



AAA Mediation.org™

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Mill Valley, California



Current Employer-Title Carol J. Marshall, Inc., a Professional Law Corporation - Principal
Independent Arbitrator and Mediator

Profession Full Time Neutral; Former Litigator

Work History Principal, Carol J. Marshall Inc., 2001 – Present; Partner, Marshall Suzuki Law Group LLP, 2001 – 2023; Partner, Chan Doi Marshall & Leal LLP, 1994 – 2001; Partner/Senior Attorney, Sadler & Hovis, 1989 – 1994; Head of Litigation, Union Bank, 1982 – 1989; In-house Counsel, Bank of America, 1978 – 1982.

Experience Currently a full time neutral; more than 40 years of legal experience litigating cases in state and federal courts throughout California and serving as an arbitrator and mediator. Areas of substantive expertise include: business, commercial, banking and finance; environmental; employment; joint ventures; mergers and acquisitions (M&A); real property; and, intellectual property.

Many of the matters handled involved complex factual and legal issues, numerous parties, very large dollar amounts and other significant, and often extremely sensitive, non-monetary considerations. Some specific examples of matters at issue in cases handled over the years: disclosures, reps and warranties, and risk allocation in lengthy M&A processes, partnership dissolution, claims arising out of domestic and international joint ventures, environmental contamination cost recovery, sexual harassment, wrongful termination, FSLA, Wages & Hours, racial, age and gender discrimination, negotiable instruments, secured transactions, check fraud, lender liability, trademark and copyright infringement, construction defect, equipment and product defect, professional and fiduciary misconduct, commercial leasing, director and officer liability, easements, ADA access, insurance and trade secrets. A significant number of matters involved international business relationships and/or cross-cultural factors.

Mediator Experience Serving as a neutral for more than 30 years, has focused primarily on business and commercial matters of all kinds. Has mediated hundreds of such disputes. The cases handled fall into many sub-categories, including, but not limited to, employment and workplace disputes (including but not limited to, misclassification, wrongful termination, discrimination and harassment, and wage and hour matters), intellectual property claims, conflicts over real estate and land use, failures and dissolutions of partnerships and joint ventures, insurance coverage disputes, defects in construction or renovation projects, disabled access and accommodation issues, and environmental contamination

matters. The remainder of work as a mediator has involved a variety of contract and tort claims arising out of many different situations such as business relationships, residential environmental contamination including mold problems, personal injury, consumer complaints such as product defects, and banking and finance. Many of those cases involved cross-cultural issues or international business arrangements.

More than 40 years of experience as an attorney and has served as a party advocate in numerous complex, high risk and/or very sensitive disputes. By way of example, has represented clients in many large environmental contamination lawsuits, large financial and commercial disputes where millions of dollars were at stake, sensitive discrimination and harassment matters, disputes over highly valuable intellectual, real or personal property, lawsuits over disabled access and serious physical injuries, and many other cases. As a founding partner of a law firm with an international clientele, very experienced in resolving conflicts among individuals and businesses from different nations and cultures.

Representative Issues Handled as a Mediator

Employment-related matters involved claims of wrongful termination/demotion, harassment, discrimination, and employee mis-classification. Intellectual property matters related to asserted infringement of copyrights in visual images and literary work and trademarks. Real property issues included property line disputes, conflicts over easements, title defects, a joint venture to purchase and manage properties and related issues, several different conflicts over terms of commercial leases and the shared use of parking facilities by several businesses. Environment contamination disputes have centered on the presence of mold in the common areas of a condominium development and similar conditions in a rental property. Other environmental contamination cases have related to the presence of hydrocarbons in the soil and groundwater at a commercial property, and to hydrocarbons and heavy metals at another commercial site. Construction or renovation claims included a dispute over alleged defective workmanship and resulting water damage at a private home where extensive renovations had been performed, another case where construction at an adjacent property was alleged to have caused subsidence of soil and diminishment of structural support to a commercial structure, and a matter involving basement water damage in a commercial structure. Other representative matters have related to insurance coverage, ADA access at a restaurant, allegedly defective heavy machinery, allegedly defective technological products imported from Asia, and a dispute among retail store owners in a unique local ethnic community.

Mediator Style & Process Preferences

Mediation presents parties with a unique opportunity to be heard and understood, to hear and understand the other parties, and to control the outcome of their conflict. This process succeeds best with the assistance of a skilled mediator who has no stake in the outcome and whose goal it is to help the parties engage in meaningful and mutually beneficial communications (either in a face-to-face dialogue or using me as a conduit or in some combination of the two), assisting them to identify their own interests and to understand the interests of the other party, and working with them to generate and properly evaluate potential resolution options. As a mediator, I can help each party to decide whether settlement without adjudication is the best alternative for them, whether some issues, if not all, can be determined by way of a mediated settlement, and, if full settlement is desired, how the primary interests of all stakeholders might be met. Even in the rare cases where settlement is not reached in mediation, I can help the parties shape the remaining discovery and litigation process in the most cost-effective and efficient manner possible. I always endeavor to conduct the process in an ethical, confidential, fair and effective manner. I listen very carefully to the parties and their representatives, ask appropriate questions and encourage the participants to listen well to one another and to engage in a meaningful and productive dialogue and a realistic analysis of their positions. With my assistance, parties fully explore the landscape of the particular dispute and search for and evaluate potential resolution options. As a mediator, I am often asked to apply a style label to myself. I am asked, "do you favor a facilitative, evaluative, or transformative approach?" The best mediators, and I consider myself to be among them, understand that each dispute and party is unique, that the dynamics of conflict are complex and changeable, that one size cannot fit all when it comes to a mediation style, and that there is more than one way to successfully deal with each conflict.

Technology Proficiency

In addition to being proficient in the technology ordinarily used during the dispute resolution process itself (such as ZOOM and other video-conferencing platforms, document and file sharing options, cyber-security, remote witness appearances, etc.) , has significant experience dealing with technology issues arising during the pre-hearing discovery process (involving e-mail and digital document retrieval, etc.).

Education	University of California at Los Angeles (JD-1978); New York University (MA); St. John's University (BA).
Professional Licenses	Admitted to the Bar: California (1978); U.S. District Court: Southern, Central, Eastern, and Northern Districts of California (1978).
Professional Associations	American Bar Association
Recent Publications & Speaking Engagements	Lecturer, Mediation, Boalt Hall School of Law, UC Berkeley; Instructor, Dispute Resolution Module, Mills College Public policy Graduate Program; Lecturer, Mediation, Negotiating, Conflict Theory, Interviewing & Counseling, Santa Clara Law School; "Are We There Yet? Conflict Resolution Education at U.S. Law Schools," ACRESOLUTION, Spring 2007; "Naming the Game: Should Mediation Wear the ADR Label?" DISPUTE RESOLUTION JOURNAL, May-July 2002; co-author, "A Jog Through the Juniper: A Translator's Unhappy Excursion into the Copyright Thicket," AMERICAN TRANSLATOR'S ASSOCIATION CHRONICLE, July 2002.
Mediation Rate	\$550 Per Hour
Languages	English
Citizenship	United States of America
Locale	Mill Valley, 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.