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**FN-17614 MN-17614 LN-17614, Esq.**

**Pasadena, California**



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**Current Employer-Title** The Holmes Law Firm, APC (Los Angeles, Chicago)  
Holmes Law Dispute Resolution Services, APC (Atlanta, Beijing, Denver, New York, Philadelphia, Portland, Shanghai, Toronto and Washington, D.C.)

**Panelist Video** <https://www.adr.org/videoresume?paramName=246858329>

**Profession** Arbitrator; Mediator; Conciliator; Settlement Counselor; Referee and Special Master; Judicial Officer; Educator; Trainer; Author; Intellectual Property, Licensing and Business development Consultant; and Engineer

**Work History** Chairman and President, The Holmes Law Firm APC, 2002 – Present; General Counsel and Executive Vice President/Business Affairs, Horne Entertainment Inc., 1997 – 2002; General Manager/Assistant General Counsel - Intellectual Property/Licensing and Business Development, McDonnell Douglas Corp. (now Boeing) 1996 – 1997; Of Counsel, Baker & Hostetler; 1995 – 1996; Partner, Holmes and Associates, 1990 – 1995; General Counsel (West Region), Wang Laboratories Inc., 1983 – 1990; Director of Contracts/Pricing/Competition, Rockwell International Aircraft Operations (now Boeing), 1980 – 1983; Patent Attorney, Wescom Inc. (now Rockwell Collins), 1978 – 1980; Patents/Copyright Agent, Cushman Darby & Cushman (now Pillsbury, Winthrop, Shaw and Pittman), 1977 – 1978; Law clerk, Consumer Products Safety Commission, 1977; Law clerk, Department of Labor – Office of Federal Contract compliance Programs (OFCCP), 1976.

**Experience** Diverse experience, background (Engineer-Litigator-Executive-In House Counsel) and ongoing professional activities provide a deep and expanding reservoir of subject matter knowledge regarding multiple industry customs, practices and trends and has encompassed P&L and “line” management authority in business and international commerce. Have represented plaintiffs, defendants and wealthy, middle class and under served clients. The following is an abridged narrative:  
1) INTELLECTUAL PROPERTY AND TECHNOLOGY: FORMER PATENT ATTORNEY;  
Areas: Development, exploitation and enforcement of intellectual property rights, patentability opinions, patents, trademarks, copyrights, trade secrets; invention development, acquisition,

management and commercialization of IP portfolios. Focus areas: telecommunications, satellites and telephonics; Defense products; aircraft and parts and supplies; computers and peripherals; Oil/gas exploration/flow control technology; Artificial Intelligence (AI) and cognitive computing; predictive analytics; robotics; e-commerce; Cloud computing; cybersecurity, Big data software; Virtual/Augmented reality software; Intelligent agent and Chatbox; Internet of Things (IoT); licensing, know-how and technology transfer. Technology disciplines: electrical and mechanical engineering, computers/software, chemistry and chemical engineering and biotechnology. 2) LABOR AND EMPLOYMENT: Have filed, defended, settled and litigated all manner of employment related claims including those involving gender, race, age, sexual orientation, religious and national origin, harassment, defamation, access and disability, employee theft and fraud, privacy and secrecy protection, retaliation and wage and hour claims, executive wrongful termination matters (domestic and international). 3) INTERNATIONAL: Structuring, negotiating and enforcement of joint venture, franchise and distribution deals; Acquisition, development, maintenance, exploitation, and enforcement IP rights worldwide; infringement actions, misappropriation, counterfeiting, regulatory compliance, plant closings, executive dismissals, employee layoffs, outsourcing, ethics, whistleblowing, data protection and privacy and reconciling inconsistent legal requirements. 4) FRANCHISE, DEALERS, DISTRIBUTORS AND THIRD PARTIES: Structuring, negotiating, enforcing and termination of agreements and strategic alliances. Sectors: technology, food and restaurants, entertainment, hotel, auto and auto services and supplies, gas stations. 5) ENTERTAINMENT AND SPORTS: Vetted TV/movie productions and intellectual property rights. Issues include: Talent, production and distribution contracts; immigration. Litigated defamation, trademark and copyright infringement, idea submission and implied contracts claims, profit participation, royalty and audit matters, licensing and merchandising. 6) AEROSPACE INDUSTRY: commercial and military aircraft negotiations, contract pricing, finance and contracting; statutory, regulatory, contract change notices, subcontracting, acquisitions, leasing, bid Protests, Claims and Disputes, Fraud Investigations, Suspension and Debarment, Compliance Programs, subcontractor disputes, audits and investigations and Information Security and Management. Top-secret clearance for government contracts technical specs. 7) REAL PROPERTY AND CONSTRUCTION: Financing, development, acquisitions, appraisal, profitability analysis, restructuring and workouts, equity investment, leasing and asset management, joint ventures, private equity funds, cross-border investment and defect and fraud litigation. Properties: office, retail, senior housing, assisted living, multifamily, industrial, and hospitality. 8) FINANCIAL AND COMMERCIAL: Structuring, managing, growing businesses and restructuring, bankruptcy and reorganization of distressed businesses; fiduciaries' investment powers and consumer fraud.

## **Mediator Experience**

Served as a mediator in hundreds of disputes. These disputes have spanned across the full range of human endeavors and involved just about every conceivable subject matter. More than 20 mediations have been conducted in the following general areas: commercial and business; franchise, dealer and partnership; employment discrimination and wrongful termination; intellectual property (patents, trademarks, copyrights and trade secrets, technology, software and related services and anime issues); banks, credit card and financial institutions; real estate and construction; entertainment and sports entities and international and multi-national disputes. Amounts in dispute have varied from a few thousand dollars to over \$200 million dollars.

## **Representative Issues Handled as a Mediator**

Cases mediated are usually of the complex variety with many issues, claims and request for remedies involved. However the general subject matter themes for a few of areas of focus are as follows:

INTELLECTUAL PROPERTY - infringement, damages and royalty entitlement, patent claims construction and markman hearing analysis, look and feel infringement, inventor and work for hire rights, contract breach, fraud, antitrust and punitive damages, and interference issues.

FRANCHISE - franchisee program compliance, geographical and territorial limitations, royalty and payment issues, infringement, fraud, franchisor support issues and state compliance issues.

Employment disputes - race, sex, orientation and religious discrimination, hostile work place, reinstatement claims, defamation, back pay, reasonable accommodation, reverse discrimination, employee theft, work performance, wrongful termination, breach of contract, fraud, and punitive damages.

INTERNATIONAL - breach of contract, geographical and territorial breaches limitations, IP rights violations, product or service quality issues, trade dress or name issues, royalty and payment issues, infringement, fraud, support service issues and breaches and violation in country or international law agreements, and treaties or constraints.

## **Mediator Style & Process** My mediation philosophy is grounded on the notion that every dispute or conflict can be orderly

<b>Preferences</b>	advanced or resolved in a structured fashion provided that the resolution of the dispute is desired by the parties. The role of the mediator is to assist the parties in obtaining the outcome (usually settlement) that they are seeking from the mediation. Each mediation is unique. My approach is customized for the parties, attorneys or representatives, subject matter and outcomes or results sought. A consideration of these factors will result in an evaluative, facilitative, transformative or mixed approach being employed. The expectation is that the parties will participate in the mediation in good faith, listen to the other side, respect the mediation process and advocate for an outcome that is acceptable to them.
<b>Education</b>	Georgetown University Law Center (JD -1978); University of Florida (BS, Electrical Engineering - 1975).
<b>Professional Licenses</b>	Admitted to the Bar: Illinois (1978), California (1982), Virginia (1978-inactive); U.S. Patent Bar (1978-inactive).
<b>Professional Associations</b>	International Bar Association (Judge's Forum, Rule of Law action committee, Access to Justice Committee, Intellectual Property and Entertainment Law, Arbitration and Mediation Committees; China and Asian law section); American Bar Association (DRS section, former Chair, arbitration committee, Franchise law committee, Litigation and Intellectual Property committees); State Bar of California (Employment law; Real Property section; International Law Section, Executive Committee; Franchise Law Section, Executive Committee); Los Angeles County Bar Association (former Board of Trustees, Judicial Appointments Committee); Langston Bar Association (Past President); California Judicial Council; Public Counsel (Past Board of Directors); College of Commercial Arbitrators (Fellow); Intellectual Property Owners Association; Association for International Arbitration; Kappa Alpha Psi (Life Member); National Black United Fund (former Chairman of the Board); California Dispute Resolution Council (Past President); College of Commercial Arbitrators (Past member Board of Directors); Atlanta Bar Association; Illinois Bar Association; Chicago Bar Association (ADR committee); USA-Canada arbitration and Mediation; (President and Executive Director) Neutrals Diversity Alliance (NDA) (President and Executive Director); National and California Association of Distinguished Arbitrators (Fellow and member of Executive Committee); New York State Bar Association; Bar Association of San Francisco; New York City Bar Association; Philadelphia Bar Association; National Bar Association; Multnomah (Portland) Bar Association; Virginia Bar Association; Silicon Valley Arbitration and Mediation Council; California International Arbitration Council and the China Academy of Arbitration Law.
<b>Recent Publications &amp; Speaking Engagements</b>	Faculty, "Discovery and Motion Practice", ABA June 2021 Arbitration Training Institute; "Best Practices for Corporate Counsel: retention, preparation and Management of Technical experts", ABA Litigation section, February 2021; "Launchpad 2021 - The road ahead for ADR", AAA West Coast Roundtable, January 2021; "Beyond Hot Tubbing, Technical Experts in Complex proceedings", Resolute Systems, November 2020; "Conducting Effective Dispute resolution with remote technology: An advocacy and management practicum", ABA Litigation section, May, 2020; proceedings "Conducting Effective remote DR proceedings: a primer of California lawyers", California Lawyers Association, April 2020; ACE21 Impartiality: Do You Know Where Your Biases Are? 2021; ACE20 - Cyber Security: A Shared Responsibility, 2020; Faculty, AAA Addressing the Challenges of Demanding Arbitrations: Part 2 - The Hearing Phase the Award and Beyond, 2017; Faculty, AAA Addressing the Challenges of Demanding Arbitrations: Part 1 - The Pre-Hearing Landscape, 2017; AAA Out of Sight, Out of Mind: What You Need to Know about Preventing and Arbitrating Business-to-Business ("B2B") Data Breaches, 2017; California International Arbitration Summit, 2016; Faculty, AAA Best Practices for Counsel - Mediating and Arbitrating The Complex Employment Dispute, 2016; Faculty, AAA Exploring Critical Issues in Arbitration, 2016; Faculty, AAA The Role of Fairness and Justice in Arbitration, 2016; Faculty, AAA Master Techniques for Counsel Mediating and Arbitrating the Large Complex Intellectual Property Case, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Roundtable - Arbitration Panels, 2015; AAA How You Can Make the Most of Mediation's Global Growth 2015; "Navigating the High Intensity Mediation", California Department of Fair Employment and Housing, January 6, 2015; "Challenges and Issues with Bias and Culture in International arbitration", Third Annual LACBA & ICDR International Arbitration Conference, May 9, 2014; "Mediating and arbitrating USA v. Canada commercial franchise and distribution disputes" Toronto, Canada, Toronto, June, 2014 AAA The 31st Annual Joint Colloquium, NY, 2014; AAA ICDR International Symposia in Advanced Case Management Issues, 2014; AAA eDiscovery 2.0, 2014; AAA Advanced Mediation Series: Managing the Dynamics of a Multi-Party Class, 2014; AAA Winning at Arbitration: More than 30 Specific Tips Advocates Can Use to Improve

Arbitration Outcomes, 2014; AAA Managing a Successful Arbitration, 2013; AAA/ICDR Neutrals Conference, 2012, 2009; College of Commercial Arbitrators Annual Meeting, 2011, 2008; AAA Regaining Speed and Economy in Dispute Resolution, 2011; ICDR/IBA Four Roundtables in Times Square - Putting the Spotlight on International Arbitration on Broadway, 2011; AAA Due Process Dilemmas: How Far to Go in the Name of Fairness, 2011; AAA Spring Construction Conference, Mediation: It's Not New, So What's Next?, 2011; AAA Better, Faster, Cheaper: Reducing Costs in Labor Arbitration, 2011; AAA Workplace Bullying: The Role of Policies and ADR Systems, 2011; AAA Dealing with Delay Tactics in Arbitration ACE04, 2010, 2005; AAA How to Prevent Arbitrations from Transforming into Litigations, 2009; AAA Electronic Discovery in Arbitration: What You Need to Know, 2009; AAA Current Issues in Employment Arbitration: The Arbitration Fairness Act of 2009 Legislation and Recent Court Decisions, 2009; AAA Hot Topics in International Construction Arbitration, 2009; AAA Alternative Investments Meet Alternative Dispute Resolution, 2009; ICDR Joint Colloquium on International Arbitration, 2008; AAA Construction Mediation Conference, 2007; ICDR International Symposia in Advanced Case Management Issues, 2007; NAA Beyond the Protocol: The Future of Due Process in Workplace Dispute Resolution, 2007; various other ADR trainings.

**Locations Where Parties Will Not be Charged for Travel Expenses** Los Angeles and Chicago

**Mediation Rate** \$5,000 Per Day

**Languages** English, Chinese

**Citizenship** United States of America

**Locale** Pasadena, 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.