

FRANK BURKE, ESQ.
Mediator • Arbitrator
Education: A.B., Cornell University 1972
(Magna Cum Laude in Economics)
J.D., Harvard Law School 1975
Bar Admissions: Arizona and California

AREAS OF PRACTICE

Mr. Burke has 42 years of experience as a business trial lawyer in major national law firms, representing both plaintiffs and defendants in a diverse range of business disputes in federal and state courts in 26 states, China and Canada. As a full-time neutral, he has had significant experience mediating and arbitrating disputes involving individuals and small, midsize and large businesses, including family businesses. He handles mediation and arbitration matters in person in San Francisco, San Jose, Oakland, Sacramento and throughout California and on Zoom internationally.

He uses a mix of facilitative and evaluative approaches in mediation, depending on the situation and the parties' desires. He prepares intensively in advance of each mediation and believes in outside the box approaches and relentless follow-up.

He conducts arbitration hearings with a firm and fair hand, trying for innovative and streamlined ways to receive evidence with a minimum of duplication and undue expense to the parties. He believes in disclosure of witnesses, exhibits, experts and damages theories to be used at trial, with limited discovery of documents and depositions. He follows and applies the law and issues reasoned awards

Online Dispute Resolution: Mediate.com has recognized Mr. Burke as a Certified Online Mediator. Mr. Burke is available to handle matters remotely via Zoom. He has had extensive training and experience in the use of Zoom and uses it successfully. Zoom has been well received by parties and can lead to considerable savings in travel time and expenses.

Mr. Burke has extensive experience in the following areas of the law:

Business Disputes

- Contract, family business, complex commercial, merger and acquisition, class actions and derivative suits, securities fraud investment,

accounting and legal malpractice, antitrust, unfair competition and trade practices, healthcare, cannabis, franchise, debtor-creditor, qui tam and False Claims Act, banking and finance, accounting and taxation disputes.

Real Estate Disputes

- Real estate purchase and sale, landlord/tenant/lease, COVID-19, partition, environmental, construction defect, boundary line, easement, ADA access disputes

Corporate Governance and Business Dissolution Disputes

- Business divorce cases, corporate governance, partnership, LLC and corporate dissolution disputes.

Technology and IP Disputes

- Technology, trade secrets and intellectual property, e-commerce and terms of service, computer software, blockchain, ICO, cryptocurrency, e-discovery and cybersecurity, solar industry, energy and utilities disputes

Employment Disputes

- Wrongful discharge, sexual harassment, race, age, sex, pregnancy, disability discrimination, wage-hour, whistleblower disputes.

Insurance Disputes

- Insurance coverage and business interruption, sexual assault, personal and catastrophic injury, automobile, motorcycle, and truck-trailer accident disputes.

PROFESSIONAL EXPERIENCE

- **Founder, Frank Burke Mediation and Arbitration, PC (2017-present)**
Independent Arbitrator and Mediator
- **American Arbitration Association (2017-present)**
Member, National Rosters of Arbitrators, Commercial, Large Complex Cases and Energy Disputes, National Roster of Commercial Mediators
- **ADR Services, Inc., San Francisco and Silicon Valley (2017-2022)**
Mediator, Arbitrator, Temporary Judge, Special Master, and Discovery Referee
- **Partner, Foley & Lardner LLP, San Francisco and Silicon Valley (2014-2017)**
Business Litigation; Antitrust; Securities Enforcement & Litigation;

Government Enforcement & White Collar; Intellectual Property Litigation Groups

- **Partner, Seyfarth Shaw LLP, Los Angeles (2012-2014)**
Chair of the Los Angeles Litigation Department; firmwide practice area leader of the Antitrust and Trade Regulation team; firmwide co-leader of the False Claims and Internal Investigations team
- **Partner, Steptoe & Johnson LLP, Phoenix and Los Angeles (1994-2012)**
Firmwide practice group leader; Securities Litigation and Enforcement practice; Phoenix Commercial Litigation practice group; Managing Partner of the Phoenix office
- **Partner, Streich Lang, Phoenix (1985-1993)**
Executive Committee; Compensation Committee; Strategic Planning Committee; Ethics Committee; Co-leader, Writing Skills Program; In-House NITA Trial Program and Deposition Skills Program
- **Assistant United States Attorney, United States Department of Justice, Seattle (1980-1985)**
Member, Economic Crime Enforcement Unit and Liaison to SEC
- **Associate, Morrison & Foerster, San Francisco (1977-1980)**
- **Associate, Sherman & Howard, Denver (1975-1977)**

COURT MEDIATION PANELS

- U.S. District Court, Northern District of California Mediation Panel
- Bar Association of San Francisco Mediation Panel
- Santa Clara County Superior Court Mediation Panel
- San Mateo County Superior Court Mediation Panel
- Contra Costa County Superior Court Mediation Panel

MEDIATION AND ARBITRATION TRAINING

- Mediating Online Training, Mediate.com (2020)
- Mediation Training, San Francisco Superior Court (2019)
- Mediation Training, U.S. District Court, ND California (2019)
- Advanced Mediation, Straus Institute at Pepperdine University (2018)
- Advanced Mediation and Advocacy Skills Institute, ABA Section of Dispute Resolution (2017)
- Annual Conference, Association for Dispute Resolution of Northern CA (2017)
- American Bar Association Section of Dispute Resolution, Spring Meeting (2017)
- Arbitration Fundamentals and Best Practices for New AAA Arbitrators, AAA (2017)

- Arbitration Award: Safe Guarding, Deciding and Writing Awards, AAA (2017)
- Mediating the Litigated Case, Straus Institute at Pepperdine University (2016)
- Arbitration Case Law-Annual Update, ABA Section of Dispute Resolution (2016)
- Arbitrator Certificate Training, Bar Association of San Francisco (2016)
- Mediation of an Employment Case with Represented and Unrepresented Litigants, State Bar of California (2016)

HONORS AND RECOGNITION

- The Best Lawyers in America, Mediation, Arbitration, and Commercial Litigation
- California Super Lawyers, Alternative Dispute Resolution
- Martindale Hubbell, AV Preeminent Rating
- Mediate.com Certified Online Mediator

PROFESSIONAL AFFILIATIONS

- American Bar Association, Sections of Dispute Resolution, Litigation and Business Law
- Association of Business Trial Lawyers
- State Bar of California
- California Lawyers Association
- Bar Association of San Francisco
- Santa Clara County Bar Association, Co-Chair, Section of Real Property and Business Law