



AAA Mediation.org™

**FN-1442704 MN-1442704 LN-1442704,
Esq.**

Scottsdale, Arizona



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Current Employer-Title Copple & Associates, P.C.

Panelist Video <https://www.adr.org/videoresume?paramName=294112591>

Profession Attorney, Arbitrator, Mediator, ADR / Litigation / Risk Consultant, Internal Investigator

Work History Copple & Associates P.C., 2016 – Present; Executive Council (Intellectual Property Section), Arizona State Bar Association, 2016 – Present; Chair (ADR Section), Arizona State Bar Association, 2012 – 2013; Lewis and Roca (Patent, Intellectual Property, Biotechnology, Environmental, Technology, Commercial Litigation), 2003 – 2005; Motorola Inc. - Patent, Trademark, Copyright, Trade Secret, Environmental, Technology, Commercial Litigation, Data security, Risk/Crisis Management, 1996 – 2003; Parcel, Mauro, Hultin & Spaanstra (Environmental and Telecommunications Regulation and Litigation), 1990 – 1996; Sherman & Howard (Environmental Regulation and Litigation, 1986 – 1990; Judicial Law Clerk to Hon. Robert Van Pelt, U.S. District Court for Nebraska, 1982 – 1984; Judicial Law Clerk to Hon. Norman Krivosha Chief Justice, Nebraska Supreme Court, 1981 – 1982; Chair of the Board, Arizona State University Center for Law (Science & Innovation); Adjunct Professor, University of North Carolina at Chapel Hill College of Law and College of Mass Communications; Arizona State University, Walter Cronkite School of Mass Communications, ASU Law (Biotechnology, Healthcare). Frequent lecturer and author on ADR, and law and technology issues.

Experience INTELLECTUAL PROPERTY / TECHNOLOGY: Extensive Arbitrator, Mediator, Litigation experience in numerous patent, trademark, copyright, trade secret and technology disputes including semiconductor, cell phone systems, media and telecommunications, GPS, eCommerce, eDiscovery, data security, information technology, informatics, biotechnology, licensing, and regulation.

ENVIRONMENTAL / ENERGY / NATURAL RESOURCES: Extensive Environmental Arbitrator,

Mediator, Litigation experience in high tech manufacturing, mining, transportation, oil, and energy sectors. Lead role in ADR, administrative, and litigation proceedings at more than 100 CERCLA Superfund sites including remedial action, response cost, contribution, natural resource damages, toxic tort, and insurance coverage. Motorola Superfund coordinator responsible for reorganizing \$500 million remediation program.

LIFE SCIENCES / HEALTHCARE: Very significant ADR, litigation, and academic experience in biotechnology, patents, informatics, regulation, Medicare and related state programs, M&A. Editor-in-Chief and author of the ABA treatise "Biotechnology and the Law," (2019)

COMMERCIAL: Significant litigation and ADR experience with breach of contract, tort, unfair competition, consumer protection, securities, and construction disputes. Senior Litigation Counsel for Motorola semiconductor products sector including all commercial litigation.

REGULATORY NEGOTIATIONS AND COMPLIANCE. Developed corporate wide compliance programs for data security, eCommerce, eDiscovery, environmental, intellectual property and litigation processes. Regulatory counsel involved in more than 100 Superfund Sites and other environmental matters. Successfully negotiated disputes with numerous federal agencies and many state agencies. Conducted legal survival seminar for 250 engineers to be deployed on a global project to 11 different countries. Cannabis regulatory and litigation disputes.

SYSTEMS ANALYSIS AND RISK MANAGEMENT: Very significant expertise in developing corporate risk management systems and early dispute evaluations. Developed risk management systems for the 78-satellite Iridium Project. Conducted hundreds of pre-litigation and litigation risk analyses using specific interviewing and modeling techniques. Led corporate crisis management teams, developed communications and public relations strategies for high-profile litigation and regulatory matters, constructed litigation metrics systems, and created corporate document retention and electronic discovery policies.

CANNABIS LAW: Arbitrator and mediator of Cannabis industry disputes. Frequent speaker and writer on Cannabis subjects.

Adjunct Professor / Lecturer, University of North Carolina at Chapel Hill, College of Law and College of Mass Communications; Arizona State University, Walter Cronkite School of Mass Communications; ASU Law; University of Nebraska College of Law; University of Houston Law Center.

Board Chairman and Research Fellow, Arizona State University Center for Law, Science, and Technology.

CYBER SECURITY / PRIVACY / DATA MANAGEMENT / eDISCOVERY: Certified Information Privacy Professional (CIPP/US). Motorola Law Department internet compliance coordinator; Extensive experience with eDiscovery in litigation; Designed numerous internal corporate systems and policies for Data Security, Regulatory Compliance, and eDiscovery; Conducted eDiscovery training programs; Author of numerous eDiscovery articles and seminars. Drafted eDiscovery arbitration rules.

See LinkedIn.

Mediator Experience

Throughout legal career, has been involved in hundreds of mediations, many with a strong technology theme.

Since 2006 has focused on ADR, complex negotiations, and litigation strategy counseling. The three most recent mediations involved: a patent infringement litigation between a patentee and one of the world's largest online gaming companies; an intellectual property based royalties dispute between two large online content providers; and, warranty / breach of contract dispute. Experience conducting mediations on remote video platforms including Zoom, WebEx, Microsoft Teams, GoToMeeting and Google Meet.

Representative Issues Handled as a Mediator

- Patent infringement issues arising out of a large patent litigation.
- eCommerce management, intellectual property ownership, and royalties calculations.
- Breach of contract/warranty.

Mediator Style & Process My philosophy of mediation is as follows:

Preferences

- 1) In virtually any dispute, mediation is a necessary and positive step towards resolution, even if that resolution takes place after the mediation.
- 2) Mediation can, and should be, seriously considered at every stage of a dispute, including at the inception of a dispute before litigation issues have crystallized, immediately after a demand has been made, after the first round of pleadings, and so forth. As a litigator, I have, almost without exception, set up cases on two tracks: a) an aggressive litigation track; and b) a settlement/mediation path that focuses on the optimum points in the process to move to mediation.
- 3) As a matter of probability, the best result to any suit is a optimum resolution that takes into consideration each party's risks and needs, as well as the more unquantifiable costs associated with internal litigation turmoil, the loss of the relationship between the parties, and customer/shareholder perception.
- 4) The parties will get as much out of mediation as they are willing to put into it. A successful mediation requires that the parties and their counsel adequately prepare by considering their risks and costs, as well as by including senior management and other key decision makers in the process.
- 5) My approach to mediation is "active," with doses of evaluation and collaboration. Mediation should not be rushed. The mediator should bring the parties to a common point of understanding before dollars are discussed. As a result, I spend a substantial amount of time with the parties learning about their businesses and motivations, which, along with a reality check on risk, can lead to a collaborative result.

Education

University of North Carolina at Chapel Hill (PhD, Mass Communications Regulation-1992); University of Nebraska (MA, Mass Communications Regulation-1987); University of Nebraska College of Law (JD, Executive Editor, Law Review-1981); University of Nebraska (BA, Mass Communications-1977).

Professional Licenses

Admitted to the Bar: Arizona (2002); Colorado (1986-inactive), Nebraska (1981-inactive).

Professional Associations

Arizona Bar Association; Colorado Bar Association; Nebraska Bar Association; American Bar Association; Arizona Technology Council; ASU Center for Law, Science and Innovation.

Recent Publications & Speaking Engagements

Author of more than 50 books, treatises, law review articles, and professional articles on ADR, trial strategy, intellectual property, biotechnology, environmental, telecommunications, media subject matter. Editor-in-Chief and coauthor of ABA treatise, "Biotechnology and the Law." Frequent national speaker at law schools, universities, and national organizations. Author of more than 50 books, treatises, law review articles, and professional articles on ADR, trial strategy, intellectual property, biotechnology, environmental, telecommunications, media subject matter. Editor-in-Chief and coauthor of ABA treatise, "Biotechnology and the Law." Frequent national speaker at law schools, universities, and national organizations. Frequent speaker and writer on Cannabis subjects. "Why the Cannabis Industry Should Embrace Private Law and Alternative Dispute Resolution, LinkedIn."

Mediation Rate

\$395 Per Hour

Languages

English

Citizenship

United States of America

Locale

Scottsdale, AZ

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.