



AAA Mediation.org™

**FN-1800550 MN-1800550 LN-1800550,  
Esq.**

**Phoenix, Arizona**

**Current Employer-Title** Bowman and Brooke LLP – General Counsel

**Profession** Arbitrator, Mediator, Special Master, Attorney

**Work History** General Counsel, Bowman and Brooke LLP, 2016 – Present; Judge, State of Arizona, 1982 – 2005; Attorney, Maricopa County Public Defender Office, 1975 – 1982.

**Experience** Served as a judge of the Superior Court of Arizona for nearly 24 years, handling a wide variety of cases. During tenure on the bench, served for over 11 years on the civil assignment. While on the civil assignment, presided over at least two trials per month, with a minimum of 12 days each month in the courtroom, in trial. While trying that number of cases, also handled over 1,500 other cases per year in some significant manner, among other things, hearings on various types of substantial motions, resolving discovery disputes, or settlement conferences. The type of cases handled included: auto accident claims, complex construction defect cases, land use disputes, tax assessment issues, medical malpractice matters, nursing home abuse cases, contract disputes, warranty claims, personal injury claims arising from work related injuries and negligence, zoning issues, condemnation actions, slander and libel claims, and workplace harassment claims.

The Superior court of Arizona is a general jurisdiction court, served in most of our departments and handled all of the types of matters handled by the court, which include, Civil, Criminal, Family, Juvenile, Tax and Probate. Served as the presiding judge of the Family Court Department. Served as the Associate Presiding Judge of the Court, in that capacity had administrative responsibilities over the 100 plus judicial officers as well as the court staff. While on the Civil Assignment was one of three judges appointed by the Arizona Supreme Court to establish and staff our first Complex Litigation court.

During time on the bench, chaired the committee that developed our Self-Service Center for self-represented litigants. This was the first such program in the United States, to the best of understanding. After the implementation of the program, traveled throughout the country presenting to various courts on the topic of developing a Self-Service Center. Court also developed a training program for lawyers who would assist persons representing themselves. The court also sponsored training programs for judicial officers, who were interested in developing their own programs.

Was on the National Center for State Courts Trial Court Performance Standards Commission. Also on the Commission on Judicial Evaluation and Review, served on the Commission as it developed the performance review program and continued to serve as a member and reviewer.

First woman president of the Maricopa County Bar Association. Served as its delegate to the American Bar Association House of Delegates. A Member of the Delivery of Legal Services Committee of the ABA and the Chair of the Metropolitan Bar Caucus.

Chaired the State Bar Ethics Committee and during that time, began the process of transitioning the opinion writing portion of the responsibility to the Supreme Court. Also chaired the CLE committee.

Helped re-start the State Bar College of Trial Advocacy in 2005. Continued to serve as it Executive Director since that time.

Since leaving the bench, have served as a special master dealing with complex discovery issues including issues of attorney client privilege, trade secret claims, patient privacy issues, and scope of discovery.

## **Mediator Experience**

During tenure on the bench, worked with parties to assist them in settling their matters – this was done both informally as parties appeared before the court in matters and through a structured program that the court started that assigned matters from other judges to be mediated. Mediated civil matters including insurance subrogation issues, tort cases, contract disputes, partnership disputes and other general civil matters.

Since leaving the bench in 2006, has been an active mediator and arbitrator continuing to mediate civil matters with a strong emphasis on contract disputes, construction cases, both defect and contractor disputes, and partnership dissolution disputes. In that time has mediated over 1000 matters.

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

Frequently mediates cases with allegations of breach of contract. In that area, has mediated cases in which a former employee has claimed that he/she has been unfairly terminated or that the terms of the termination unfairly limited his/her ability to work; mediated matters where the former employer is asserting that the former employee is violating the terms of non-compete clauses; and mediated claims of use of confidential information for unauthorized purposes, failure to complete the terms of the contract, and allegations that the terms do not accurately reflect the parties' practice through the term of the contract. Contract mediations have included lease agreements, employment agreements, partnership agreements among others. Mediated employment contract disputes between private parties as well as government entities and employees.

Mediated land use cases which have included allegations of changed water flow damages as well as violations of deed restrictions in home owner associations.

Also frequently mediates construction cases working with general contractors and sub-contractors in disputes brought by homeowners, alleging defects. Frequently these are matters that have been settled by the general with the homeowner and the general is now seeking contribution from the sub-contractors. Also handled those matters in which a sub-contractor is asserting that the invoices for work completed has not been paid or in which the general contract is asserting a sub-contractor has been over paid.

## **Mediator Style & Process Preferences**

Mediation is not litigation. It is an opportunity to find a solution to a problem. The parties need to have a fair assessment of the risks and rewards of litigation and to weigh that against their perceived damages. Many parties come with that assessment already in hand, but often even with the most prepared, it helps to have an impartial look at the facts and the costs.

I believe that the parties need a safe place to express their positions about the matter pending, so whenever a party expresses, either verbally or by action, a need to “vent” I give them that opportunity. This need to express their feelings comes not just from an injured plaintiff but often from an employer who feels betrayed by a long time employee, or a hardened business person who believes the other has broken their trust.

Each case has its own story, and it is my job to understand, as best I can, that story, and to put it into a context that will allow the parties to find a path toward to settlement.

## **Education**

Arizona State University (JD-1975; BA, History-1971).

## **Professional Licenses**

Admitted to the Bar: Arizona, 1975.

## **Professional Associations**

State Bar of Arizona (CLE Committee; Board Member, Ethics Committee Member, Alternative Dispute Resolution Section); Maricopa County Bar Association (Past President); American Bar Association (Metro Bar Caucus; Past President); Arizona Judges Association (Past Treasurer).

Spoken at numerous State Bar, County Bar and American Bar Association programs on such topics

<b>Recent Publications &amp; Speaking Engagements</b>	<p>as Self-Represented Litigants, Best Mediation practices, arbitration practices and ethical issues. Serve as faculty for the State Bar Professionalism Course.</p> <p>Select Publications:  Co-author, "Judicial Management of Cases Involving Self-Represented Litigants," NCSC JOURNAL, ABA, 2000;  Co-author, "Judicial Techniques for Cases Involving Self-Represented Litigants, JUDGES JOURNAL, ABA.</p> <p>Select Speaking Engagements:  "Mediating and Arbitrating Construction Disputes," State Bar of Arizona, 2010;  "Settlement Techniques," NBI, 2009;  "Seven Deadly Sins of Conflicts," Arizona Bar, 2010;  Professionalism course instructor 2005 to Present;  Arizona College of Trial Advocacy (executive director and faculty ) 2005 – Present.</p>
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Phoenix Metro/ Maricopa County area.
<b>Mediation Rate</b>	\$450 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Phoenix, 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.