



Panelist Video

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Current Employer-Title

Welch ADR – Arbitrator, Mediator

Work History

Welch ADR, 2002 – Present; Founding Executive Director (Berkeley Center for Law, Business and the Economy, Boalt Hall School of Law, Berkeley Law School), University of California Berkeley, 2005 – 2006; Litigation Partner and Co-managing Partner of San Francisco Office, Ropes and Gray, 2003 – 2005; General Counsel of Robertson Stephens, 1995-2001; Litigation Special Counsel, O'Melveny & Myers, 1992-1995; Litigation Associate, Shearman & Sterling, 1989 – 1992; Litigation Associate, Kecker & Brockett, 1988 – 1989; Law Clerk to the Honorable D. Lowell Jensen, U.S. District Court Northern District of California, 1987 – 1988.

Experience

Thirty-three years' experience, first as a commercial litigator, then as the General Counsel of a technology-focused investment bank, and currently, for the last eighteen years, as a full-time arbitrator and mediator. Served as the arbitrator in over 220 disputes, including on three arbitrator panels and as the sole arbitrator. Practice has included a broad variety of industries and subject matters, including:

FINANCIAL SERVICES: arising from disputes between lenders in failed real estate syndicate; M&A transactions, theft of trade secrets.

PARTNERSHIP AND LLC DISSOLUTIONS: claims for breach of contract and fiduciary duty, fraud and rescission, valuation of partnership interests.

INVESTMENT DISPUTES: limited partnership issues in hedge funds, inappropriate investments.

TECHNOLOGY COMPANIES: licensing disputes including breach of exclusive license, failure to pay royalties, theft of trade secrets, fraud and misrepresentation, breach of contract.

DISCOVERY DISPUTES: particularly focused on e-discovery protocols and disputes.

eCOMMERCE: unfair business practices, fraud, breach of contract.

LEGAL ISSUES: including breach of fiduciary duty and duty of loyalty, indemnification and advancement, jurisdiction and arbitrability, trade secret law, FEHA issues, FLSA regulations, attorney's duties to clients, conflict of laws, and many others.

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EMPLOYMENT DISPUTES: trade secret theft, compensation disputes, breach of contract, ERISA violations, wrongful termination, FLSA claims, and discrimination claims including gender, race, disability, age and sexual harassment.

CANNABIS DISPUTES: including product licensing, venture and seed funding disputes and disputes between founders and Boards.

GENERAL BUSINESS DISPUTES: including claims for tortious business conduct, attorney-client fee disputes, misappropriation of trade secrets, accounting and valuation.

**Alternative Dispute
Resolution Experience**

Arbitrator in approximately 250 matters over the past 18 + years. Proficient in conducting virtual hearings.

Notable matters have included:

Sole arbitrator in dispute between technology company and ex-executive over theft of trade secrets, breach of fiduciary duty and California anti-hacking law.

Sole arbitrator in multi-million dispute arising from failed M&A transaction between public company and small private tech company in financial services. Claims included fraud, breach of contract, theft of trade secrets, rescission. Counterclaims included wrongful termination and fraud.

Sole arbitrator in actions arising from allegations of FLSA and California Labor Code violations, including issues of minimum wage laws.

Sole arbitrator in dispute arising from alleged failure of investment bank to conduct adequate due diligence in sale of private company.

Chair of panel in dispute between eCommerce companies over allegations of fraud, breach of contract and unfair business practices. Issues include complex legal questions such as conflict of laws.

Chair of panel in cross-border dispute arising from multi-million dollar fee agreement between high-profile investor and law firm. Issues included jurisdiction, arbitrability, fiduciary duty and fraud.

Panel member in dispute between venture capital fund and startup CEO arising from alleged fraudulent misrepresentations about startup's financial position and customer contracts. Claims included common law fraud (intentional and negligent misrepresentation) and securities fraud. Parties included the intervenor D&O provider.

Sole arbitrator in partnership dispute in broker-dealer industry. Multi-million dollar claims included breach of fiduciary duty, breach of contract and fraud. Valuation of partnership interests necessary.

Chair of panel in license dispute brought by medical devices maker for failure to

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pay royalties and fraud.

Member of panel in multi-million dollar dispute based on failed real estate syndicate. Claims for fraud, tortious interference with business, breach of contract, valuation and appraisal issues.

Discovery referee in dispute including complex e-discovery and expert discovery issues.

Sole arbitrator in multi-million dollar dispute in financial services industry based on CEO leaving to go to a competitor. Claims for breach of contract, trade secret misappropriation; breach of fiduciary duty. Counterclaims for ERISA violations.

Sole arbitrator in license dispute brought by major, privately owned services company against software provider for breach of warranties and breach of contract.

Member of panel in a claim brought by limited partner against a general partner in a hedge fund for breach of contract, breach of fiduciary duty.

Chair of panel in claims brought by manufacturer in cannabis industry against licensee for fraud, misrepresentation, violation of exclusive license agreement, breach of contract, rescission.

Sole arbitrator in claim for wrongful termination brought by CEO in technology company; counterclaims for breach of fiduciary duty.

Sole arbitrator in claim for placement in unsuitable investments, breach of fiduciary duty brought by private investors against investment adviser.

Sole arbitrator in claim brought by senior executive for wrongful termination based on sexual harassment.

Sole arbitrator in claim for constructive termination based on hostile work environment.

Sole arbitrator in claim brought by vendor against political campaign for breach of contract.

Sole arbitrator in dispute between law firm and former partner for breach of contract, breach of fiduciary duty, and preliminary relief.

Sole arbitrator in multi-million dollar complex dispute between two Fortune 500 companies over contract terms that affect price for the remainder of a multi-year contract. Expert testimony about price indices central to decision.

Alternative Dispute Resolution Training

ACE20 - Cyber Security: A Shared Responsibility, 2020; AAA/ICDR/AAA Mediation.org Panel Conference, 2019; AAA Arbitrator Faculty, Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2016 - 2020; CCA Annual Meeting, 2016-2020; Co-chair and faculty member, ABA Annual

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Arbitration Training Institute, 2018-2020; Faculty, AAA Red Flags & Risk Areas: Challenges to Arbitrator Authority ACE14, 2017; Faculty, AAA Dealing with Difficult Attorneys in Arbitration ACE13, 2016 and 2017; Faculty, AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2016-2019; AAA Navigating the Evidence & Discovery Roadmap in Arbitration, 2016; Faculty, AAA eDiscovery: Arbitration in a Digital World ACE12, April 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Arbitrator Use & Misuse of Experts, 2015; Faculty, AAA eDiscovery: Arbitration in a Digital World ACE12, 2015; Faculty, AAA Conducting Research & Investigations: The Arbitrator's Authority 2014; Faculty, AAA Principled Deliberations: Decision-Making Skills for Arbitrators 2014; AAA Webinar, Managing ESI Exchanges in Arbitration- Preparing Yourself for the New Landscape and New Challenges- Part 1, 2014; Faculty, AAA Principled Deliberations: Decision-Making Skills for Arbitrators, 2014; AAA, Conducting Research & Investigations: the Arbitrator's Authority, 2014; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2013; Faculty, AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2013; AAA/ICDR Neutrals Conference, 2012, 2009; Faculty, AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2012, 2011; AAA Webinar, How to Become a More Innovative Neutral or Advocate: Applying Cutting Edge Innovation Management Techniques to Your ADR Practice, 2011; AAA Arbitrator Ethics & Disclosure ACE03, 2008; AAA Dealing With Delay Tactics in Arbitration ACE04, 2007; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics ACE05, 2006; AAA Pro Se: Managing Cases Involving Self-Represented Parties ACE02, 2006; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2005; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2002; U.S. District Court, Northern District of California, Mediation Training, 2002; AAA Arbitrator I Training-Fundamentals of the Arbitration Process, 2002; University of California at Berkeley Extension, Mediation and Conflict Resolution, 2002; NASD Chairperson Training, 2002; AAA Arbitrator Update 2001; National Association of Security Dealers, Arbitrator Training, 2001.

Professional Licenses

Admitted to the Bar: California (1987); U.S. District Court: Northern (1987) and Central (1990) Districts of California; U.S. Court of Appeals, Ninth Circuit (1987). Active Member of California Bar # 129921.

Professional Associations

College of Commercial Arbitrators (Member of Executive committee and Fellow); FCI Arb (Fellow, Chartered Institute of Arbitrators); Co-Chair of the ABA Dispute Resolution Section's Annual Arbitration Training Institute, 2018-2020; Panelist on CPR's Banking and Finance and General Counsel Panels; Council Member, ABA Dispute Resolution Section, 2017-2020; Co-chair, Arbitration Committee of the ABA's Dispute Resolution Section (2015-2016); California State Bar Standing Committee on Alternative Dispute Resolution: Chairman, 2013-2014; (member of that committee from 2009-2014, including chairing committee on Ethics and Standard); Berkeley Law School (Boalt Hall) Alumni Association (Board of Directors; Past President; Past Executive Committee).

Education

University of California at Berkeley, Boalt Hall School of Law (JD, Order of the

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Coif-1987); Antioch College (BA, Anthropology-1973).

Publications and Speaking Engagements

PUBLICATIONS: Co-author, "Motions" in the College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration, Fourth Edition; "Ethical Conflicts of In-House Counsel," ACC DOCKET, February 2004; "Pandora's Box," article on waiver of attorney-client privilege in context of regulatory investigations, DAILY JOURNAL, September 8, 2003; "Up the Ladder Reporting," article on SEC attorney conduct rules, DAILY JOURNAL EXTRA, July 21, 2003.

SPEAKING ENGAGEMENTS: Panelist: US ADR Landscape Today, 2019 Florence Chamber of Commerce, Florence, Italy; Co-Chair, 2018, 2019 and 2020 ABA Arbitration Training Institute; Panelist: "Awards and Post Awards", 2020 and 2019 ABA Arbitration Training Institutes; "Managing the Hearing" 2016, 2017 and 2018 ABA Training Institute; Panelist, "Jurisdiction and Arbitrability", 2018 ABA Dispute Resolution Conference; Panelist, "Writing Awards", 2017 ABA Dispute Resolution Conference; Panelist, "Dispositive Motions in Arbitration", 2016 ABA Dispute Resolution Conference; Panelist, "Effective Advocacy in Arbitration", California State Bar Annual Meeting, September 2014, "Conducting an Effective and Efficient Arbitration," California State Bar Annual Meeting, October 2013 and September 2010; Panelist, ABA Annual Convention "Preventing a Runaway Arbitration"; Frequent Lecturer on "Ethics in the Corporate Context"; PLI "Understanding the Securities Laws", 2004-07; Panel Moderator on Post-Enron Regulation, ACC Gala, April 2005; California Governor's Conference on Women and Families, November 2004; Panel on Broker-Dealers and Investment Advisers, ABA Business Law Section, April 2004; Women Corporate Counsel Conference, September 2001.

Awards and Honors

Northern California Super Lawyer in ADR, 2020-2021; 2019-2020; 2018 National Journal ADR Champion; 2018 Acquisition International Award for Best Commercial Arbitrator in Northern California; Stephen Finney Jamison Award for 1987 graduate who best represents the qualities of advocacy and scholarship, UC Berkeley School of Law, 1987; Order of the Coif, UC Berkeley School of Law, 1987.

Locations Where Parties Will Not be Charged for Travel Expenses

San Francisco, East Bay, Marin County.

Citizenship Languages Locale

United States of America
English
Berkeley, California, United States of America

Compensation

Cancellation Period: 0 Days
Comment: Compensation rates, established by the AAA, are set forth in the applicable Consumer Arbitration Rules.

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