



AAA Mediation.org™

**FN-285 MN-285 LN-285, Esq.**

Issaquah, Washington



**Current Employer-Title** Stew Cogan – Arbitrator & Mediator

**Profession** Arbitrator, Mediator, Attorney

**Work History** Full-time Arbitrator and Mediator, 1996 – Present; Principal, Mills Cogan Meyers Swartling, 1981 – 1996; Attorney, Davis Wright Tremaine, 1976 – 1981.

**Experience** Twenty-eight years experience as full-time neutral performing services as arbitrator, mediator, referee, hearing officer, and special master. Prior to that, 20 years experience as attorney engaged in the following areas of law, among others: banking, business, commercial, corporate, contract, partnership, real property, and health care. Also experienced in creditors' rights and remedies; insolvency and bankruptcy; directors' and officers' duties and liabilities; real estate development, purchases, sales, and leases; secured transactions; and legal and medical ethics, discipline, and malpractice. Represented individuals, businesses, and non-profit and professional organizations of various sizes. Listed in The Best Lawyers in America (Arbitration) (Tier 1 - Metro Ranking) (2016 Lawyer of the Year - Arbitration - Seattle), (2020 Lawyer of the Year - Arbitration - Seattle), (2022 Lawyer of the Year - Arbitration - Seattle). Listed in The Best Lawyers in America (Mediation) (Tier 1 - Metro Ranking) (2017 Lawyer of the Year - Mediation - Seattle) (2021 Lawyer of the Year - Mediation - Seattle). Fellow, College of Commercial Arbitrators. Distinguished Fellow, American College of Civil Trial Mediators (President, 2015 - 2017). Fellow, Chartered Institute of Arbitrators. Named as a SuperLawyer for 25 consecutive years (1999-2023). Named as a Top 100 SuperLawyer 14 times since 2008. Named in Who's Who Legal: Mediation (Multiple years, including 2023) (One of about 100 in the United States).

**Mediator Experience** Have mediated more than 3,500 cases. Have addressed hundreds of discrete legal issues, both substantive and procedural, as both an arbitrator and a mediator. Arbitrated and mediated cases involving a variety of issues, including business purchase and sale, class actions of various types, commercial, condemnation, construction, contract, corporate and partnership dissolution, employment discrimination, environmental law, hospital and healthcare law, intellectual property, land use, partner and shareholder disputes, professional liability, real estate, taxation, trusts and estates, valuation of businesses and real estate, and wrongful termination.

**Representative Issues** Served as a mediator in more than 3,500 cases. Examples of cases mediated include the following:

## Handled as a Mediator

- Qui Tam and wrongful termination claims against health care institution (seven-figure settlement).
- Bad faith claim against insurance company (eight-figure settlement).
- Claim against health system for failure to provide required charity care (eight-figure settlement).
- Class action dispute involving changes to state-sponsored retirement plan for benefit of university faculty (eight figure settlement).
- Contribution dispute between two insurance companies on the same risk (seven-figure settlement).
- Dispute between public utility district and private contractor regarding connection fees (seven-figure settlement).
- Coverage dispute between homeowners' association and insurer relating to construction (multiple mediations with up to eight-figure settlements).
- Dispute between software provider and credit union regarding termination payment (seven-figure settlement).
- Construction dispute between contractor and museum (seven-figure settlement).
- Class action wage-hour claims (various mediations with settlements up to eight-figures).
- Patent infringement claim between game manufacturers (seven-figure settlement).
- Dispute between public utility district and private contractor regarding connection fees (seven-figure settlement).
- Coverage dispute between property owner and insurer relating to environmental contamination (multiple mediations with up to eight-figure settlements).
- Construction dispute between railroad and contractors regarding construction of railroad terminal (seven-figure settlement).
- Class action dispute involving failure of title insurance company to disclose to individual lenders encumbrances on properties securing loans (seven-figure settlement)
- Disputes between municipal bond issuer and multiple parties regarding ultra vires transaction, malpractice, etc. (multiple mediations with a series of settlements).
- Environmental dispute between state agencies and former owner of property (seven-figure settlement).
- Residential construction disputes (various mediations with settlements to seven-figures).
- Securities related claims between customers and broker-dealers (various mediations with settlements up to eight-figures).
- Class action dispute involving pharmacy reimbursements for drugs (eight-figure settlement).
- Disability insurance disputes (various mediations with settlements to seven-figures).
- Dissolution of professional practices (law, medicine, accounting, etc.) (various mediations).

## Mediator Style & Process Preferences

Most cases in mediation should, and do, settle. They settle for many reasons, the most important of which may be that settlement is generally a logical and rational way in which to resolve a legal dispute. When parties are able to realistically assess their positions, they usually reach the conclusion that mediation presents an opportunity to put their disputes behind them and to avoid the time, expense, emotion, and risk that litigation entails. My job is to work with the parties and their lawyers, and not to badger them into submission. I therefore generally employ a low-key approach designed to help the parties evaluate their options and the legal and external factors that may impact their decision-making process, but other approaches may be appropriate depending upon the participants in the mediation and the nature of the dispute.

## Education

Harvard University (JD-1976); University of California at Berkeley (BA, with distinction, Phi Beta Kappa-1973).

## Professional Licenses

Admitted to the Bar: Washington (1976); U.S. District Court: Western District of Washington (1980); U.S. Court of Appeals, Ninth Circuit (1981); U.S. Tax Court (1981); U.S. Supreme Court (1982).

## Professional Associations

American College of Civil Trial Mediators (Distinguished Fellow; President 2015 - 2017); College of Commercial Arbitrators (Fellow); Chartered Institute of Arbitrators (Fellow); ADR Roundtable (Charter Member); National Association of Distinguished Neutrals (Charter Member); American Health Lawyers Association (Arbitrator & Mediator); American Bar Association; Washington State Bar Association; King County Bar Association (Past President); King County Bar Foundation (Past President); Young Lawyers of Washington State (Past President).

## Recent Publications & Speaking Engagements

"Mediation: Why It Works, Why It Doesn't, and How It's Changing," King County Bar Association (2016); "Pesky Mediation Issues," American Arbitration Association Roundtable Discussion (2014); "Mediation in Bankruptcy," Federal Bar Association Bankruptcy Section (2014) (Panelist); "Land Use and Environmental Mediation," Washington State Bar Association Land Use Focus Group

(2014); "The Ethics of Dispute Resolution: What a Lawyer Can, Should, and Must Say in Negotiations, Mediation, and Settlement," Washington State Bar Association (2012); "Ethical Challenges and Consideration [in Arbitration]," Washington State Bar Association (2012) (Panelist); "Choosing a Mediator: What Difference Does a Robe Make?" NW Dispute Resolution Conference (2012) (Panelist); "Effective Advocacy in Mediation," Federal Bar Association (2011) (Panelist); "How to Best Utilize Formal Mediation," The Seminar Group (2011) (Panelist); "Getting to Arbitration," AAA (2009) (Panelist); "Dealing with the Exceptionally Difficult Client," Washington State Bar Association (2009) (Panelist); "How to Best Utilize Formal Mediation," The Seminar Group (2009); "Finding Success at Mediation: Skills that Make a Difference," Washington State Bar Association (2008) (Co-Chair); "Practice Tips: Mediation Skills," Washington State Bar Association (2008); "How to Best Utilize Mediation to Settle Business Disputes," East King County Bar Association (2008); "The Birth, Life, and Death of a Law Practice," Washington State Bar Association (2008) (Co-Chair); "Mock Mediation Presentation with Intermittent Panel Comments," Federal Bar Association of Washington (2008) (Panelist); "What Arbitrators Look for in Advocates," Private Firm (2007); "Arbitration and Mediation Practice Tips," Washington State Bar Association Best of CLE (2006); "Arbitration and Mediation Practice Tips," Washington State Bar Association Real Property, Probate and Trust Section Midyear Meeting (2006); "Mediating Commercial and Contract Disputes," NW Dispute Resolution Conference (2006) (Panelist); "Practical Tips for Arbitration and Mediation," Washington State Bar Association, (2006); "Motions Practice in Arbitration Proceedings," Washington State Bar Association (2006); "Mediation and Arbitration under TEDRA," Washington State Bar Association (2005) (Panelist); "How to Succeed in Mediation: With a Lot of Trying," NW Dispute Resolution Conference (2005) (Panelist); "The Ten Worst Mistakes Lawyers Make at an Arbitration," Private Law Firms (2004, 2005); "The Ten Worst Mistakes Lawyers Make at an Arbitration," AAA (2004); "Arbitration Advocacy," AAA (2003); "Breaking the Impasse: Moving from Stalemate to Settlement in Mediation," AAA (2002); "Ethics in Mediation," King County Bar Association ADR Section (2002); "Evaluation in Mediation," Federal Bar Association ADR Committee (2001) (Panelist); "Ethics in Alternative Dispute Resolution," Washington Law Institute (2001); "Ethical Problems in Mediation: Practical Problems & Hidden Issues," NW Dispute Resolution Conference (2000) (Panelist); "Ethics in Alternative Dispute Resolution," Washington Law Institute (2000).

**Locations Where Parties Will Not be Charged for Travel Expenses** In the Seattle Metropolitan Area Only.

**Mediation Rate** \$900 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** Issaquah, WA

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.