



AAA Mediation.org™

**FN-4043234 MN-4043234 LN-4043234,
Esq.**

Denver, Colorado



Current Employer-Title Moye White LLP - Partner

Profession Retired Judge, Arbitrator, Mediator, Attorney

Work History Partner, Moye White LLP, 2014-present; Colorado District Court Judge, 2000-2014; President and Director, Berryhill, Cage & North P.C., 1990-2000; Director, Roath & Brega, P.C., 1975-1989.

Experience Commercial Litigation: Represented clients in commercial litigation and business disputes, with an emphasis in banking and lender liability. Representative clients include JP Morgan/Chase Bank, Bank One, 1st National Bank of Englewood, 1st National Bank of Westminster, Lakeside National Bank, Littleton National Bank, First Colorado Bank & Trust, 1st National Bank of Fort Morgan, 1st National Bank of Burlington, 1st National Bank of Sterling, 1st National Bank of Holyoke, 1st National Bank of Telluride, 1st National Bank of Ouray, 1st National Bank of Ridgeway, Alameda National Bank, and Republic National Bank.

Also represented mobile home parks in Colorado and Utah (Planned Management Services; Kingsley Management Corp.; Community Marketing & Management, Inc.) and cattle feeders in Colorado, New Mexico, Nebraska, Texas, and Montana (Louis Dreyfus Corporation; Sparks Companies; Cattleco; Agri Tech, Inc.; Morgan County Feeders; 4-M Feeders; Ceres Incorporated; Sterling Colorado Beef); and homeowner associations (Telluride Lodge Association).

Family Law: In addition has represented numerous individuals in family law matters, including complex property disputes, marital agreements, and child custody cases.

Mediator Experience During 14 years on the district court trial bench, acted as a settlement judge in a number of areas, including contract disputes, business torts, lender liability, corporate, land use, and homeowner association disputes, and family law cases.

Mediator Style & Process Preferences Most every case -- there are some rare exceptions -- can be settled without a trial if the parties focus on a primary range of favorable (from each party's point of view) outcomes and if the parties are realistic about the potential downsides and negative outcomes of going to trial. A successful mediator must become educated about the nature of the dispute and the motivations of the parties --

information that the advocates need to provide; and, in turn, the mediator must know the applicable law and have the experience to assess what is most likely to happen if the case goes to trial so that he can honestly, affirmatively, and straight-forwardly advise the parties in order to precipitate a best-of-settlements for all involved.

This typically requires at the outset a confidential settlement memorandum from each of the parties, describing the nature of the dispute and each party's settlement position(s); followed by a careful analysis and legal research by the mediator before there is an actual mediation session. The format and length of the mediation session itself will vary, depending on the parties and their counsel and the number and complexity of the issues involved.

Education

Colorado College, B.A. magna cum laude, Phi Beta Kappa, 1968
Boettcher Scholar, 1964-1968
Trinity College, University of Dublin, Ireland, Postgraduate Diploma, 1969
University of Colorado School of Law, J.D., 1975; Managing Editor, Law Review

Professional Licenses

Admitted to the Bar: Colorado, 1975; U.S. District Court: District of Colorado; U.S. Court of Appeals: Tenth Circuit.

Professional Associations

National Institute of Trial Advocacy, 1982;
ATLA National College of Advocacy, Harvard University, 1983;
Faculty Member, Hastings Law School College of Advocacy, 1983;
Lecturer, Commercial Law League of America, 1988.
Member, Judicial Performance Commission of Denver County, 1995-97.
Member, Doyle Inn of Court, 2004-present,
Board of Directors, Central City Opera House Association, 1994-2015.
Board of Directors, Arvada Center for the Arts & Humanities, 2016 -- present
Director, The Colorado Trail Foundation. 2005 -2014.
Member, Colorado Historical Society, Rocky Mountain Map Society, American Alpine Club,
Denver Athletic Club, Cactus Club
Member Emeritus, Colorado Bar Foundation

Recent Publications & Speaking Engagements

PUBLICATIONS:

"Payee v. Depository Bank: What is the UCC Defense to Handling Checks Bearing Forged Instruments,"
45 U.Colo. L. Rev. 281 (1974).
"Trade Secret Litigation: Injunctions and other Equitable Remedies," 48 U. Colo. L. Rev. 189 (1977).
Editor, Ch. 16 "Preparation for Depositions," and Ch. 17 "Taking Depositions," in Federal Litigation Guide (Matthew Bender & Co. 1991).
"Using Deposition in the Courtroom," 39 Colo. Lawyer 49 (April 2010).
"Getting Business Records Into Evidence," CBA Business Law Newsletter (Oct. 2014).
"Getting Social Media Records Into Evidence," CBA Business Law Newsletter (Mar. 2015)
"Liquidated Damages: Would Yee Both Eat Your Cake and Have Your Cake?",
CBA Business Law Newsletter (Feb. 2016)

SPEAKING ENGAGEMENTS:

Lecturer on "The Law and the Folklore of Depositions" for the International Practicum Institute, 1983-2003.
Lecturer on expert witness testimony at the 2003 spring conference of the National Litigation Support Services Association, Boston, MA and the 2004 National Business Valuation Conference of the American Institute of Certified Public Accountants, Orlando, FL.
"Making Your Case: The Art of Persuading Jurors" presented at the 2010 annual conference of the Colorado Defense Lawyers Association.

Mediation Rate

\$495 Per Hour

Languages	English, Dutch, Spanish
Citizenship	United States of America
Locale	Denver, CO

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.