic loss; tendering and procurement issues; lien claims; breach of contract; claims for property damage
- **Construction Defect:** Residential defect claims including infrastructure; landscape installation; windows; foundation; roofing; insulation; water and mold damage; disputes between developers and homeowners associations; disputes between homeowner and improvement contractors; failure to improve the residence; disputes between homeowners and general contractors over defective construction of private residences and delay claims; disputes with public regulatory agencies and developers involving compliance with state and federal regulations and penalties; homeowner association disputes; numerous cases between general contractors and subcontractors involving issues relating to grading, foundations, structural, mold infestation, HVAC, roofing, stucco, plumbing, electrical defects, and water damage
- **Employment:** FMLA; employment agreements; covenants not to compete; sexual harassment; wage loss; wage and hour; wrongful termination; age and gender discrimination; trade secret; non-compete and non-solicitation disputes
- **Family Law:** Dissolution of family partnerships and family corporations; trust and estate disputes; wills and will caveats; complex divorces with large assets; annulment; property division; child custody; child support; child visitation; enforcement of prenuptial agreements; modifications of custody; paternity; surrogate; involuntary commitment; family protective order; delinquency, truancy, and minors charged with felonies; physical, sexual and emotional abuses of minors and young adults; termination of parental rights; grandparent custody and grandparent visitation
- **Government/Public Agency:** Claims against Prince George's County involving police brutality; land use planning and zoning
- **Personal Injury/Torts:** Catastrophic injury; medical malpractice; wrongful death; product liability; premises liability (commercial and residential); industrial accidents; environmental; workplace accidents arising out of workers compensation claims; automotive; heavy machinery; medical; dental; failure to diagnose; birth injuries; burn injuries; construction site injuries

Judge Missouri authored opinions or presided over the cases listed below in the areas of law indicated.

- **Business/Commercial**

- *Washington Gas, et al. v. Davis*, CAL 10-39315 (March 2011)
- *Whitehead v. Choporis, Inc. D/B/A Maaco Auto* (May 1998)
- *Maro, Inc. v. Luciana Caleb*, CAL 95-03325 (May 1997)
- *Eruzo, et al. v. PEP Boys, et al.*, CAL 93-17365 (Nov. 1995)
- *Curtis v. Sam Car Wash, Inc.* (April 1992)
- **Family Law**
  - *Dotson v. Dotson*, CAD 10-28496 (Feb. 2011)
  - *Palmer v. Palmer*, CAD 10-14926 (Jan. 2011-Mar. 2011)
  - *Sanders v. Sanders*, CAD 07-31302 (Dec. 2010)
  - *Nongauza v. Robinson*, CAD 10-04592 (Nov. 2010)
  - *Thompson v. Thompson*, CAD 99-11629 (Jul. 2004)
  - *Hallowell v. Hallowell*, CAD 91-09938
  - *Day v. Day*, CAD 91-07944 (6/29/92)
  - *Maduro v. Maduro*, CAD 91-13620 (6/24/92)
  - *Stover v. Stover*, CAD 91-103 (Feb. 1992)
  - *Thurman v. Thurman*, CAD 91-19676 (Feb. 1992)
  - *McKinley v. McKinley*, CAD 87-11336 (5/13/88)
  - *Roby v. Roby*, CAD 87-9486 (March 1988)
  - *Sturgill v. Sturgill*, CAD 87-15953
- **Personal Injury/Torts**
  - *Seminole Casualty Ins. Co v. Robinson*, CAL 09-19318 (Nov. 2010)
  - *Robinson v. Liberty Mutual*, CAL 06-09240 (June 2007)
  - *Roquemore v. GEICO*, CAL 96-10698 (Mar. 1999)
  - *Stevens, T/U/O Graham v. Murphy*, CAL 96-05746 (Aug. 1997)
  - *Rodgers v. Klotz, et al.*, CAL 91-21097 (May 1995)
  - *Scriber, et. al. vs. Smith et al.*, CAL 92-16116 (July 1994)
  - *Smith v. Consolidated Waste et al.*, CAL91-07268 (Oct. 1993)
  - *Dent v. Phillips*, CAL 91-06303 (May 1992)
  - *Parker v. Watkins* (Feb. 1992)
  - *Parker v. Calley*, CAL 87-560 (4/19/88)
  - *Clements v. Brown Ferris, Inc.*, CAL 86-17367 (Mar. 1988)
  - *Wayne D. Garrett v. Williams*, CAL 85-6639 (Feb. 1988)
  - *Freeland v. Bruce*, CAL 86-00060 (2/1/88)
- **Professional Liability (Medical Malpractice)**
  - *King v. Doctor's Hospital* (Oct. 2010)
  - *Hutchins v. Chandra*, CAL 90-26572 (Feb. 1992)
  - *Butterworth v. Richard Wolf*, CAL 86-10585 (5/18/88)
- **Real Property**
  - *Graham v. Ridgley Church of God in Christ, Inc.* (6/28/88)
  - *Turner v. Cherry Hill, et.al.*, CAL 87-3893 (6/23/1988)
  - *Chairmonte v. County Council*, CAL87-20449

#### **Honors, Memberships, and Professional Activities**

- Recipient of numerous awards and citations including:
  - Maryland Judicial Council Appreciation for Service, February 2009
  - Resolution of Appreciation of Service as Member and Chair, Conference of Circuit Judges, November 2008
  - President's Award, Prince George's Bar Associations, April 2007
  - Distinguished Service Award, National Center for State Courts, 2006
  - Pro Bono Publico Award, Maryland Bar Foundation, 2005-2007
  - R.C. Tolbert Achievement Award, December 2005
  - Legal Excellence Award, J. Franklyn Bourne Bar Association, November 2005
  - Pro Bono Honoree, Pro Bono Resource Center of Maryland, October 2005
  - Certificate of Appreciation, Maryland National Capital Park Police, May 2005
  - Distinguished Service Award, Prince George's County Bar Association, June, 2004
  - Boy Scouts of America, Patuxent District, Outstanding Service Award, 1994
- Fellow, American Bar Foundation and Maryland State Bar Foundation
- Vice-Chair, Judicial Division, American Bar Association, 2010-2011
- Former chair, Maryland Conference of Circuit Judges (former member, Judicial Cabinet and Council)
- Former chair, National Conference of State Trial Judges (NCSTJ)
- Former chair, Judiciary's Legislative Committee
- Former president, Maryland Bar Foundation
- Former member, Maryland State Bar Association's Board of Governors

- Member: American Bar Association (ABA), J. Franklyn Bourne Bar Association, Maryland State Bar Association (MSBA), and the Prince George's County Bar Association
- Instructor, Paralegal Studies, Prince George's Community College, 1985-2002

**Background and Education**

- Judicial Education (recent courses)
  - Handling Legal & Medical Malpractice cases, April 2010
  - Search & Seizure, March 2008
  - Constitutional Law, April 2006
- Judge, Circuit Court of Maryland, 1988-2010
  - Chief Judge, Seventh Judicial Circuit, 2007-2011
  - Circuit Administrative Judge, 7th Judicial Circuit, 1997-20010
  - County Administrative Judge, Prince George's County, 7th Judicial Circuit, 1992-2010
  - Associate Judge, Seventh Judicial Circuit, 1988-2007
- Judge, District Court of Maryland, 1985-1988
  - Administrative Judge, 5th District Court, Prince George's County, 1987-1988
  - Associate Judge, Fifth District Court, 1985-1987
- Assistant State's Attorney, Prince George's County, 1978-1985
- J.D., University of Maryland School of Law, 1978
- B.S., *cum laude*, Bowie State University, 1975



**Hon. Sherman W. Smith, Jr. (Ret.)**

**Hon. Sherman W. Smith, Jr. (Ret.)** brings to his dispute resolution practice, two decades of experience as a trial judge. Judge Smith has conducted numerous settlement conferences on a wide range of issues during his distinguished judicial career on the Los Angeles Superior Court. He is well respected by both plaintiff and defense counsel for his effectiveness in facilitating settlements.

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**ADR Experience and Qualifications**

- Extensive experience in a wide variety of matters including class actions, complex commercial litigation, construction defects, intellectual property, environmental, toxic torts, professional malpractice, insurance coverage and bad faith, employment, real estate, eminent domain and inverse condemnation, elder abuse, catastrophic personal injury and wrongful death cases
- Managed complex litigation and presided over thousands of settlement conferences, discovery and summary judgment motions

**Representative Matters**

As a mediator and arbitrator with JAMS, Judge Smith has mediated and arbitrated cases that span the spectrum of disputes including:

**Complex Business**

- Arbitrated dispute between an Internet provider and licensor as to whether product met the requirements of the licensing contract
- Mediated and settled dispute between a major shopping center owner and tenant who operated a market had timely exercised the option to extend the lease
- Mediated and settled claims dealing with probate estates and trusts
- Mediated and settled numerous real estate transaction disputes between real estate brokers and involved parties

**Business/Commercial**

- Mediated and settled a trademark and unfair competition case between competing furniture manufacturers that imported finished goods from Taiwan
- Served as Special Master to oversee the accounting of a settlement concerning the rights to commissions of over three million dollars per year on the sale of money orders sent to Africa
- Mediated and settled dispute between the State Franchise Board and the estate of a deceased market owner for the non-payment of sales tax
- Arbitrated and mediated numerous insurance coverage issues and insurance bad faith claims

**Construction Defect**

- Condominium Owners Association claim for insurance coverage arising out of the Northridge earthquake
- Dispute involving connection of large industrial building's sewer pipe to a storm drain
- Coverage issues involving the contamination of ground water by a major aircraft manufacturer in Fullerton, California, case resolved for over \$22 million
- Numerous cases where homeowners and HOAs of large residential properties have sued contractors for construction defects

**Employment**

- Dispute involving claim by employee for unpaid wages, commissions, and other employment benefits; cross claim by employer for breach of contract and trade secrets
- Breach of contract and trade secrets, as well as solicitation of clients
- Sexual harassment claim in violation of California Gov't. Code 12940 for failure to take all reasonable steps necessary to prevent harassment, sexual battery, false imprisonment, and wrongful termination
- Dispute involving failure to pay wages and waiting time penalties
- Dispute claiming hostile work environment and retaliation
- Dispute claiming harassment in violation of FEHA, intentional infliction of emotional distress, breach of implied contract, and breach of implied covenant of good faith and fair dealing
- Numerous cases involving wrongful termination in violation of ADA



- Numerous arbitrations involving sexual harassment, racial discrimination, age discrimination, and retaliatory termination
- Served as Discovery Referee on litigation involving the non-payment of overtime to classified employees of a national retail store

#### **Personal Injury/Torts**

- Mediated and arbitrated several elder abuse disputes involving intentional infliction of emotional distress and injuries as a result of negligence
- Mediated motor vehicle related disputes, including a rear end accident in which minor damages and major injuries were claimed
- Mediated and arbitrated police misconduct disputes
- Mediated dispute involving the Federal Claims Liability Act in which a railroad engineer suffered back injuries while on the job
- Arbitrated several UIM claims of over one million dollar

#### **Professional Liability**

- Mediated claim that a doctor's failure to respond to nursing home call resulted in leg amputation
- Settled dispute where the alleged negligent use of forceps during birth resulted in brain damage to the baby
- Settled wrongful birth case involving woman who alleged doctor's negligence in the performance of tubal ligation failed to make her sterile
- Arbitrated numerous medical malpractice cases involving Kaiser Hospitals

#### **Real Property**

- Arbitrated issues as to responsibilities of landlord to tenant after the Northridge Earthquake, and fair rental value after the diminution of space as a result of damages from the earthquake
- Mediated to settlement case in which an escrow company allegedly violated its fiduciary duties
- Settled four parties' separate mechanic's liens on the construction of a parking lot
- Settled a number of cases involving commission disputes between buyers and sellers, and major real-estate firms and agents
- Mediated and settled numerous claims between buyers and sellers concerning the non-disclosure of known defects
- Disputes concerning boundary issues

#### **Honors, Memberships, and Professional Activities**

- Recipient of many service awards, including:
  - Community Service Award, Federation of Community Coordinating Councils
  - Award of Recognition, Constitutional Rights Foundation, 1999
  - Tribute from U.S. House of Representatives: Congressional Record, February 5, 1998
  - Resolution for Outstanding Performance as Presiding Judge, Los Angeles County Board of Supervisors, 1984
  - Outstanding Public Service Award, Los Angeles County Criminal Justice Planning Board, 1983
- Taught a number of educational programs for the majority of judges in the state and developed a program for diversity training: Judging in the 90's, Fairness Perceived, Fairness Achieved
- Member, Governing Board, California Center for Judicial Education and Research, 1993-1997. Chair, California Judges Association's Committee on Education and Planning, 1995. Chair, Continuing Judicial Studies Planning Committee, 1992-1993. Member, Continuing Judicial Studies Planning Committee, 1990-1992
- Registered mediator/arbitrator with the World Intellectual Property Organization (WIPO)

#### **Background and Education**

- Completed the Advanced Mediation Skills course work at the Straus Institute for Dispute Resolution at the Pepperdine University School of Law
- Judge, Los Angeles Superior Court, 1989-1999 (Fast Track Civil Calendar, County Courthouse, 1994-1999; Civil Calendar, Compton, 1992-1994; Juvenile Court, Eastlake, 1989-1992)
- Judge, Los Angeles Municipal Court, 1979-1988
- Trial Calendar, West Los Angeles Branch, 1983-1988; Presiding Judge, handled Civil Master Calendar, 1983; Assistant Presiding Judge, 1982; Trial Calendar, 1979-1981
- Special Counsel to City Attorney Burt Pines, Los Angeles City Attorney's Office, 1977-1979
- Deputy City Attorney-Appeals, briefed and argued cases before the Court of Appeal and the California Supreme Court, 1977
- Deputy Public Defender, Los Angeles County Public Defender's Office, 1971-1976
- J.D., Howard University School of Law, 1969
- B.A., Howard University, 1966



**Hon. Greer H. Stroud (Ret.)**

**Hon. Greer H. Stroud (Ret.)** combines the knowledge learned from her years on the Superior Court bench with over 20 years experience at JAMS where she serves as a mediator and arbitrator in the resolution of civil litigation.

Commissioner Stroud's experience also includes serving as the Discovery Referee or Special Master in a wide variety of cases, including multi-party class action and other complex cases.

**ADR Experience and Qualifications**

- Extensive experience in both mediations and settlement conferences with a very high rate of settlement
- Extremely effective at finding a common basis for resolution and thus bringing opposing parties together ("She stuck with our cases when other mediators would have quit.")
- Hears many significant cases as an arbitrator, mediator, judge pro tem, referee and special master; and has conducted extensive "in camera" reviews
- Resolves a broad range of discovery problems
- Often appointed as referee for depositions in public entity, trade secret, and business litigation matters
- Resolved litigation of all types while on the Superior Court bench and at JAMS including contractual disputes, real estate, business litigation and dissolution, sexual harassment, wrongful termination and other employment matters
- Settled thousands of personal injury cases involving all types of injuries including soft tissue injuries, amputations, paralysis, brain injuries and wrongful death
- Evaluated and resolved many dog bite cases involving significant facial scarring and other emotional and physical scarring to both minors and adults

**Representative Matters**

- Appointed by the Orange County Presiding Judge and served as the Discovery Referee in the Irvine-based Lincoln Savings and Loan cases filed in Orange County Superior Court
- Co-mediated a large construction defect case involving over 700 homes
- Mediated dozens of 18-wheel truck accident cases involving serious injuries
- Settled significant harassment cases including sexual harassment of minors in the workplace and at a church

**Honors, Memberships, and Professional Activities**

- Member, Orange County Bar Association and Orange County Women Lawyers
- Frequently requested speaker and panel member for professional and industry groups on many topics, including the many aspects of Alternative Dispute Resolution (ADR) and civil procedure

**Background and Education**

- Commissioner, Superior Court of Orange County, 1984-1988
- Private practice, 1974-1976, and as a sole practitioner, 1976-1984, specializing in personal injury, business litigation, medical malpractice, product liability, fraud, probate and family law, Orange County, CA
- J.D., *cum laude*, Pepperdine University Law School, 1972

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**Nancy J. Warren, Esq.**

**Nancy J. Warren, Esq.**, a JAMS panelist since 1998, has arbitrated and mediated hundreds of cases involving real estate, banking, employment, business, and securities throughout California, Nevada, and Arizona. She receives high marks from both plaintiff and defense counsel for her patience, perseverance, understanding of complex legal issues, and ability to close deals.

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**ADR Experience and Qualifications**

- **Real Estate:** Extensive experience mediating and arbitrating all types of real estate disputes (both commercial and residential), including construction defect, mold, easement, quiet title, breach of contract, and claims relating to foreclosure of real property. She handles claims between buyers, sellers, lessors, lessees, brokers and agents, contractors, subcontractors, homeowners associations, neighbors, and third parties. Ms. Warren holds a California Real Estate Broker's license and is very experienced in arbitrating and mediating disputes relating to C.A.R. contracts. See separate biography for Real Estate and Construction Defect.
- **Banking/Securities:** More than 18 years of litigation experience handling banking and securities matters. As an ADR professional, she has successfully mediated and arbitrated many complex financial and securities claims. Her expertise and experience include claims for lender liability, claims against broker/dealers, truth in lending, mortgage fraud, wrongful foreclosure, loan servicing agreements, negotiable instrument claims and lien priority disputes. See separate biographies for Banking and Securities.
- **Employment:** Expertise in mediation and arbitration of hundreds of employment cases, including claims for discrimination, sexual harassment, wrongful termination, overtime claims, violation of trade secrets, and noncompete agreements. Ms. Warren was lead adjudicator on a national class action brought by the National Treasury Employee Union against the government for wages due special rate employees and has arbitrated other wage and hour class action claims. She is well known for her ability to handle matters involving highly sensitive and emotional issues. See separate biography for Employment.
- **Business/Commercial:** Ms. Warren is frequently chosen as an arbitrator or mediator in disputes involving complex and not so complex business disputes including breach of contract claims, business defamation, oil and gas leases, and partnership agreements. See separate biography for Business/Commercial.
- **Arbitration:** Ms. Warren, a member of the College of Commercial Arbitrators, has a substantial arbitration practice in all of her specialty areas. See separate Arbitration biography.
- **Judicial Reference/Special Master/Temporary Judge:** Ms. Warren serves as a Temporary Judge, judicial referee and special master. She rules on discovery disputes and motions, and manages complex litigation. Ms. Warren has a technology background and is available to handle ediscovery disputes.

**Training:** She has completed more than 250 hours of training in dispute resolution through the Straus Institute for Dispute Resolution at Pepperdine University School of Law, JAMS continuing education training (the JAMS Institute), and various private and bar sponsored programs.

**Honors, Memberships, and Professional Activities**

- Los Angeles Bar Association
- College of Commercial Arbitrators
- California Women Lawyers
- Mandatory Fee Arbitration Program Chairperson

**Background and Education**

- Panelist, JAMS, Los Angeles, 1998-present
- Litigator representing national financial institutions, 1980-1998
- J.D., *cum laude*, Loyola Law School, Los Angeles, 1980
- B.S., Miami University, Oxford, Ohio, 1973



**John "Jay" Welsh, Esq.**  
***Vice President and General Counsel***

Jay Welsh is the General Counsel of JAMS and has played a prominent role in the growth of alternative dispute resolution (ADR) since 1991. As General Counsel of JAMS, he oversees all legal matters, panel quality, risk management, and ethics. In addition to his duties as General Counsel, Jay was a founder of the JAMS Foundation and guides both the Foundation and the JAMS Institute, which provides JAMS panel of neutrals with training on all ADR topics. Currently, Jay has been leading the JAMS initiative in international mediation and arbitration.

A frequent lecturer and speaker, he conducts numerous training programs in negotiation, mediation, arbitration, and related topics throughout the world. He has assisted numerous businesses and government agencies in the formation and implementation of formalized ADR programs and has written extensively on reducing legal costs through the use of ADR.

Prior to joining JAMS, Mr. Welsh practiced law in San Francisco. He served as an Adjunct Professor of Law at both USC and USF Law Schools. He is a graduate of Hamilton College and the University of California, Berkeley's Boalt Hall School of Law.