



AAA Mediation.org™

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La Mesa, California



Current Employer-Title Gruber & Donnet, A Professional Law Corporation – Shareholder

University of San Diego School of Law - Adjunct Professor of Law (supervising the State Bar's Certified Legal Interns with the Law School's live client Civil Clinic)

Profession Arbitrator, Mediator, Educator, and Attorney

Work History Shareholder, Gruber & Donnet, APLC, 2000-Present; Supervising Clinical Professor of Law, University of San Diego School of Law, 1990 – Present; Of Counsel, Andersen Buck & Mann LLP (formerly Andersen & Waldron), 1995-2000; In-House Counsel, Keller-Williams San Diego Central Coastal, 2012-2018; Associate, Hinchy Witte Wood Anderson & Hodges, 1993 – 1995; Partner, Gruber Sachs & Donnet, 1987 – 1992; Partner, Freeman & Gruber, 1976-1987; Legal Aid Attorney, 1970-1975.

Experience Practicing law for more than 53 years, beginning in January 1970. Real Estate broker's license from 2008 to the Present. Started practicing mediation of real estate and commercial disputes on a limited basis beginning in 2002, which was expanded to a full time Alternative Dispute Resolution, now On-line Dispute Resolution, practice beginning in 2008.

Arbitrator for the San Diego Municipal and Superior Courts while the arbitration program was an ongoing enterprise in those courts and an arbitrator on the American Arbitration Association's National Panel of Commercial Arbitrators for the past 34 years and the Complex Litigation Panel for the past several years. Arbitrated more than 150 matters in the same areas involved as with mediations and in the practice of law, i.e., commercial and residential real estate and landlord-tenant disputes, issues involving flippers, real estate brokers, agents, and brokerages, title insurance and escrow companies, liability carriers, homeowner associations, hard money lenders, and attorney-client fee disputes.

More than 225 cases have been mediated, some as counsel for one of the parties, but more than 200 mediated cases as the mediator. Currently, in addition to the American Arbitration Association Panel of Mediators, membership includes the San Diego Superior Court Panel of Mediators, the California Association of Realtors Panel of Mediators, and the Real Estate Mediation Center of the Greater San Diego Association of Realtors. As to the latter, I was Vice-Chair of the Real Estate Mediator Center's Executive Committee in 2012 and Chair of the Executive Committee in 2013 and 2014.

Most experience involves mediating real estate cases involving buyers and sellers, including flippers on both the buy and sell sides, real estate brokers, title insurance companies, liability carriers, escrow companies, homeowner association issues, and hard money lenders. Served as In-House Counsel for Keller-Williams San Diego Central Coastal from 2012-2018. Settlement Officer on approximately 15 cases for the San Diego Municipal and Superior Courts involving personal injury matters, and commercial and consumer real estate disputes. and appointed by the Hon. Judge Lillian Y. Lim, now retired, as referee to supervise the sale of litigated real estate.

Served since June 1990 as an adjunct professor of law at the University of San Diego School of Law, mentoring State Bar Certified Legal Interns on a panoply of live client civil cases. Also served in an adjunct professor at the Law School from approximately 2008 to 2013 mentoring State Bar Certified Interns specializing in Landlord-Tenant matters, focusing at that time on eviction in traditional Landlord-Tenant matters and evictions following foreclosure of residential properties.

Mediator Experience

Practicing law for more than 50 years, beginning in January 1970. Broker's License from 2008 to the Present. Started practicing mediation of real estate and commercial disputes on a limited basis beginning in 2002, which was expanded to a full time Alternative Dispute Resolution, now OnLine Dispute Resolution, practice beginning in 2008. More than 175 cases have been mediated, some as counsel for one or more of the parties, though more than 150 mediated cases as the mediator. Currently, in addition to the American Arbitration Association Panel of Mediators, membership includes the San Diego Superior Court Panel of Mediators, the California Association of Realtors Panel of Mediators, and the Real Estate Mediation Center of the Greater San Diego Association of Realtors. As to the latter, Vice-Chair of the Real Estate Mediator Center's Executive Committee in 2012 and Chair of the Executive Committee in 2013 and 2014. Most experience involves mediating real estate cases involving buyers and sellers, including flippers on both the buy and sell sides, real estate brokers, title insurance companies, liability carriers, escrow companies, home owner association issues, and hard money lenders. Served as In-House Counsel for Keller-Williams San Diego Central Coastal from 2012-2018. Settlement Officer on approximately 15 cases for the San Diego Municipal and Superior Courts involving personal injury matters, and commercial and consumer real estate disputes. and appointed by the Hon. Judge Lillian Y. Lim, now retired, as receiver to supervise the sale of litigated real estate. Served since June 1990 as an adjunct professor of law at the University of San Diego School of Law, mentoring State Bar Certified Legal Interns on a panoply of live client civil cases. Also served in an adjunct professor at the Law School from approximately 2008 to 2013 mentoring State Bar Certified Interns specializing in Landlord-Tenant matters, focusing at that time on eviction in traditional Landlord-Tenant matters and eviction following foreclosure of residential properties. Arbitrator for the San Diego Municipal and Superior Courts while the arbitration program was an ongoing enterprise in those courts and an arbitrator on the American Arbitration Association's National Panel of Commercial Arbitrators for the past 31 years and the Complex Litigation Panel for the past several years.

Representative Issues Handled as a Mediator

Disputes involving the various parties and issues related to the business, corporate, commercial, and real estate related matters, including contract and tort claims, partnership and corporate disputes, fiduciary duty, issues involving lender liability, title and escrow issues, purchase and sale agreements, and broker responsibilities. Many buyer-seller and real estate broker contract disputes involving allegations of breach of contract, fraud, breach of fiduciary duty, and lender, title, and escrow responsibilities. Partnership and corporate dissolution and disputes, involving breach of contract, fraud, and breach of fiduciary duty issues.

Most mediations involve purchase and sale agreements between buyer and seller where, often times, the parties' real estate brokers are involved, whether as parties from whom responsibility is sought, or as representatives, with counsel, of the parties to the mediation. Depending upon the demands that are made by claiming or moving party, other real estate disciplines are involved in the mediation process.

Approximately, one-quarter to one-third of the mediations involve three or more parties.

Mediator Style & Process Preferences

With the advent of the Corona Virus Pandemic, mediations are now conducted exclusively on line. Mediations, whether online or in person, is party driven with the goal of assisting parties in resolving their disputes; the evaluative process is preferred and emphasized, but not to the exclusion of other models; the facilitative approach is utilized where helpful to the resolution of the parties' dispute. To accommodate counsels' clients, parties are initially placed in separate conference or

breakout rooms. Subject to mediator recommendations, joint sessions are not required though they are encouraged. Success is measured by the degree to which the parties are better able to communicate as well as acknowledge and appreciate the other sides' perspectives and interests. The primary goal is to increase the prospects of a truly voluntary settlement process. Follow up in cases that do not settle is a necessary adjunct to the mediation process and is almost always pursued. Significance to the process is the preparation as to the legal issues and the parties' perspectives and interests, and to let the attorneys know that their briefs, which are encouraged to be shared, are reviewed, thoroughly. It is imperative at the mediation to ask the right questions and interpose the right comments, but only at the right times. The parties are made to feel comfortable, both substantively with the mediation process and with the Zoom online platform. Attorneys are often called pre-mediation to discuss the issues and concerns they have as well as those of their clients. At the mediation, attorneys may be spoken to separately where it is apparent issues and advice are misunderstood or where the attorney-client relationship appears to be strained. Except where the parties otherwise agree, negotiations are always conducted in private, separate caucuses; mediation confidentiality is unconditionally honored and of the highest priority. While suggestions as to settlement options are often strongly suggested, the parties' autonomy and freedom to draft their own solutions, and preserving the sanctity of the attorney-client relationships are of the utmost importance. Full disclosure as to past relationships, and potential conflicts of interest are always made, however ancillary; mediations are voluntarily refused where there is an actual conflict of interest. Typically, when this occurs, the nature of the conflict, to preserve confidentiality, whether from a prior dispute resolution process, the attorney-client relationship, or other miscellaneous situation, is not disclosed.

Education	UCLA School of Law (JD-1969); Hastings College of Law (Law Review-1967); UCLA School of Business Administration (BS, with an emphasis on accounting, graduated with Honors-1966)
Professional Licenses	Admitted to the Bar: California (1970); U.S. District Courts: Central (1970), Southern (1972), and Northern Districts (2002) of California; U.S. Court of Appeals, 9th Circuit (1976); U.S. Supreme Court (1985). California Broker, DRE License #: 01842437 (2008).
Professional Associations	State Bar of California San Diego County Bar Association; National Association of Realtors, California Association of Realtors, and Greater San Diego Association of Realtors (SDAR); SDAR's Real Estate Mediation Center (2012 Vice-Chair and 2013 and 2014 Chair of its executive committee), and, for the past several years, member of the California Association of Realtors Legal Affairs Forum; 2021 member of the Executive Committee of the ADR Section of the San Diego County Bar Association.
Recent Publications & Speaking Engagements	On November 6, 2020, spoke to the ADR Section of the San Diego County Bar Association on mediating real estate cases
Locations Where Parties Will Not be Charged for Travel Expenses	Southern California, where travel can reasonably occur via automobile travel. This would include San Diego, Orange, Los Angeles, Imperial, Riverside, Ventura, and San Bernardino Counties. With the advent of Covid-19, conducting arbitrations with video conferencing through the Zoom platform is available to and preferred by all parties and all counsel.
Mediation Rate	\$2,100 Per Day
Languages	English
Citizenship	United States of America
Locale	La Mesa, 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.