



AAA Mediation.org™

**FN-4825418 MN-4825418 LN-4825418,
Esq.**

Berkeley, California



Current Employer-Title Polland Resolution Services- Arbitrator and Mediator.

Profession Arbitrator and Mediator

Work History Arbitrator and Mediator, 2020-Present; Litigation Partner, Gordon & Polland LLP, 2008-2020; Litigation Partner, Barg Coffin Lewis & Trapp LLP, 2000-2008, Litigation Partner, Landels Ripley & Diamond LLP, 1996-2000; Litigation Partner/Associate, Griffinger Freed Heinemann Cook & Foreman LLP, 1992-1996; Litigation Associate, Shartsis Friese LLP, 1987-1992; Bank Examiner, Crocker National Bank, 1981-1984.

Experience Served as an arbitrator in over 50 cases, and as a mediator in over 150 cases. Prior to becoming a full-time neutral, litigated over 500 cases in state and federal courts, and before private arbitration panels, represented both plaintiffs and defendants. Arbitrate, mediate and litigated a broad range of business and commercial cases as described below.

Business divorce, owner buyout, dissolution, securities, shareholder and partnership cases, including claims for breach of buy-sell agreements, business sale, asset purchase and escrow agreements, operating agreements, joint venture agreements, and partnership agreements.

Contract disputes involving service agreements, purchase agreements, software licenses, franchise agreements, consumer agreements, equipment leases, surety agreements, healthcare payor provider cases, billing issues, and fee and vendor agreements.

Real estate cases including breaches of purchase and sale agreements, leases, financing agreements, partition issues, easements, environmental cases, and real estate valuation disputes.

Cannabis industry disputes, including disputes between business owners, between operators and providers of payment processing services, and between operators and their landlords.

Complex commercial and corporate cases, including business tort, intellectual property, unfair competition, professional negligence, fraud, breach of fiduciary duty, corporate law and governance, mergers & acquisitions and ERISA disputes.

Represented clients and arbitrate and mediate cases in many industries including commercial and residential real estate, construction, accounting, financial services, eCommerce, legal services, technology, software, telecommunications, wireless, cable, hospitality, travel, food, beverage, restaurant, entertainment, transportation, automotive, energy, natural gas, cannabis, agriculture, healthcare, medical devices, advertising, marketing, public relations, and franchises.

Extensive experience efficiently resolving discovery disputes (including eDiscovery) as a Discovery Facilitator for the Contra Costa County Superior Court.

Mediator Experience

Mediated over 150 cases including contract, landlord tenant, business ownership/control, employment, probate and commercial disputes. Serve on Settlement and Mediation Panels for Alameda, Contra Costa, Marin and San Francisco County Superior Courts.

Representative Issues Handled as a Mediator

Breach of contract, business ownership/control issues, business tort and breach of fiduciary duty, landlord tenant, probate/will contests, and employment disputes

Mediator Style & Process Preferences

I typically reach out separately to the attorneys for each party in advance of the mediation. I spent 33 years litigating cases, and have great respect for the work that litigators do. I ask for background about the case, and get to know each of the attorneys. These calls allow me to structure the mediation in a manner that meets the needs of the parties.

I encourage parties to exchange information in advance of the mediation, including the basis for damage calculations, and key documents and information that support their claims and defenses.

I take the time necessary to understand each party's position, and how their interests can be served through a settlement. Confidentiality is an essential pillar of mediation, and I do not share information provided to me in private caucuses unless authorized to do so by the party providing the information.

I work with each party to develop realistic settlement proposals that address the needs and interests of all parties. I also act as a sounding board. I generally do not share my view of the likely outcome of the case. However, in a private caucus and at later stages in the mediation, I may share my views regarding specific issues if requested to do so by the parties, and if I believe this information will facilitate settlement.

I find that Zoom works very well for conducting virtual mediations.

Technology Proficiency

Conducted over 75 virtual arbitrations and mediations. Significant experience addressing technology issues arising during the pre-hearing discovery process, including discovery of electronic documents.

Education

UC Berkeley School of Law (JD, Order of the Coif, American Jurisprudence Awards in Contracts, Labor Law, Commercial Transactions, and Corporations -1987); Wesleyan University (BA-1981).

Professional Licenses

Admitted to the Bar: California (1987); US District Court: Northern, Eastern, and Central Districts of California; US Court of Appeals: 9th Circuit.

Professional Associations

State Bar of California; American Bar Association.

Recent Publications & Speaking Engagements

Author: "Using Cost-Shifting Rules and Statutes to Increase Recoveries in Arbitration", Alternative Dispute Resolution, quarterly publication of the American Bar Association, March 2023

Speaker: "Attorney Fee and Cost Awards in Arbitration", presented at the American Bar Association's Dispute Resolution Conference, May, 2023; at a San Francisco Bar Association Webinar, March, 2023; and at American Arbitration Association Webinars, January, 2023 and July, 2024

Speaker: "Mass Arbitrations from the Arbitrator's Perspective", presented at the American Arbitration Association's Roundtable Brown Bag Series, May, 2022

Panelist: Orientation for New Temporary Judges of the San Francisco Superior Court, November, 2021

Speaker: "The Benefits of Mediation", presented to the East Bay Lawyers Affinity Group of ProVisors, June, 2021

Panelist: "Remedies in Real Property Litigation", presented to the Bar Association of San Francisco, 2015

Locations Where Parties Will Not be Charged for Travel Expenses No charge for travel expenses in San Francisco Bay Area.

Mediation Rate \$400 Per Hour

Languages English

Citizenship United States of America

Locale Berkeley, 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.