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Marina Del Rey, California



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Current Employer-Title American Institute of Mediation - Founder
The Mediation Offices of Lee Jay Berman - Mediator

Panelist Video <https://www.adr.org/videoresume?paramName=819125910>

Profession Mediator, Arbitrator, Neutral

Work History Commercial Mediator, The Mediation Offices of Lee Jay Berman, 1994 – Present;
Founder/President and Lead Trainer, American Institute of Mediation, 2008 – Present;
Mediator/Arbitrator & Umpire, PMA Dispute Resolution, 2011 – 2014; Director, Pepperdine Law School's "Mediating the Litigated Case" program, 2002 – 2009; Director, Santa Barbara Superior Court Administered Dispute Resolution (CADRe) Program, 1999 – 2000; Vice President of Land and Development, Los Angeles Division Ryland Homes; Director Land Acquisition & Pardee Environmental Group, Pardee Construction Company.

Experience AWARDS & HONORS:
Association of Media and Entertainment Counsel – Excellence in ADR (2024)
Chambers USA – Top Ranked Mediator, USA, 2018-2023, Band 1 2023 (Top 13 in the U.S.)
Who's Who Legal Mediation – Top International Commercial Mediators, 2013-2023
Who's Who Legal – Global Thought Leader, (2022)
Who's Who in ADR - ADR Times- (2022)
Clove-Millen Peacemaker of the Year - Southern California Mediation Association (2021)
L. Randolph Lowry Awards - Southern California Mediation Association (2010)
Distinguished Neutral of the Year - National Academy of Distinguished Neutrals (2017)
Top Ranked Mediator- Chambers USA (2017-present)
Acquisition Intl. Magazine Mediator of the Year, USA (2018-2020), California (2012-2020)
California Daily Journal – "Top Neutral" (2008 and 2009)
Mediator of the Year, U.S. Bankruptcy Court, California Central District, (2007)
Director, Pepperdine Law School's #1 Ranked "Mediating the Litigated Case" program (2002-2009)
Certified Mediator with the International Mediation Institute, The Netherlands (2009-Present)

Mediator Experience

As a full time mediator since 1994, has successfully mediated over 2,700 general civil cases at every stage of litigation (pre-, during and post-litigation, including cases on appeal). Always invites counsel and/or parties to contact directly with questions about experience or mediation style. Mediation experience has included the following:

Commercial cases including: several hundred domestic and international disputes including breach of contract, business-to-business (including intellectual property), franchise disputes, import/export, family businesses, international, corporate and partnership dissolutions (including law firms, medical groups), mergers and acquisitions, collections, factoring and bankruptcy.

Real Property cases including: several hundred cases involving every imaginable facet of real property matter from simple disputed escrow deposits to large, complex transactions, land use, CEQA, natural resource preservation matters, fraud, breach of contract, breach of fiduciary duty, failure to disclose, agency, negligent broker supervision and commercial landlord/tenant. After years in land acquisition with two very significant builders, negotiating complex 150-page contracts on 8-figure deals, and negotiating entitlements with government regulatory agencies at every level, is extremely qualified for any real property dispute.

Construction cases including: over 100 construction claims from homeowner-contractor to large communities including delay claims, overruns, non-payment, fraud, breach of contract, defects, mold, design claims, insurance coverage, time-on-risk, indemnity, excess and reinsurance. Claims have included everything from faulty construction to code violations to water intrusion to fire claims. Has worked with large, complex construction cases including residential and commercial properties (office buildings, hotels, mixed-use) including owners, general contractors, architects, and dozens of subcontractors.

Employment cases including: over 150 matters in employment discrimination (age, gender, religion, sexual orientation), employment harassment (sexual, union/non-union), wrongful termination (pregnancy, whistle blowers), breach of employment agreement, commission, and wage and hour. Has settled cases early, between two senior managers who were no longer speaking, and late (literally on the eve of trial). Many cases have included intellectual property issues surrounding trade secrets.

Personal Injury cases including: Over 200 wrongful death, catastrophic injury, vehicle rollover, large complex product liability and construction job site injuries.

Entertainment cases including: approximately 100 domestic and international intellectual property, technology, and new media cases including claims for accounting, breach of contract, slander, and liable ranging from computer game design to major motion pictures with Oscar-winning actresses and well known recording artists and other artists (including painters, photographers, sculptors, and restoration companies). Mediated the TV writers' age discrimination case that included all of the TV studios and talent agencies in L.A. and N.Y.

Health Care cases including: between 50-75 matters, mostly in medical malpractice. Cases have included hospitals, nursing homes, doctors, dentists and nurses.

International cases including: Several hundred cross-cultural cases including participants from every continent in the world. Has completed entire full-day mediations in other languages (Mandarin, Korean, Spanish), with and without translators.

Other cases including: energy, probate, and elder abuse (financial and elder care).

Representative Issues Handled as a Mediator

Business and Commercial: Several hundred cases involving claims for breach of contract, business and corporate matters, shareholder disputes and corporate dissolutions, trade secrets, unfair competition, bankruptcy, fraud, collections, and franchise and partnership disputes and dissolutions (including several law firms).

Real Property, Construction and Land Use: Several hundred cases involving construction claims, defects, delay and closeouts, design defects, land use, CEQA, environmental clean-up, natural resource protection, earth movement, disclosure, homeowner associations, lending, exchanges,

brokerage and other fiduciaries.

Employment: Several hundred cases involving claims for discrimination, harassment, wrongful termination, constructive termination, retaliation, whistle-blowers, and wage and hour claims, in both public/government and private sectors, and both individual plaintiffs and class actions.

Entertainment: Over 100 cases involving high-profile celebrities, intellectual property, new media, high-tech, involving film, television, music, gaming and custom software development.

Personal Injury and Legal and Medical Malpractice: Several hundred cases involving catastrophic injuries and death sustained in vehicle, trucking, railroad, slip and fall, construction sites, and claims for medical and dental malpractice, legal malpractice and other professional liability.

General Civil: Several hundred other cases, including insurance coverage, intellectual property, health care, elder abuse (physical and financial), and probate and trusts.

Mediator Style & Process Preferences

As a mediator who has successfully mediated over 2,700 cases and has trained over a thousand mediators, I've learned that really good mediators don't have just one style. Because every case has different dynamics, each one calls for different tools from the mediator, and expert mediators have to be proficient in all of them. Some cases require a stern, experienced neutral, analyzing parties' legal standing and evaluating their outcome probabilities, risk tolerance, and economic options. Other cases require hearing underlying issues and managing participants' emotions, psychology and negotiation and communication dynamics. Most cases require the mediator to do both. Knowing what is needed in each case, and having the ability to provide whatever it takes, is what I bring to the table as a mediator.

I have no set formula for how a mediation should be structured. I think each mediation process needs to be customized to fit the unique factors of that case. While I have conducted mediations in about every format imaginable, I begin most cases with separate meetings with each group (parties and counsel), often we do a joint session where the parties (and insurance adjusters) can look each other in the eye, then usually end up back in separate caucuses for most of the mediation. Having said that, it's safe to say that no two mediations are ever the same, and often private meetings with counsel, and even with just the clients (in rare cases and only upon consent of counsel) are what's needed to settle a case. I am seasoned, experienced, flexible, open-minded, creative, and very willing to follow the advice and intuition of counsel, who have lived with the case far longer than I will.

Most cases I mediate resolve in one day, even when counsel don't think they will settle, or think it will take much longer. This process, when delivered by someone with experience, intuition and perseverance, works almost all the time.

Technology Proficiency Zoom

Education University of California at Los Angeles (BA, Economics)

Professional Associations Distinguished Fellow, International Academy of Mediators, 2003-Present;
Charter Diplomat, National Academy of Distinguished Neutrals, 2010-Present;
Charter Diplomat, California Academy of Distinguished Neutrals, 2007-Present;
State Bar of California, Standing Committee on ADR, 2006-2009; Ethics Subcomm., 1998-2000
Chair, International ADR Subcommittee; Legislation Committee, Ethics and Standards Committee;
ABA Section on Dispute Resolution, National Chair, Training Committee, 2003-2007;
California Dispute Resolution Council (CDRC), 1995-present; Board of Directors, Executive
Committee, Mediation Legislation Committee, Chair, CDRC Qualifications and Standards
Committee, 1997-2003; Member, California Judicial Council drafting committee Rules of Court for
mediators;
Mediators Beyond Borders, Charter Mediator Member, 2009-Present;
Southern California Mediation Association, 1994-2018, Chair Courts Committee, 2005;
Los Angeles County Bar Association, Litigation, Real Property and ADR Sections, 1994-Present;
Beverly Hills Bar Association, Litigation, Real Property and ADR Sections, 2000-Present;
California Lawyers Association, 2018-Present;
Culver Marina Bar Association, 2018-Present;
Century City Bar Association 2018-Present.

Recent Publications & Speaking Engagements

Consultant, "A Litigator's Guide to Effective Use of ADR in California," CEB of State Bar of California; Director, "Mediating the Litigated Case" Program at Pepperdine Law School (ranked #1 nationally by U.S. News & World Report). Published dozens of articles on mediation and ADR in such publications as CALIFORNIA LAWYER, LOS ANGELES LAWYER, THE DAILY JOURNAL, EXTRA (also known as VERDICTS & SETTLEMENTS), SANTA BARBARA LAWYER, LOS ANGELES BUSINESS JOURNAL, SANTA MONICA BUSINESS JOURNAL, Mediate.com, CALIFORNIA DISPUTE RESOLUTION COUNCIL NEWS, and SOUTHERN CALIFORNIA MEDIATION ASSOCIATION NEWS. Served as ADR Editor for SANTA BARBARA LAWYER, 1999-2000.

SPEAKING ENGAGEMENTS: "Advanced Mediation Skills for Jordanian Judges," Pepperdine School of Law, 2007; "Harnessing the Tools of the Master Mediator," 2007; "Dealing with the Disclosure Moment in Hospitals," 2006; "Mediation Skills for Indian Judges," Delhi High Court, 2005; "Dealing with Difficult Moments in Healthcare, 2005; "Reaching Durable Resolutions to Workplace Conflict," Human Resources Knowledge Network, 2004; "Star: A Systematic Approach to Mediation," Pepperdine School of Law, 2004; "Advanced Mediation and Mediation Advocacy Skills, ABA, 2003; "Converting Arbitrations into Mediation, AAA, 2003; "The Soft Human Underbelly: Dealing with Emotions in Mediation," Southern California Mediation Association/ABA, 2003; "Strategic Negotiation Skills," With Strategic Resolutions Group, 2003; "Advanced Strategic Negotiation Skills, With Strategic Resolutions Group, 2003; "Mediation: The Art of Facilitating Settlement," With Strategic Resolutions Group, 2003; "Advanced Mediation Practice," Pepperdine School of Law, 2003; "Mediating the Litigated Case," Pepperdine School of Law, 2003; "Mediating Workers Compensation Claims," With Strategic Resolutions Group, 2003; "Negotiation and Claims Settlement," With Strategic Resolutions Group, 2003; "Commercial & Construction Mediation Certifications," Institute of Conflict Management, 2003; "Basic Court Mediation Skills," AAA, 2003; and various other speaking engagements. American Bar Association's Arbitration Training National Institute, 2004, 2005. Serves as speaker on mediation, negotiation, and conflict resolution. Also helps teach legal courses and trainings through various organizations.

Mediation Rate	\$12,000 Per Day
Languages	English
Citizenship	United States of America
Locale	Marina Del Rey, 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.