



AAA Mediation.org™

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Greenbrae, California



Current Employer-Title	Turitz Dispute Resolution – Independent Arbitrator, Mediator, Neutral Evaluator, Discovery Referee
Profession	Independent Arbitrator and Mediator; Experienced Attorney
Work History	Independent Arbitrator/Mediator/Neutral Evaluator and Discovery Referee, Turitz Dispute Resolution, 2017 – Present; Partner/Litigation and ADR Practice Group Leader, Sideman & Bancroft LLP, 1998 – 2017; Litigation Partner, Graham & James LLP, 1987 – 1997; Litigation Associate, Graham & James LLP, 1980 – 1986; Extern Law Clerk to Hon. William H. Orrick, United States District Court Northern District of California, 1980.
Experience	Over thirty years of experience as a civil litigator, trial lawyer and arbitrator, mediator, and early neutral evaluator, in state and federal courts, arbitration tribunals, and administrative agencies. Practice emphasizing complex commercial litigation and arbitration of all types of business matters, including commercial transactions; contract interpretation; mergers and acquisitions; "business divorces" in all forms of entity and other intra-corporate, shareholder, partnership, and LLC member disputes; misappropriation of corporate opportunities; breach of fiduciary duty claims; corporate governance; shareholder derivative actions; UCC and secured transactions; real property disputes (both commercial and residential); commercial lease disputes; banking and financial institutions (including mortgage and foreclosure issues); securities; mortgage securitizations; fraud, unfair competition, and other business torts; professional liability (including legal, accounting and appraiser malpractice); franchise claims; e-commerce; virtual currency (bitcoins); intellectual property; trademarks, trade secrets and misappropriation of trade secrets; employment cases, including commission dispute sand non-competition agreements; and insurance policy issues (including fidelity bonds, directors and officers liability, professional liability, crop insurance, title insurance, and contribution claims between insurers); and matters arising from tax-exempt municipal financing.
Mediator Experience	Mediated commercial cases involving breach of contract, contract interpretation, unfair business practices, banking and lending practices, mortgage defaults and foreclosures, franchise claims, false advertising, business torts, fraud, breaches of fiduciary duty, professional liability, real estate disclosure issues, trade secrets, employment non-competition agreements, securities cases involving broker misinterpretations or omissions in sales of various securities, mutual funds, and limited partnership interests.

On mediation and early neutral evaluation panels of U.S. District Court, Northern District of California, and mediation panels of San Mateo and Contra Costa County Superior Courts. Has participated as a panelist on mediation practices, including U.S. District Court, Northern District of California, ADR Programs, "Attorney Complaints & Compliments Regarding Mediator Practices" and "Settling Non-Class Action Cases Involving Financial Institutions," as well as on panels involving ADR generally.

Authored article, "How In-House and Outside Counsel Can Collaborate to Maximize Results in Mediation" published in The Woman Advocate (American Bar Association quarterly publication, Spring 2010).

Member of The Mediation Society and board member since 2013; previously served on board and as treasurer of the Association for Dispute Resolution - Northern California (formerly Northern California Mediation Association).

Representative Issues Handled as a Mediator

Cases mediated cover a wide variety of commercial, securities and professional liability matters. Such matters include, for example, an accounting malpractice claim for over \$100 million brought by lenders against auditors after demise of agricultural borrower, including fraud allegations; a consumer federal court class action concerning alleged statutory violations of credit card act against a bicycle retailer; claims arising from residential mortgage lending, including claims of wrongful foreclosure, fraud, Truth In Lending Act and other statutory violations against lenders, loan servicers, brokers and escrow agents; securities claims concerning alleged broker misrepresentations or omissions and lack of customer suitability in sales of limited partnership interests and other securities; contract dispute concerning purchase of a commercial loan portfolio; contract dispute concerning indemnification and repurchase obligations arising from loan portfolio sales; financial institution's claims of fraud in mortgage lending by broker and escrow company; various breach of contract and business torts cases.

Mediator Style & Process Preferences

My goal as a mediator is to facilitate the parties' settlement negotiations to reach a mutually acceptable resolution of their disputes, in a constructive and trustful environment. To that end, I take care to adapt my approach in any given mediation, considering the specific substantive issues and procedural posture of the dispute, and the dynamics of the parties and their counsel. I consult with counsel concerning the process to optimize the time spent in the mediation, and encourage active participation by the principals during the mediation. I am adaptable in utilizing joint sessions and private caucuses to maximize productive communications in the process with sensitivity to the parties' needs. Because I respect that the decision-making power as to settlement belongs to the parties, I tend to be more "facilitative" than "evaluative." However, I actively engage the parties and counsel in reality-testing and in discussions of the merits, risks, likelihood of success, continued costs and impacts on their businesses or individual circumstances in the absence of settlement, and other concerns that factor into the parties' decisions as to whether and on what basis to resolve the disputes. I also actively engage the parties in consideration of alternative approaches to settlement and creative problem solving whenever feasible. I believe that my success in serving as a neutral mediator is principally based on my over 34 years of experience and insights as an attorney litigating complex commercial matters and negotiating, mediating, and successfully settling complex and high-value litigation matters concerning transactions often involving multiple parties or stakeholders, across many industries and frequently in disputes having high emotional content for the parties.

Education

University of California at Davis School of Law (JD, Order of the Coif, Law Review, Wall Street Journal Student Award-1980); University of California at Berkeley School of Information Management (MLS-1972); University of Michigan (BA, with distinction-1970).

Professional Licenses

Admitted to the Bar: California, 1980; U.S. District Court: District of California and District of Colorado; U.S. Court of Appeals, Ninth Circuit; U.S. Supreme Court.

Professional Associations

American Bar Association (Dispute Resolution Section, Women In Dispute Resolution Committee ("WIDR") Co-Chair; Litigation Section, Woman Advocate Committee and past editor of The Woman Advocate newsletter; Business Torts and Securities Committees; Law Practice Management (LPM) Division, Women Rainmakers Committee, Past Co-Chair; The Mediation Society, San Francisco (past member of Board of Directors); San Francisco Bar Association; Pilot/LEGIS (past board member); former board member and general counsel of Leadership California.

Recent Publications &

PUBLICATIONS: "Arbitrating the Business Divorce of The Closely Held Company," College of

Speaking Engagements

Commercial Arbitrators website, www.ccaarbitration.org; 2017; "The Nuts and Bolts of Compelling Arbitration," Woman Advocate, 2017; "Mediation 'Success:' Process Matters As Well As Results," Mediation Society website, www.mediationsociety.org, 2017; "Successfully Arbitrating Your First (or Almost First) Case," Woman Advocate, 2016; "Ensuring Peace in Multiparty Cases," California Lawyer, 2014; "Avoiding Malpractice Risks for Litigators," Woman Advocate, 2014; "Consolidation Techniques for Efficient Arbitration Hearings," Just Resolutions E-News, 2014; "Preparing to Win at Arbitration," Recorder, 2013; "Court Intervention When the Parties' Arbitrator Appointment Process Fails," Alternative Dispute Resolution Newsletter, 2013; "Managing Discovery in Arbitration," Woman Advocate, 2013; "Courts Can Exercise Appointment Power," Alternative Dispute Resolution News and Developments, 2013; "Exceeding Powers Vacates Award; Bias Needed for Evident Partiality," ABA Alternative Dispute Resolution Newsletter, 2012; "Undoing Arbitration," Recorder, 2012; "When Non-Signatories Compel Arbitration, Relationships Matter," Alternative Dispute Resolution Newsletter, Winter 2012; "The Top 5 Things the Beverage Industry Should Know About Import Contracts," Food and Drink News, 2011; Co-author, "Using Financial Experts Strategically and Cost Effectively," Daily Journal, 2011; Co-author, "Preventing a Runaway Arbitration with a Well-Drafted Arbitration Clause," Alternative Dispute Resolution Newsletter, 2011; "Supreme Court's 'Nerve Centre' Test Simplifies Corporate Citizenship For US Federal Court Jurisdiction," Financier Worldwide, 2010.

SPEAKING ENGAGEMENTS: Faculty, ABA 14th Annual Arbitration Training Institute, 2021; "Ten Things the Zealous Advocate Can Do to Be a Better Negotiator, in Mediation," California Lawyers Association webinar, 2021; "Guide to Conducting Arbitrations and Mediations in a Virtual World," ABA Business Law Section Spring Conference, 2021; "Resolving Legal Disputes in the Era of COVID-19," CPR & IADC Joint Panel Presentation, 2020; "How (Not) to Get on the Arbitrator's Wrong Side," Bar Association of San Francisco's ADR "TED" Talks, 2019; "Dispelling the Top 8 Myths of Arbitration," ABA webinar, 2019; "2017: The Cases You Should Know," College of Commercial Arbitrators Annual Conference, 2017; "Lawyers Speak: What Gets A Mediator Hired (Or Not)," ABA Section of Dispute Resolution Spring Conference, 2017; "Ten Essential Tips for Success in ADR to Build Your Practice," ABA webinar, 2016; "Effective Advocacy in Arbitration," California State Bar Annual Meeting, 2014; "From the Litigator's Side: Selection of Arbitrators and Mediators," Bay Area Women Neutrals, 2014; "Avoiding Malpractice: Ten Critical Junctures Where Mistakes Can Happen - Or Be Avoided," Bar Association of San Francisco, 2013; "Mediator Selection: What Goes Into It?" Mediation Society, 2013; "Preventing the Runaway Arbitration," ABA Dispute Resolution Section Annual Meeting, 2013, NAMWOLF Annual Meeting, 2012, and ABA Corporate Counsel CLE Seminar, 2011; "Litigating in the Technology World," NAMWOLF Annual Meeting, 2010; "Ask for it! Seven Habits of Highly Effective Negotiators," Financial Women's Association, 2010; "Settling Non-Class Action Cases Involving Financial Institutions," U.S. District Court, 2010.

Mediation Rate	\$7,500 Per Day
Languages	English, Spanish
Citizenship	United States of America
Locale	Greenbrae, CA

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.