



AAA Mediation.org™

**FN-17810 MN-17810 LN-17810, Esq.**

**Palo Alto (San Francisco), California**



**Current Employer-Title** Gary Benton Arbitration - US and International Arbitrator

**Professional Summary** Internationally recognized full-time Arbitrator for business, corporate investment, technology, IP and emerging growth disputes. Focus on cases involving tech and life sciences investment, development, licensing and distribution, and JVs and M&A, including cybersecurity, cryptocurrency and A.I. issues.

Former litigator, corporate lawyer and corporate counsel. CIArb Chartered Arbitrator and other top tier arbitration credentials.

In addition to his arbitration practice, an Adjunct Professor at Santa Clara Law. The founder of the Silicon Valley Arbitration Center (SVAMC) and California Arbitration (CalArb.org). Co-Chair of the CLA Int'l Arb. Committee.

Admitted in California, New York, Washington DC and England.

**Profession** US and International Arbitrator; Attorney at Law (U.S.); Solicitor (England & Wales)

**Work History** Principal, Gary Benton Arbitration, 2013 - Present; Adjunct Faculty, Santa Clara University School of Law, 2018 - Present; Chief Legal Officer, Global Velocity Inc., 2009 - 2013; Corporate Partner, Pillsbury Winthrop Shaw Pittman LLP (Technology & Emerging Growth, Co-Chair Silicon Valley International Group), 2005 - 2009; Litigation and Corporate Partner, Coudert Brothers LLP (Palo Alto Managing Partner, Head of Northern California Technology, Media & Telecoms Group, West Coast International Arbitration Practice Head), 1992 - 2005; Litigation Associate, Coudert Brothers LLP, 1987 - 1992; Associate, Kadison Pfaelzer Woodard Quinn & Rossi, 1986 - 1987 (firm closed - relocated with partner); Associate, Gaston Snow & Ely Bartlett, 1984 - 1986 (acquired).

**Experience** Thirty five years of practice experience, first as a commercial litigator and international arbitration counsel, then as corporate transactions lawyer, then as the Chief Legal Officer of a technology company, and currently as a full time Arbitrator.

Litigation expertise: Trial lawyer and arbitration counsel handling general business contracts, international commercial contracts, private investment and technology disputes (20 years).

Transactional expertise: Corporate law counsel handling corporate structuring, international investment, securities, private equity and venture capital, intellectual property licensing, technology development, partnering, US and international M&A and IPOs, and other emerging growth company and public company matters. Extensive experience managing portfolios of international legal projects for Fortune 500 technology companies (15 years).

Legal practice experience involving a variety of U.S. and foreign business sectors, including manufacturing, information technology, mobile telecommunications, satellites, biotech/pharma alternative energy, investment, financial services, entertainment, gaming, aviation and defense, including hardware OEMs, software & app developers, Internet providers, digital media companies, suppliers, distributors, founders, U.S. and foreign venture capital funds and other private equity investors.

Focuses:

INTERNATIONAL BUSINESS: Cross-border contracts.

COMMERCIAL: Product development, services, manufacturing, sales, distribution, marketing, licensing, outsourcing and other business transactions, including breach of contract, fraud, unfair competition and other business torts

CORPORATE TRANSACTIONS / PRIVATE INVESTMENT: Corporate structuring, emerging technology startups, joint ventures and partnerships, private investment and lending, venture capital financing, private equity and securities, hedge and arbitrage funds, investment banking, mergers & acquisitions (M&A), IPOs, DeFi, ICOs and corporate governance and operations, including stockholder, shareholder, partnership, LLC and Board director fiduciary duties.

ACCOUNTING / VALUATION: Sales and expense reporting, earn-outs, reps and warranties, financial guarantees, purchase price adjustments and working capital

INTELLECTUAL PROPERTY LICENSING AND INFRINGEMENT: Trade secret, copyright and patent claims, particularly technology licensing and royalty disputes, infringement and misappropriation claims, and related antitrust and competition issues

TECHNOLOGY: IT, ICT, TMT work involving the Internet (connectivity, cloud computing, data centers, web content, e-commerce and B2B, blockchain, SaaS and social networking), software (operating systems, networking and applications, including CRM, ERP, business, entertainment, gaming, utilities, video, security and mobile apps), FinTech (cryptocurrency and smart contracts), artificial intelligence (AI), hardware (semiconductors, CPUs, microprocessors, SOC, motherboards, memory, storage, media and graphics) and virtualization

CYBERSECURITY: Network and data security contract services, data breach and data privacy contract disputes, and related insurance issues.

TELECOMMUNICATIONS: Mobile and Internet, including cellular, broadband, VOIP and wireless

SPACE: Satellite launch, operation and services

BIOTECH/GENETICS & PHARMACEUTICAL: R&D and licensing contracts, infringement disputes, M&A

ALTERNATIVE ENERGY: Solar, fuel cell, wind & materials development and joint venture contracts

EXECUTIVE EMPLOYMENT: Founder and executive employment contracts, independent contractors, NDAs, confidentiality agreements, non-compete and non-solicitation, executive compensation & stock options

DISCOVERY/DISCLOSURE: e-Discovery / ESI

NATIONAL SECURITY: US classified information / NISPOM

Third party non-signatory and arbitration jurisdictional disputes

## **Mediator Experience**

An internationally recognized ADR expert with over 30 years major law firm experience in both corporate and commercial transactions and litigation / alternative dispute resolution practice. Founder of the Silicon Valley Arbitration and Mediation Center. Prior to full-time ADR practice, a partner with the leading international law firms Pillsbury Winthrop Shaw Pittman LLP in Palo Alto and Coudert Brothers LLP in San Francisco and Palo Alto. In addition, served in-house as Chief Legal Officer of Global Velocity, a next generation cybersecurity company.

Participated in over 100 mediations of large, complex commercial and international cases in the course of his career, ranging from \$500K product licensing, distribution and development disputes to \$1B copyright / trade secret / patent infringement and antitrust disputes. Focus on complex commercial, corporate transactions, international business, technology development, private equity and venture capital investment, M&A and IPOs, sales, IP & licensing disputes. Extensive Chair, Panel and Sole Arbitrator experience in tribunals worldwide.

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

Experience with settlement/mediation issues involving a wide array of commercial and manufacturing sectors. Emerging growth company work including technology startups, venture capital financing, technology transactions and valuations, mergers & acquisitions, IPOs, corporate governance and operations, including stockholder, shareholder, partnership, LLC and Board director fiduciary duty, fraud, M&A, sales reporting, expense reporting, earn-out and accounting issues. Intellectual property law: advice on copyright, trade secret, patent and trademark issues, particularly resolution of technology licensing and royalty disputes and prosecution and defense of technology infringement claims, as well as related antitrust and competition issues.

## **Mediator Style & Process Preferences**

Mediation can provide significant time and cost-savings compared to litigation. It is a more productive and satisfying process for the parties than endless months preparing for a court case and sitting through a trial. Significantly, it allows issues to be resolved promptly and efficiently, so that the parties can keep their focus on their core business activities.

As a Silicon Valley-trained lawyer, I put particular emphasis on deal-making and facilitate business-practical outcomes for the parties. My career has been in an industry sector that thrives on entrepreneurship, prides itself on deal making, and focuses on growing small privately funded companies with promising technologies into large public multinational companies that offer products to improve the lives of billions of people. Accordingly, I believe that business disputes are often best resolved in business settings rather than by courts and juries who may have little, if any, understanding of the intricacies of business and technology.

Facilitative mediation: I work with the parties and their counsel to create a process that helps them reach a mutually agreeable resolution. I listen carefully, ask questions, explore points of view, search for core interests and help in analyzing options for resolution. I look for creative solutions and work hard to find the best possible outcome to provide a win-win for both sides. I don't force settlements; rather, I encourage the parties to appreciate the benefits in resolving the dispute.

When requested by the parties, I evaluate claims and defenses. My litigation and corporate transaction experience provides a full and balanced appreciation for both legal risks and business considerations. I focus on core issues and take a realistic perspective.

My background, training and experience, particularly as an international lawyer, helps me be responsive to cultural differences and minority perspectives, encouraging cross-cultural awareness, gender respect and constructive interaction.

I remain neutral throughout the mediation process and insist upon professionalism from all participants in proceedings. I work to get all the issues out on the table and get them resolved in a focused, expedient, professional and business-like manner.

## **Technology Proficiency**

Extensive IT experience and training (CompTia), e-Discovery/ESI certified, proficient with Zoom, Teams and other videoconferencing and document management programs used in arbitration proceedings.

## **Education**

Tulane Law School (JD, cum laude-1984); Washington University (AB, cum laude, Earth &

Planetary Sciences, Political Science and International Development-1981); Stanford University (International Studies-1986); University of California Law SF (Legal Studies-1984).

## **Professional Licenses**

Admitted to the Bar: California, New York, District of Columbia; U.S. District Courts: Northern, Central, Southern, and Eastern Districts of California; U.S. Court of Appeals: Ninth, District of Columbia and Federal Circuits; U.S. Supreme Court. Solicitor, Supreme Court of England & Wales.

## **Professional Associations** Professional Association Honors and Awards

Chartered Arbitrator (C.Arb) and Fellow of the Chartered Institute of Arbitrators (FCIArb)  
Fellow of the College of Commercial Arbitrators (FCCA)  
Academy Member of the National Academy of Distinguished Neutrals  
Peer vetted Appointee to the SVAMC List of the World's Leading Technology Neutrals - the "TechList" (2015 - present)  
Northern California Super Lawyer - ADR (multiple years - present)  
GAR Listed Arbitrator  
Martindale Hubbell AV Preeminent peer rating (all years - present)  
Who's Who in the World.  
Named one of the 25 National Law Journal ADR Champions  
Named in the IAM 300 The World's Leading IP Strategists

### Professional Associations

Chartered Institute of Arbitrators (CIArb)  
College of Commercial Arbitrators (CCA) - Board and Executive Committee Member (2023)  
National Academy of Distinguished Neutrals (NADN)  
Silicon Valley Arbitration & Mediation Center (SVAMC) - Founder, first President/CEO, Board Director (Board Chair through 2023)  
California Arbitration (CalArb.org) - Founder, first President/CEO and Board Director (present)  
California Lawyers Association (CLA) - International Arbitration and ADR Subcommittee Co-Chair (and member Corporate, Litigation, International Law Sections)  
California International Arbitration Week (CIAW) - Co-Chair 2022 & 2023  
International Bar Association  
ICCA International Council for Commercial Arbitration  
American Bar Association (member International, Litigation and Dispute Resolution Sections)  
The Institute for Transnational Arbitration (Advisory Board)  
American Intellectual Property Law Assn (AIPLA)  
Alliance for Equality  
ITech Law  
American College of e-Neutrals (ACESIN)  
Queen Mary Univ. of London Int'l Dispute Resolution Task Force  
International Task Force on Mixed Mode Dispute Resolution  
New York International Arbitration Center  
GAR listed Arbitrator  
Invited Fellow of the American Bar Foundation

Member of the ICDR International Panel of Arbitrators and the AAA Commercial Panel (Large & Complex Cases, IP, High Tech, Securities, Corporate Law, Communication & Telecom, Contract & General Business) and Energy Panel (Alternative Energy). In addition to AAA-ICDR, a panel member of many other leading US and international arbitration institutions

Appointed US District Court NDCA ENE Panel.

## **Recent Publications & Speaking Engagements**

Stanford Univ. Advanced IP/Tech Arbitration Course, 2023; Go Global: An Overview ... of International Arbitration (co-author), Los Angeles Lawyer, 2023; California Int'l Arbitration Week (Co-Chair), 2022 & 2023; ABA Arbitration Inst., New York, 2023; Technology & IP Arbitration in China, BIAC, 2022; Arbitration Advantages & Disadvantages, LexisNexis, 2022; The Efficient Arbitrator in the Post-Pandemic World, CCA, 2021; A Roadmap for Int'l Arbitration, CIArb/Strauss, 2021; US Developments, ICDR Americas (co-author), 2020; Arbitrating Domestic and International Life Science Disputes, AAA-ICDR, 2020; Technology Arbitration Revisited, Dispute Resolution Journal, 2020; Arbitrator Powers, Webinar, ABA DRS, 2020; Tech Arbitration, Webinar, ITech Law, 2020; Managing a Tri-Partite Arbitration Panel (co-presenter), AAA, San Francisco, February

2020; Data Protection and Digital Security, SVAMC, San Francisco, 2020; US Technology Dispute Resolution, Beijing Arbitration Commission, Beijing, October ; Welcome Address, Beijing Arb.Comm./BIAC, 2019 Summit, San Francisco; California—A Rising Star Among International Arbitration Seats, co-author, NYSBA NY Dispute Resolution Journal, Vol 12., No. 1, 2019; Preserving and Enforcing Your ADR Remedies: Practical Drafting Issues for Arbitration, Mediation and Negotiation Clauses in IP Agreements", American Intellectual Property Law Association (AIPLA), Philadelphia, 2019; International Arbitration in California, California Lawyers Association (CLA), Los Angeles, May 2019; Revamping Arbitration to Better Serve Clients, Panel, ABA DRS, Minneapolis, April 2019; The Whispered Conversation: Hong Kong v. Singapore, Kluwer Arbitration Blog, 2019; A Dozen Brilliant Litigation Strategies That Backfire in Arbitration, California Litigation Journal, vol. 31, No. 3, 2018; Lecturer, Data Breach Arbitration,"USCIB, New York, 2018; "Beyond the Bubble: Will Blockchain Have a Lasting Impact on International Arbitration?, CIArbResolver, 2018; Lecturer, Arbitral Jurisdiction, ABA, Washington DC, 2018; Lecturer, Chairing Arbitration Tribunals, AAA, San Francisco, 2018; Let's Stop Talking About the Arbitrator Diversity Problem: Setting a New Standard, Kluwer Arbitration, 2018; Arbitration, Mediation and Negotiating Clause Drafting for Technology Disputes", Cal Business Law Practitioner, Cal CEB (2017); "Arbitrating Private Investment Disputes: Private Equity, Venture Capital and other Private Placements, College of Commercial Arbitrators, 2017; "Dispositive Motions in Arbitration" (co-presenter), ABA Webinar, 2017; Guide to Best Practices in Commercial Arbitration, Motion Practice (contributing editor), College of Commercial Arbitrators, Juris 2017; "Arbitral Awards (co-presenter), ABA Dispute Resolution Conference, San Francisco, 2017; Resolving Tech Disputes Internationally,"(ACC) Docket, 2016; ADR in the Cloud", College of Commercial Arbitrators, 2015; Arbitration in the Next 100 Years, Chartered Institute of Arbitrators Centennial, Los Angeles, 2015; "The Android Wars: A New Look at the Apple v. Samsung Case", Association of Corporate Counsel (ACC) Docket, 2014; AAA Neutrals Roundtable Lecturer: The Revised AAA Commercial Arbitration Rules,"San Francisco, 2013; The Android Wars - International Technology Arbitration in an Alternate Universe: A Case Study of Apple v. Samsung, Contemporary Issues in Int'l Arbitration (Rovine, ed.) 2013; Cross-Border Disputes: Should My Company Use International Arbitration, Int'l Arbitration & Dispute Resolution, 2002 and various reprintings; Intellectual Property Disputes Under the Amended AAA International Rules, International Lawyer, vol. 26, no. 8, p. 359, 1998; The Arbitration of International Technology Disputes Under the English Arbitration Act 1996, Arbitration International, vol. 13, no. 4, p. 361, 1997; numerous others speeches and articles. See <https://garybentonarbitration.com>

**Locations Where Parties Will Not be Charged for Travel Expenses** Available for travel worldwide. No local travel expense charges.

**Mediation Rate** \$8,000 Per Day

**Languages** English

**Citizenship** United States of America

**Locale** Palo Alto (San Francisco), 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.