



AAA Mediation.org™

**FN-2712966 MN-2712966 LN-2712966,
Esq.**

Aliso Viejo, California

Current Employer-Title Rafferty Resolution - Arbitrator & Mediator

Profession Lawyer, Arbitrator, Mediator

Work History Partner, Thomas Whitelaw, 2021-Present; Federal Settlement Officer, US District Court, 2006-Present; Retired Partner/Of Counsel, Jones Day, 2008-2020; Partner, Sheppard Mullin, 1995-2008; Partner, Pettit & Martin, 1990-1995.

Experience Thirty years' experience advising businesses as a trusted advisor and trial lawyer in virtually every area of importance, including product development and sales, intellectual property and trade secrets, fiduciary duty breach, contracts, real estate, banking and finance, merger failures, and other areas of concern. Subject areas include oil and gas, computer software and hardware, retail and apparel, artificial intelligence and autonomous vehicles, technology, life sciences, real estate, manufacturing and distribution, executive coaching, collegiate concussive injury, federal forfeiture actions, leasing and real property. Specialty in class action litigation and familiar with the methods of settlement pertaining to such matters.

As for trial work, litigated in state and federal courts throughout the country, with last trial, consuming over four months, and involving a \$56,000,000 claim against a director for breach of fiduciary duty, resulting in defense verdict and \$2,000,000 award of costs.

Oil and Gas:

Negotiated ownership and control of pipelines underlying the LA basin following Chevron's acquisition of Texaco. Litigated issues pertaining to refinery operations. Handled real estate disputes on owned property and those subject to easement. Defended a massive class action pertaining to the use of personal information at the gas pumps in conjunction with credit card transactions.

Acquisition Disputes:

Handled the resolution of conflicts and disputes following large acquisitions, and specifically, the resolution of hold back controversies and disputes in the tens of millions.

Collegiate Football Concussions:

Knowledgeable, procedurally and substantively, about the substantial collegiate football concussion MDL based in Chicago that may ultimately decide whether liability exists pertaining to alleged football concussive injuries. Knowledge extends beyond the 400+ class action MDL itself, but also to non-stayed individual lawsuits pending throughout the country. Significant experience working with insurance companies, including the understanding of coverage and layering issues, occurrence and claims made policies.

Autonomous Vehicles and Artificial Intelligence:

Led theory and practice in this emerging area. Well written and published throughout the world in this regard. Aware of the regulatory and product liability issues associated with this technology. Knowledgeable of legal issues plaguing litigants in the areas of trade secrets, patents, NDAs,

mergers and acquisition failures, and joint venture tensions.

United States Forfeiture Work:

Resolved a dispute involving the possession of F-14 Tomcats following an effort by the U.S. Navy to rescind sale agreement(s) pertaining to the same. That dispute led to a visit to the infamous 309th Aerospace Maintenance and Regeneration Group in Tucson, Arizona.

Celebrity Defense:

Represented a famous rock band, rapper, defended litigation brought by a well-known radio personality, sued to enjoin disparaging parodies and advertisements brought against famous individuals, defended against a client's inadvertent misuse of celebrity likeness, settled title on a rare lost vehicle worth millions of dollars, and in all cases, successfully managed media interest.

DNA Patent and Licensing Litigation:

Represented a well-known life sciences company in the worldwide prosecution and defense of DNA nucleic acid technology which involved arbitration in Paris France, a second arbitration in New York, and then resolution of related patent litigation in Delaware.

Mediator Experience

Over 20 years' experience mediating all varieties of cases for the Orange County Superior Court (1995-2001), and United States District Court (2006-present) including oil and gas, business litigation, real estate, celebrity/misappropriation of likeness, product defect and consumer litigation.

Lectured on mediation topics for the Straus Institute, was an executive member for the first ADR Inn on the west coast, and teaches Negotiations Theory for Pepperdine's Cardoso School of Law/Straus Institute.

Ready to resolve disputes on any of the above-referenced subject areas nationally and internationally, via ZOOM or in person as needed.

Representative Issues Handled as a Mediator

Energy/oil and gas, commercial business disputes, intellectual property, real estate, trade secrets.

Mediator Style & Process Preferences

A practitioner and teacher of advanced negotiation theory and practice, possessing a complex array of tools and strategies to achieve settlements in any possible scenario, starting with careful study of the facts and issues underlying the dispute. Style is focused and direct. Where needed, will press the parties for insights as well as concessions. Will urge, plead, and recommend as needed. Will caucus with parties, and when needed, with the litigants themselves or the lawyers. Not a facilitator. Having attended a substantial number of mediations while representing the parties themselves, possesses a belief that mediators are hired to find a settlement as between parties that cannot otherwise accomplish it despite smart clients and highly capable lawyers. No client should engage a mellow mediator that goes along with the program. Engaging, and won't hesitate to tell the parties about the strengths and weaknesses or their case. Success thus requires high competency in the subject matter, and the ability to push the parties when needed to facilitate a settlement that may extend beyond comfort zones.

Education

Rutgers University (JD-1987); LaSalle University (BA, Sociology-2010; BS, Accounting-1981).

Professional Licenses

Admitted to the Bar: California, 1987.

Recent Publications & Speaking Engagements

PUBLICATIONS:

October 24, 2019, Will AI Please Take The Stand - Part Two, Daily Journal

October 4, 2019, Will AI Please Take The Stand - Part One, Daily Journal

June 26, 2019, Profile of Paul Rafferty, Daily Journal

April 8, 2017, Can Driverless Cars Steer Clear of Litigation, Metropolitan Corporate Counsel

February 17, 2017, USDC One-Two Punch For The Knockout, Daily Journal, Verdicts and Settlement.

October 2017, Emirates Law, Regulatory Considerations for Autonomous Vehicles, United Arab Emirates. November 2017- Legal Issues Related to the Development of Automated, Autonomous, and Connected Cars

October 2017, California Issues New Autonomous Vehicle Regulations

September 2017, Blind Spots Remain as SELF DRIVE Act Passes House

August 2017, SELF DRIVE Act Cruises from Committee to Full House
July 2017, Congress Moving into the Driver's Seat for Autonomous Vehicles
May 2017, Eyes on the Road Ahead: Product Liability Outlook for Autonomous Vehicles

Adjunct Professor, Pepperdine's Caruso School of Law/Straus Institute

SPEAKING ENGAGEMENTS:

January 23, 2020, "The Intersection of Ethics and Autonomous Vehicles," Presented with Cruise Automation. (CLE).

January 18, 2019, "Ethical Considerations For In-house Counsel Associated with AI and Autonomous Vehicles." (Silicon Valley; CLE).

January 20, 2018, "Ethical Considerations For In-house Counsel Associated with AI and Autonomous Vehicles." (Orange County; CLE).

February 8, 2018, "Is it Ever OK To Lie in Mediation." Presented with Honorable A. Guilford and Stephen Lepley, J.D. L.L.M., Pepperdine. (CLE).

October 5, 2018, "Mediating the Autonomous Vehicle Dispute." (CLE).

November 14, 2018, "Developments in Autonomous Vehicles." The Hague, Netherlands.

Podcasts:

December 2017, Jones Day (Paul Rafferty) Talks Technology: Artificial Intelligence ... Real Legal Issues

November 2017, Jones Day Talks Technology: Autonomous Vehicles: Who's Leading the Way?

March 2018, Jones Day (Paul Rafferty) Talks Technology: Autonomous Vehicles? Ethical Issues Confronting In-House Counsel

March 2018, California Approves Regulations for Driverless Autonomous Vehicles.

Mediation Rate	\$595 Per Hour
Languages	English
Citizenship	United States of America
Locale	Aliso Viejo, 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.