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Santa Barbara, California



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Current Employer-Title Louise A. LaMothe, A Professional Corporation; U.S. Magistrate Judge (Ret.)

Panelist Video <https://www.adr.org/videoresume?paramName=246860314>

Profession U.S. Magistrate Judge (Ret.), Arbitrator, Mediator, Attorney

Work History Full-time Neutral, Self-employed, 1999 – Present; United States Magistrate Judge (part-time), Central District of California, 2014 – 2024; Of Counsel, Bird Marella Boxer & Wolpert, 1996 – 1999; Senior Partner, Riordan & McKinzie, 1992 – 1996; Partner/Associate, Irell & Manella, 1974 – 1992; Assistant/Associate Professor, University of Kansas School of Law, 1971 – 1974.

Experience Over 25 years of experience handling business litigation in state and federal courts at the trial and appellate level. Subjects included: defense of securities class action and broker/dealer litigation, accountants' professional negligence defense, business torts; entertainment transactions, insurance bad faith, agent and broker issues, fiduciary and professional liability insurance, coverage issues, including trigger and number of occurrences, primary/excess issues, litigation involving letters of credit and sureties, representation of guarantors and creditors in bankruptcy matters, real property leases, and lending agreements; contract and partnership cases involving fraud; auto products liability and defamation claims; and representation of management (and occasionally employees) in employment litigation and related matters, including investigation of allegations of harassment due to sex and sexual orientation and FLSA matters. Expert witness and professional trainer of employees. Deputy General Counsel, Independent Commission on the Los Angeles Police Department ("Christopher Commission"), 1991.

Mediator Experience Since 1993, selected as mediator or arbitrator in over 700 matters. Service on over 40 three-person large, complex, international or domestic commercial cases, including 10 as panel chair. Service in 20 class arbitrations. Mediated many legal malpractice matters, including those with underlying issues in personal injury, family law, and real estate cases. Handled a broad variety of commercial cases, franchise cases, partnership disputes, and purchases and sales of businesses. Has mediated a large variety of employment cases, including wage and hour, ADEA, ADA, wrongful termination, breach of contract, discrimination, and harassment of various types. Helped to resolve disputes in many aspects of the entertainment industry, including guilds, film distribution and financing, and

cases involving talent and loan out corporations. Has also mediated cases involving foreign ownership of businesses based in the U.S. Has mediated real estate disputes, primarily involving single family home and residential developer cases, landlord and tenant, and purchase/sale agreements. Additionally, has mediated business disputes involving joint ventures and partnership claims, including intentional torts such as fraud and negligent misrepresentation.

Representative Issues Handled as a Mediator

Handled dozens of employment cases with whistle blower claims, and discriminatory (race, gender, sexual orientation, age) treatment in hiring and promotion, discipline and benefits, including pregnancy and family leave. Has handled FLSA and state wage and hour claims. Employers have ranged in size from very small (one or two employees) to large, multi-national companies with thousands of employees. Governing documents have included standard employee handbooks covering hundreds or thousands of employees, and individually negotiated contracts with high-level executives. Workplaces have included office environments, farms, technology companies, sales and service organizations, insurance companies, hospitals, physician groups, film companies, legal and accounting firms, and government agencies. Franchise disputes have included failure to comply with franchisor standards in the fast food industry and failure of franchisors to support franchisees in the online auction business. Contracts between hospitals and physician groups and insurance companies have been involved in many of the health care industry cases. Contracts for the development of software have been the most common sources of cases handled in the technology area. The mortgage industry cases have involved bonuses and other compensation packages. Mediated several unauthorized interception of signals cases in the telecommunications industry. Has mediated many cases involving the sale of universal life insurance policies as a result of service on a panel of mediators/arbitrators in the settlement of a nationwide class action. Has also mediated a trademark infringement case in pet food industry, an environmental cleanup case brought against an oil company, and several disability access cases, as well as a few personal injury and many civil rights cases.

Mediator Style & Process Preferences

I believe that the parties need to be heard in a mediation, since only they can ultimately decide to settle the matter. For that reason, I prefer a mediation process in which the lawyers speak early, and then allow their clients to be heard. While I hope for good preparation on the part of the lawyers, this is not always possible, especially if the case comes to mediation in the early stages, or even before filing. In advance of the session, I encourage the exchange of information that will come out later in any event, as in my experience parties have a greater comfort level in settling if they have seen more of the facts. I like pre-mediation statements, usually short, and I like the parties to exchange them, providing to me in a side letter any confidential information. I hold a pre-mediation telephone conference with the lawyers to establish the schedule, and uncover issues. I seek to obtain their agreement to exchange information and send in not only the pre-mediation statements, but also any other documents I need to see. I provide parties with a pre-mediation conference call checklist that I usually follow in the phone conference. I make use of my website and email to share information at all stages.

Education

Stanford University (JD-1971; BA, with distinction, History-1968).

Professional Licenses

Admitted to the Bar: California (1972), Kansas (1972-retired); U.S. District Court, various districts in California and elsewhere; U.S. Court of Appeals: Ninth Circuit and various circuits; U.S. Court of International Trade; U.S. Supreme Court.

Professional Associations

College of Commercial Arbitrators (Board member 2008 – 2014); Chartered Institute of Arbitrators (Member since 2010; Fellow since 2012); American Bar Association (Litigation Section, Past Chair; Past Representative to House of Delegates; Council Member; Civil Rights and Social Justice Section; Dispute Resolution Section; Judicial Division); Los Angeles County Bar Association (ADR Section, Executive Committee, Past Member; Labor & Employment Law); State Bar of California (Committee on Women in the Law, Past Chair); Ninth Circuit Judicial Conference (Past Lawyer Representative); American Law Institute (Life Member); Santa Barbara County Bar Association (ADR Section, Past Chair); Santa Barbara Women Lawyers (Past Board Member); Women Lawyers Association of Los Angeles; California Women Lawyers (Life Member); International Mediation Institute (IMI) Certified Mediator.

Recent Publications & Speaking Engagements

Numerous articles in Santa Barbara Lawyer magazine, Los Angeles Daily Journal, and others; profiled in Los Angeles Daily Journal, most recently in July, 2012; Contributing author, RAISE THE BAR: REAL WORLD SOLUTIONS FOR A TROUBLED PROFESSION, ABA Litigation Section, 2007; contributing author, GUIDE TO BEST PRACTICES IN COMMERCIAL

ARBITRATION, College of Commercial Arbitrators, 2006; "What's Different About Complex Case Mediation," The Sedona Conference on Complex Litigation IV, 2002; "Choosing the Neutral," ALTERNATIVE DISPUTE RESOLUTION: THE LITIGATOR'S HANDBOOK, ABA Litigation Section, 2000; book review, JURIST, 1998; co-author, "New Balance: Shifting Standards Affecting Mandatory Arbitration," LOS ANGELES DAILY JOURNAL, August 13, 1997; THE WOMAN ADVOCATE: EXCELLING IN THE 1990'S, Prentice Hall Law & Business, 1994; Mediation Videotape Training Series, ABA Litigation Section, 1994; "Thinking about Mediation," LITIGATION, ABA Litigation Section, Summer, 1993; co-author, Business Litigation, CALIFORNIA CIVIL PRACTICE, 6 vols. West Publishing, 1993, supplemented semi-annually; numerous other articles.

SPEAKING ENGAGEMENTS: "Difficult Issues for Arbitrators and Lawyers," Los Angeles County Bar Association and co-sponsored by the AAA, January 24, 2013; Arbitration Training Conference, ABA, 2011, 2009, 2005; "Arbitrating the Mega Case," ABA Dispute Resolution Section, 2008; Frequent speaker on ADR topics for the American Bar Association, ABTL, Santa Barbara County Bar Association, the Los Angeles County and Century City Bar Associations, Santa Barbara Women Lawyers, and other groups.

Locations Where Parties Will Not be Charged for Travel Expenses No charge for round trip travel time to Los Angeles from Santa Barbara, CA.

Mediation Rate \$12,000 Per Day

Languages English

Citizenship United States of America

Locale Santa Barbara, 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.