



AAA Mediation.org™

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Riverside, California

Profession

Attorney, Arbitrator, Mediator, ADR Consultant & Trainer, Legal Educator

Work History

Arbitrator/Mediator/ADR Consultant, 1999-Present; Professor of Law, University of La Verne College of Law, 1999-2020; Judge Pro Tem, San Bernardino County Small Claims Court, 1999-2000; Director of Law & Public Policy, University of California - Riverside Extension, 1995-1999; Associate Attorney, Best Best & Krieger LLP, 1990-1995; Paralegal, Various Governmental Entities and Private Law Firms, 1977-1986.

Experience

Over 30 years of experience as a business litigator, law professor, practicing mediator, and arbitrator. Today, arbitrates and mediates on a full-time basis, both privately and as part of several panels, including American Arbitration Association, California Arbitration & Mediation Services, the California Association of Realtors, the Dispute Resolution Service Corporation of the Riverside County Bar Association, and the Riverside County Court.

COMMERCIAL AND CIVIL LITIGATION: Litigation experience at Best, Best & Krieger, LLP, included: complex real estate matters, construction defect, business torts, unfair competition, trade names and trade secrets, employment issues including discrimination and wrongful termination, municipal and public law, civil rights, equal protection, and antitrust.

MUNICIPAL AND PUBLIC LAW: While practicing at Best, Best & Krieger, LLP, represented many municipalities and public service agencies on a variety of issues. Lead litigator for a large Southern California city, thus am intimately familiar with municipal and public law issues, including land use planning, redevelopment, code enforcement, torts, public contracts, environmental law, CEQA, employment matters, and the unique challenges of settlement when settlement authority rests with a governmental entity. Have mediated numerous cases relating to claims up to seven figures involving local counties and the California Department of Justice. These matters have included wrongful termination, discrimination, sexual harassment, personal injury, and contract disputes.

REAL ESTATE: Have mediated and arbitrated claims involving commercial lease issues, as well as disputes involving the purchase and sale of both commercial and residential properties. Have also mediated matters involving real property insurance issues.

EMPLOYMENT: In addition to litigating wrongful termination and discrimination matters, have also mediated many cases involving age discrimination, race discrimination, sexual harassment, wrongful termination, and constructive termination.

EDUCATION: Professor Emerita at the University of La Verne College of Law, retiring in June 2020 after 21 years of teaching Mediation, Arbitration, Negotiation, ADR, Civil Procedure, Professional Responsibility, Remedies, and related seminars. Has recognized and acknowledged many civil procedure concepts to streamline arbitration matters and encourage settlement during mediation. Has used knowledge of legal ethics to mediate and arbitrate legal malpractice matters. As a law professor, most scholarship was in the areas of mediation ethics, online dispute resolution, and trust-building skills in an online platform. Most recent published articles are based on empirical

research in which findings were made that mediation participants trusted their mediator and found their mediator trustworthy to the same extent whether communicating face-to-face or virtually using a videoconferencing platform.

JUDGE PRO TEM: Served as a Judge Pro Tem for the San Bernardino County Small Claims Court during 1999-2000.

PUBLIC SPEAKING AND SERVICE: Speaks frequently on ethics and other ADR topics; a featured speaker for the PBS television show, Contemporary Legal Issues; published extensively on mediation ethics and civil procedure topics. Has authored a textbook in 2014: Advanced Guide for Mediators. Most recent research explores how mediators can develop trust and rapport in an online dispute resolution environment.

Served as co-chair of the Ethics Committee for the American Bar Association's Section of Dispute Resolution for several years until 2013, served as an invited member of the Section's Ethical Guidance Committee (2010-2019), and on a Civil Procedure panel of experts for the Legal Education, ADR, and Problem-Solving (LEAPS) Task Force.

Mediator Experience

Mediated cases since 1998 in all aspects of civil and commercial litigation, including legal malpractice, employment issues involving various types of discrimination, sexual harassment, wrongful termination and constructive termination, breach of contract, complex real estate matters involving commercial and residential leases and sales, business torts, unfair competition, trade names and trade secrets, personal injury, insurance coverage and bad faith defense. Mediated public law disputes involving municipal issues. Have researched and written on issues involving online dispute resolution since 2010, and have applied this theoretical knowledge to practice in virtual mediations since 2020. Mediated cases have ranged from \$10,000 to \$20,000,000 disputes involving pro se individuals to between two and four parties represented by counsel. Known for my patience and perseverance.

Mediator Style & Process Preferences

Studies show that the most successful mediators are those who develop a rapport with mediation participants, and the most satisfied parties are those who have prepared well for mediation. I strive to achieve these goals by carefully implementing specific behaviors to engender trust and confidence in the mediator and by working with mediation participants in advance of the mediation session. Since mediator style is not the best predictor of successful mediations, I offer a 360-degree style by suggesting ideas for mediation preparation, facilitating communication and creative ideas, and serving in a directive capacity as needed. As a nationally recognized expert regarding mediation ethics, I help parties in conflict to communicate in a positive manner regarding sensitive issues. I have a reputation for fairness and professionalism, and bring a people-centered approach to each mediation by exhibiting such behaviors as patience, perseverance, and perpetual optimism.

Technology Proficiency

Proficient in the use of Zoom videoconferencing platform. Conducted extensive empirical research regarding trust building skills in online platforms. Have actively managed hundreds of arbitrations and mediations on Zoom since March 2020. Willing to conduct arbitrations on Zoom, in person, or as a hybrid method.

Education

Pepperdine University (LLM, Dispute Resolution, Straus Institute for Dispute Resolution-2006); University of Wyoming (JD-1989); Central Pennsylvania College (ASBD-1978).

Professional Licenses

Admitted to the Bar: California (1990); US District Court: Central and Southern Districts of California (1990); US Court of Appeals: 9th Circuit (1990); US Supreme Court (2006).

Certified as MC3 Mediator, 2020.

Professional Associations

State Bar of California; American Bar Association and its Section of Dispute Resolution, previous co-chair of the Ethics Committee, served as an invited member of the Section's Ethical Guidance Committee (2010-2019), and on a Civil Procedure panel of experts for the Legal Education, ADR, and Problem-Solving (LEAPS) Task Force; Riverside County Bar Association; San Luis Obispo County Bar Association. Serve as a panel member for California Arbitration & Mediation Services and for the California Association of Realtors.

Recent Publications & Speaking Engagements

Speaks frequently on ethical and ADR topics; has been a featured speaker for the PBS television show, Contemporary Legal Issues, and has published extensively on mediation ethics and civil

procedure topics. Most recent research explores how mediators can develop trust and rapport in an online dispute resolution environment.

Have presented over 75 public trainings and presentations during past two decades, mostly related to mediation ethics, mediation preparation, online dispute resolution, trust-building skills, and online arbitration.

Books and Book Chapters:

Susan Nauss Exon, “Understanding Codes of Conduct for Mediators and MEAC Opinions” in Omer Shapira (ed.) *Mediation Ethics: A Practitioner's Guide* (ABA Publishing 2021)

Advanced Guide for Mediators (Carolina Academic Press 2014)

Teacher’s Manual to Advanced Guide for Mediators (Carolina Academic Press 2014)

Commentary in *MEDIATION ETHICS: CASES AND COMMENTARIES* 297-302, by Ellen Waldman (Jossey- Bass 2011).

Law Review Articles:

“Building Trust Online: The Realities of Telepresence for Mediators Engaged in Online Dispute Resolution,” 49 *Stetson Law Review* 109 (2019) (co-authored with Soomi Lee)

“Ethics and Online Dispute Resolution: From Evolution to Revolution,” 32 *Ohio State Journal on Dispute Resolution* 609 (2017)

Blog Articles:

Trusting Your Mediator: It May be Easier than You Think

Recommendations for Successful ODR

Arbitration Zooming

Locations Where Parties Will Not be Charged for Travel Expenses	Will not charge mileage within 25 miles of Riverside, CA and within 25 miles of San Luis Obispo, CA. Will not charge overnight travel expenses within 50 miles of Riverside, CA and within 50 miles of San Luis Obispo, CA.
Mediation Rate	\$5,000 Per Day
Languages	English
Citizenship	United States of America
Locale	Riverside, 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.