



AAA Mediation.org™

**FN-5105005 MN-5105005 LN-5105005,
Esq.**

Madera, California

Current Employer-Title Seng ADR - Arbitrator & Mediator

Profession Federal Judge, Attorney

Work History Arbitrator/Mediator, Seng ADR, 2020-Present; United States Magistrate Judge, United States District Court for the Southern District of California, 2019-2020; United States Magistrate Judge, United States District Court for the Eastern District of California, 2010-2018; United States Administrative Law Judge, Office of Disability Adjudication and Review - Social Security Administration, 2008-2010; Adjunct Professor, San Joaquin College of Law, 2000-2003, 1985-1987; Partner/Civil Litigator, Seng & Stratton Attorneys at Law, 2002-2008; Partner, Farley Seng DeSantos & Green Attorneys at Law, 1997-2002; Partner, Blumberg Seng Ikeda & Green A Professional Corporation Attorneys at Law (and predecessor entities), 1978-2008; Staff Attorney, Office of Hearings and Appeals - Social Security Administration, 1975-1978.

Experience Thirty years of civil litigation experience and 10 years as a federal judge.

Litigation experience was devoted to preparation for trial and trial of a very wide range of civil cases with a primary focus on complex business and professional liability cases. Experience included defending attorneys (on behalf of California's largest attorney mutual liability insurance company), accountants (on behalf of California's largest accountant mutual liability insurance company), banking institutions (for two of the country's largest national banks), and, to a lesser extent, insurance and real estate professionals. The need to address not only professional negligence but also the proper handling of the underlying case or transaction in attorney and accountant malpractice cases necessitated, in each case, quickly mastering the substantive law of the underlying matter, regardless of whether criminal, civil, transactional, tax, etc. Defended banks against lender liability, bookkeeper defalcation, forged and fraudulent check, personal injury, and other civil claims. Over the years, practice also included personal injury, wrongful death, product liability, contract, commercial code, real estate, crop loss and a variety of other cases generated by non-litigating tax, business, real estate and estate planning associates. Tried to verdict 15 jury trials and a similar number of court trials to judgement.

Judicial experience as a Federal Magistrate Judge entailed presiding over and adjudicating a perpetually replenishing docket of several hundred of the full range of civil cases filed in the United States District Court for the Eastern District of California, including commercial, banking, class action, employment, wage and hour, discrimination, negligence, personal injury, insurance, trademark, immigration, constitutional, civil rights, and misdemeanor criminal cases.

Duties included case management, legal research, scheduling, resolving and issuing orders and opinions on dispositive and non-dispositive discovery and other motions, conducting settlement conferences mediations and early neutral evaluations, and trying some 35 cases (22 bench, 13 jury) trials to conclusion during eight-year term as Magistrate Judge. Federal Administrative Law Judge duties included holding hearings and issuing written decisions on disability, other eligibility, overpayment and related claims filed and appealed under the Social Security Act. This required

review, analysis and development of detailed medical and other evidence, legal research, managing an average caseload of 300 cases, holding hearings to protect the rights of the claimant and the government, and issuing an average of more than 50 written decisions per month.

Mediator Experience

ADR experience extends over entire career as a practicing lawyer and as a judge. From 1995 through 2006, served as a Fresno County Superior Court Judge Pro Tempore, acting as an arbitrator or a settlement conference judge/mediator in approximately 70 cases. Case type covered the full panoply of cases litigated in California Superior Court. (Actual case records not maintained.)

As a federal judge, acted as a settlement conference judge/mediator in an estimated 50 cases, with a success rate believed to be above 90%. Again, case type covered the full range of cases litigated in Federal Court, with a disproportionate number of Civil Rights and wage and hour cases, including multi-party cases (e.g., employer/worker/labor contractor, packing house/grower/creditor).

Mediator Style & Process Preferences

Settle early. Litigation is extraordinarily expensive, time consuming, emotionally draining and hardly ever ends in trial. Thus, the earlier that almost inevitable settlement occurs, the less time, trouble and expense one wastes unnecessarily.

Education

University of Tennessee College of Law (JD-1975); University of Tennessee (BS-1969).

Professional Licenses

Admitted to the Bar: California (1975-inactive), Tennessee (1976-inactive).

Professional Associations

Federal Magistrate Judges Association; Federal Bar Association, Eastern District of California; California Bar Association; Association of Business Trial Lawyers, San Joaquin Valley Chapter; Fresno County Bar Association.

Recent Publications & Speaking Engagements

While on the bench, the following courses were created, course materials prepared, and presentations provided:

“Avoiding Sanctions, Discipline and Malpractice in, and on the Road to, the Courtroom”; Federal Bar Association, San Joaquin Valley Chapter; one of three judge panel; three-hour MCLE approved course; 2012.

“Ethical Considerations of Limited Scope Representation in Domestic Violence Cases”; Legal Services presentation; one of several successive speakers; one-hour MCLE approved segment; 2013.

“Sequoia/Kings Canyon Law Enforcement Ranger Legal Update Training”; two hour required bi-annual training; 2014.

“Bias”; Federal Bar Association, San Joaquin Valley Chapter; three-hour MCLE approved course; 2015.

“Civil Rights Litigation”; Federal Bar Association, San Joaquin Valley Chapter; one of two judge panel; two-hour MCLE approved course; 2015.

“Federal Trial Training: A Demonstration of Federal Civil Rights Trial Techniques”; Federal Bar Association, San Joaquin Valley Chapter; presided over multiple successive presentations; six hour MCLE approved course; 2016.

“An Orientation to Federal Court”; Association of Business Trial Lawyers, San Joaquin Valley Chapter; one-and-one half hour MCLE approved course; 2017.

Also initiated and presided over an Annual Law Day Yosemite celebration (now in its eighth year) from 2012-2018, in which nationally recognized speakers addressed the importance of law and equal rights in America before visiting state and federal judges, other dignitaries and several hundred rural area students.

Prior to judicial appointment, presented nine courses and published nine articles devoted to professional ethics and legal malpractice.

Mediation Rate

\$490 Per Hour

Languages	English
Citizenship	United States of America
Locale	Madera, 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 a 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.