



AAA Mediation.org™

**FN-1344520 MN-1344520 LN-1344520,
Esq.**

San Diego, California



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Current Employer-Title Huerta & Associates – Owner

Panelist Video <https://www.adr.org/videoresume?paramName=246846214>

Profession Arbitrator, Mediator, Attorney

Work History Mediator & Arbitrator (1998 – Present) and Litigation Attorney (1992 – 2005), Huerta & Associates, 1992-Present; Litigation Attorney, Schall Boudreau & Gore, 1988 – 1991; Litigation Attorney, Styn & Garland, 1986 -1987; Litigation Attorney, Buchalter Nemer Fields Chrystie & Younger, 1985; Litigation Attorney, Ball Hunt Hart Brown & Baerwitz, 1983 – 1984.

Experience Attorney at major law firms in Southern California specializing in business, commercial, and real estate litigation before forming own law firm and eventually developing a full-time arbitration and mediation practice. Attorney specializing in business, commercial, employment (including discrimination, sexual harassment, hostile work environment, Private Attorney General Act, retaliation, wage and hour, wrongful termination), financial services, healthcare, insurance, intellectual property, real estate, securities, telecommunications, tort, trade secret, and securities disputes. Over 20 years experience as outside counsel for a Fortune 500 bank representing bank in wide variety of matters from both parties ranging from customer list and trade secret cases to breach of contract, U.C.C. and injunctive relief matters. Outside counsel for a Fortune 500 energy company and gas and electric utility, representing utility in eminent domain, easement acquisition and fire litigation. Represented Fortune 500 retailer in premises liability matters. Represented banks, savings and loans, and title insurance companies, the Federal Deposit Insurance Corporation, and individuals as both plaintiff and defense counsel in litigation involving commercial, employment, director and officers' liability, intellectual property, trade secret, and real estate, including eminent domain, leasing, premises liability, purchase and sale, and securities matters.

Mediator Experience Mediated over 1,000 matters in total. Mediated over 500 employment cases, including discrimination and EEO cases, hostile workplace cases, misclassification and/or independent contractor cases, sexual harassment cases, trade secrets cases, including customer list dispute cases,

intellectual property cases, private attorney general act (PAGA), retaliation, wage and hour cases, whistleblower cases, wrongful termination cases, and ADA and failure to reasonably accommodate cases. Served as mediator in over 100 cases for the Equal Employment Opportunity Commission (EEOC). Served as a mediator in more than 25 individual cases in a nationwide sexual discrimination and harassment class action in the securities industry administered through Duke University Private Adjudication Center. Served on San Diego County Superior Court Mediation panel for over 20 years.

Mediated over 250 breach of contract cases, including commercial, insurance coverage, real estate sale and disclosure, brokerage commission, commercial leasing, and construction defect, product liability, and securities cases.

Mediated more than 50 real estate cases and more than 50 tort and personal injury cases. Have also mediated more than 25 business and partnership dissolution cases, more than 25 cases involving insurance coverage questions. Mediated civil rights, employee/independent contractor classification, defamation, insurance, medical malpractice, and unfair trade practices cases.

Skilled, experienced and fully proficient hosting Mediations on Zoom.

Representative Issues Handled as a Mediator

Employment cases have included classification, customer list, EEO, defamation, discrimination, executive compensation, intellectual property, non-compete agreements and non-competition clauses, non-solicitation agreements, patent infringement, private attorney general act (PAGA), reasonable accommodation and ADA, termination, trade secret, wage and hour, whistleblower, and wrongful termination cases.

Healthcare cases have included breach of contract, employment, physician and hospital privileges, and medical malpractice matters.

Intellectual property and unfair trade practices cases have included customer list, non-compete and non-solicitation agreements, internet telephony design and marketing, cable television, technology, trademark and patent issues.

Insurance cases have included coverage, exclusion, defamation, indemnity, negligence, personal injury, and tort issues.

Real estate cases have included adverse possession, boundary dispute, breach of contract, broker duties, commercial leasing, commission, construction defect, employment, failure to disclose, homeowner association, prescriptive easement, referral list, warranty, quiet title actions, and title insurance coverage cases.

Mediator Style & Process Preferences

Mediation is an extremely effective forum of concentrated negotiation where lawyers and clients are empowered to generate constructive options and achieve reasonable, confidential, interest-based resolutions in an expeditious manner. One of the initial goals for the mediation process is to provide a forum where parties are heard and understood. The increased recognition and understanding generates flexibility and creativity by parties in the negotiation process, better understanding of risk assessment, generation of constructive options, and interest-based resolutions.

While it is sometimes darkest before dawn in mediation, as long as parties are willing to negotiate, it is highly likely that resolution can be achieved. Opportunity for resolution is usually maximized by providing a forum where parties are heard and understood and take the time to hear and understand the other side. When that happens, parties become liberated from a fighting mode to an interest-based, problem solving and closure seeking mode. Good lawyers, good lawyering, preparation of clients, and open-mindedness of clients greatly enhance mediation opportunities and results. Preparation, open-mindedness, analytical skills and persistence by the mediator are all critical.

Diligent preparation, open mindedness, emphatic listening, and persistence are important components of my approach to mediation. Litigation risk analysis is utilized when the parties or the mediator deems it appropriate. Parties are expected to treat each other and the process with civility and respect, and bring settlement authority into the room. My experience as an arbitrator and an arbitration chairperson, along with my previous experience representing both plaintiffs and defendants help make me an effective analytical mediator of commercial, employment, healthcare, insurance, real estate, and tort disputes, and an effective evaluative mediator of the same when

necessary.

Prefer joint pre mediation conference for mediation calendaring and procedural suggestions. Recommend exchange of mediation conference statements filed. Available for private video or telephonic pre mediation conference after mediation statements are filed.

Technology Proficiency	Extensive experience with and fully proficient in Zoom Arbitration and Mediation.
Education	University of Michigan Law School (JD-1983); University of California at Davis (BA, Economics-1980).
Professional Licenses	Admitted to the Bar: California, 1983; all State and Federal Courts in California. Licensed Real Estate Broker, California (inactive).
Professional Associations	San Diego County Bar Association (ADR Section; Labor and Employment Section); American Bar Association (Dispute Resolution Section); American Inns of Court, William B. Enright Chapter (Barrister); Lawyers Club of San Diego; International Mediation Institute (IMI) Certified Mediator; Southern California Golf Association.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS: "What Lawyers and Clients Are Looking For in Commercial Mediation," San Diego Daily Transcript, April 2008; "Why Mediation?" San Diego Employers Association monthly newsletter, February 1999; "The Value of Mediation," RIGHT OF WAY magazine, November/December 1998; "Representing Innocent Lienholders in Drug Forfeiture Actions," Schall, Boudreau & Gore Quarterly, 1991.</p> <p>SPEAKING ENGAGEMENTS: "What Works Well in Mediation" webinar presented to San Diego County Bar Association 2013, "Why Mediation Works and What Works Well in Mediation of Employment Cases," San Diego County Bar Association, 2011; "How to Represent Your Client Most Effectively at Mediation," HNBA Convention, 2009; "How To Make Mediation Work For Your Client," 2008 HNBA Convention, "Why Mediation Works and What Works Well at Mediation," San Diego County Bar Association, 2006-2008, San Diego County Law Library, 2008, Orange County Bar Association, Heller Ehrman (San Diego) 2007, Center for Dispute Resolution Annual Conference, 2006 and Foley & Lardner, LLP (San Diego), 2005; "Building and Expanding an Employment, Labor and Workplace ADR Practice," American Bar Association Annual Dispute Resolution Conference, April 2004; "Why Employment Mediation Works and What Works Well in Employment Mediation," San Diego County Bar Labor & Employment Section 2008, California Minority Attorneys Conference, State Bar of California, 2003.</p>
Mediation Rate	\$4,200 Per Day
Languages	English
Citizenship	United States of America
Locale	San Diego, 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.