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**FN-2171259 MN-2171259 LN-2171259,
Esq.**

Poway, California

Current Employer-Title Law Office of Duane E. Bennett

Profession Attorney, Arbitrator, Mediator

Work History Law Office of Duane E. Bennett, 1998 – Present; General Counsel/Port Attorney, San Diego Unified Port District, 2003 – 2012; City Attorney/Assistant City Attorney, City of Oceanside California, 1992 – 2003; Police Legal Advisor, Santa Ana Police Department, 1990 – 1992; Deputy City Attorney, Santa Ana California, 1987 – 1990.

Experience Expertise includes all manner of employment, and labor law. Also experienced in constitutional law, contracts, real estate, and insurance. Experienced trial attorney and civil litigator, handling in excess of one hundred cases in state and federal courts.

EMPLOYMENT: Extensively involved in labor and employment matters and litigation. Served for years as a labor negotiator and frequently confers with management and labor associations in an effort to resolve differences and disputes under the Meyers-Milius-Brown Act and related statutes. Experienced in arbitrating employment matters involving major retailers, hotels, financial institutions and shippers related to FLSA (wage, hour, meal breaks, etc.), Title VII, FEHA, ADA and related statutes. Vast experience in working with municipalities, law enforcement and fire agencies, and in handling disciplinary matters, due process issues, investigations, civil rights and tort actions resulting from alleged employee and employer conduct.

Represented employers and employees in matters related to FLSA, Title VII, FEHA, ADA, CFRA and FMLA. Have represented employers in collective bargaining and employee discipline, and also represented employees in matters related to employment agreements and disciplinary matters. Have represented independent contractors regarding employment contracts and agreements.

Have represented employers and employees before the EEOC and DFEH related to employment discrimination and age discrimination matters. Has also served on the mediation panel for the DFEH assisting the department in mediating employment discrimination actions filed on behalf of employees.

Currently serves as a Hearing Officer deciding disability retirement matters for the counties of Kern (KCERA), Los Angeles (LACERA), Orange County Employees Retirement System (OCERS), San Bernardino (SBCERA) and San Diego (SDCERA). Serves as an Arbitrator deciding employee grievances and disciplinary matters for the County of Riverside and Riverside County Sheriffs' Association. Serves as an Arbitrator for the San Bernardino Civil Service Commission. Has served as Judge Pro Tem for the San Diego Superior Court.

Frequent lecturer and University of California instructor in civil litigation, contracts, employment, real estate, torts and related topics. Has provided employment training for employees and numerous public and private agencies in several states. Has presented several certified courses involving employees and employers, public safety agencies, attorneys and citizens throughout California.

REAL ESTATE AND LAND USE: In addition, has provided extensive representation in construction related projects related to land use and environmental contamination including, but not limited to, planning, development, bid specifications, requests for proposals and contract interpretations. Legal work in construction matters has involved demolition and remediation projects, dredging projects, streets, roads and other public works projects. Experience in land use has enhanced understanding of public construction matters. Successfully utilized the alternate dispute resolution process to resolve several construction disputes, and to obtain settlements of complex construction and/or environmental remediation projects.

Mediator Experience

Has been involved in over 50 mediations. These mediations have been handled on a formal and informal basis, and primarily involved employment, environmental, civil litigation and insurance disputes. Have also handled mediations involving major banks, hotel chains, freight shippers, retailers and companies. Served on mediation panels for the California Department of Fair Employment and Housing (DFEH) and the Orange County Superior Court. Has successfully mediated several DFEH complaints and a historic employment discrimination claim between the EEOC and a local municipality. Instrumental in coordinating and facilitating complex mediations involving civil litigation, environmental, construction and insurance claims involving multiple parties. Since 2004, has been involved in several complex mediations involving multi-million dollar disputes, numerous parties and multiple insurers. Efforts as a facilitator in mediation sessions have resulted in settlements in excess of \$80 million.

In addition, has mediated in excess of 25 employment disputes, as well as disputes between labor associations and management employees. Instrumental in orchestrating resolutions of contractual disputes and labor issues arising under the Meyers-Milias-Brown Act.

Environmental, construction and insurance mediations have included at least four parties relative to each mediation. Insurers involved have included AIG, Hartford, Travelers, Lloyds of London, Chubb and other insurers. Has become well known, trusted and respected amongst many insurers. As a result, has been able to facilitate settlements of several critical environmental and construction disputes.

Representative Issues Handled as a Mediator

Involved in a broad spectrum of mediations ranging from commercial business disputes to employment related disciplinary and discrimination matters. Has also been involved in several complex environmental remediation and insurance recovery mediations.

Has successfully mediated employment matters for the DFEH, including workplace discrimination matters, personality disputes, wage issues, sexual orientation matters, disability matters, disciplinary matters, promotional issues, workplace scheduling issues, grievances and wage disputes. Successful in resolving in excess of twenty-five employment related disputes as mediator for local agencies, DFEH and as an in-house attorney. Has also mediated or facilitated resolutions of over twenty disputes among labor associations and management representatives.

Other mediations have involved complex environmental matters under CERCLA and the Clean Water Act. These mediations have involved alleged dischargers and named parties in state and/or federal administrative actions. In addition, has facilitated the resolution of at least seven disputes with major insurance companies related to historic environmental contamination, and issues related to insurance policies issued in the 1970's and 1980's.

Mediator Style & Process Preferences

Mr. Bennett views the mediation process much like a congenial settlement process. He believes that mediations are opportunities for parties with different approaches to a dispute to understand the alternate side of the dispute, while working towards a common solution. Bennett often informs mediation participants that while it is possible that neither party may be overjoyed with a mediated result, they should leave the process satisfied that they have been heard, understood and that an equitable solution has been achieved. He views his role in the process to be that of a facilitator encouraging open discussion. As such, he uses a calm approach to mitigate tension and conflict. Moreover, his style is lively, interactive, humorous and engaging. He has been described as extremely knowledgeable, experienced, extremely well trusted, full of integrity and inherently fair.

Mr. Bennett attributes his congenial manner and approach to mediations to his upbringing in South Central Los Angeles. Growing up in Los Angeles provided him with the opportunity to develop an open style of communication, and with the ability to relate to all people. He approaches mediations

with full respect for all parties involved, and possesses a willingness to understand disputes from an open perspective.

Given his broad and extensive legal background, mediations are natural for Mr. Bennett. He has tried in excess of one-hundred court and jury trials, therefore he is very familiar with the litigation process, as well as the need to pursue amiable and final resolutions. He views mediations as opportunities to resolve disputes with certainty. He has spent the latter part of his career seeking to settle disputes through mediation and alternate dispute resolution; and relied on his litigation background to educate parties as to the virtue and efficacy of the mediation and/or alternate dispute resolution process.

Education	University of California Davis (JD-1982); University of California Santa Barbara (BA, Sociology-1979).
Professional Licenses	Admitted to the Bar: California, 1983; U.S. District Court: Central and Southern Districts.
Professional Associations	Earl B. Gilliam Bar Association; National Bar Association; Richard T. Fields Inland Empire Bar Association; Vermont Village Community Development Corporation (Board of Directors); Vermont Village Human Services Corporation (Board of Directors).
Recent Publications & Speaking Engagements	<p>"Employment Law - What Every Manager Should Know," National Attorneys General Training and Research Institute, 2013, 2014; "Mediation as a Tool in Employment Disputes," Inland Empire Employers Advisory Council and California EDD, 2013; "Sexual Harassment, Title VII, ADA and FMLA," National College of District Attorneys, 2010, 2007; "Property Litigation: Eminent Domain, Inverse Condemnation and Zoning," National College of District Attorneys, 2006; "Conducting Internal Affairs Investigations," San Diego Unified Port District, 2004; "A Preventative Approach to Civil Liability for Supervisors," Cities of Santa Ana Oceanside and San Diego Unified Port District, 1991, 1994, 1998, 2004; "Police Officer Terminations," League of California Cities, 1994.</p> <p>SPEAKING ENGAGEMENTS: "Mediation in the Modern Workplace," Inland Empire Employers Advisory Council/ California Economic Development Department, 2012; "Real Estate Contracts," American Association of Port Authorities, April 2009; "Employment Background Checks," National College of District Attorneys," December 2008; "Environmental Litigation Strategies," Law Seminars International, July 2008; "Property Related Litigation: Takings, Eminent Domain and Inverse Condemnation," National College of District Attorneys, December 2006; "Conducting Workplace Discrimination Investigations," Council on Education in Management, October 2006.</p>
Mediation Rate	\$450 Per Hour
Languages	English
Citizenship	United States of America
Locale	Poway, 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.