



**Jean M. Lawler, CIPP/US**  
**Commercial + Insurance Mediator and Arbitrator**

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**LADR**  
Lawler ADR Services

## **HIGHLIGHTS**

- My 37+ years of experience as a coverage and trial attorney in private practice allow me to quickly understand and simplify the challenges of complex litigation.
- I know litigation and insurance policies, and understand the insurance industry.
- My mediation approach adapts to the needs of each matter. I am a fan of pre-mediation conference calls, factual clarity, practicality, and openness to creative solutions.
- Am primarily conducting mediations online - @200+ online sessions since March 2020.
- I enjoy a high rate of success in helping lawyers help their clients resolve disputes.
- My online calendar can be accessed on the my website - to check dates, hold or schedule mediations.
- CIPP/US certified and ready to help resolve your data breach/ransomware subrogation, cyber and privacy suits.
- Have mediated 100+ ADA cases, of all types - Title II and III.

## **SUMMARY**

Based in Los Angeles, CA, I am an attorney, mediator and arbitrator, focusing on commercial, insurance and general civil matters pending at the trial and appellate levels. I regularly mediate a wide variety of insurance, business, and tort matters, as well as federal ADA accessibility lawsuits re architectural barriers and websites. CIPP/US (Certified Information Privacy Professional) certified, I also mediate matters involving data breaches, ransomware and cyber losses. Presently serving as Chair on an Arbitration Panel for an insurance dispute and am an AAA Commercial Arbitration Panelist, available to serve as an arbitrator in business and insurance matters.

Prior to becoming a full-time mediator in 2017, I was a Senior Partner in a Los Angeles based litigation firm, representing corporations, professionals, non-profits, individuals, and insurers in a broad range of matters, at trial and on appeal - mediating hundreds upon hundreds of cases over the years. My legal experience has been diverse and international and I have a deep knowledge of the insurance industry, insurance policies and the various risks they insure against (primary, excess, reinsurance, program, surplus lines, London Market, and international insurers). I also served as a Managing Partner of my former law firm, at times chairing the firm's Insurance Law, Cyber & Privacy Law, International Law, and Business & Real Estate Transactions practice groups. Ultimately, I served my many clients as counselor and trusted advisor with the same dedication that I bring to my dispute resolution practice. I absolutely love what I do and would be honored to serve as your Mediator or as an Arbitrator for your client's dispute.

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## **ADR PANELS**

- American Arbitration Association (AAA) Commercial Mediation Panel; Commercial + Consumer Arbitration Panels
- United States District Court for Central District of CA Mediation Panel
- California Court of Appeal, 2<sup>nd</sup> Appellate District, Mediation Panel
- Beverly Hills Bar Association Mediation Panel
- The CLM Inter-Insurance Dispute Panel

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## **PRACTICE AREAS**

American Disabilities Act (ADA)/Disability Rights  
Commercial + Business Disputes/Litigation  
Construction Defect  
Data Breach/Ransomware Subrogation/  
Cyber Insurance/Silent Cyber/Privacy/CCPA  
Employment Litigation  
Environmental + Toxic Tort  
Insurance Coverage + Litigation

Insurance Industry Disputes  
Intellectual Property Litigation (Coverage B  
"personal and advertising injury" disputes)  
International/Cross-Border Disputes  
Pre-Arbitration Contractually Required Mediation  
Professional Liability/Directors + Officers  
Real Estate Disputes  
Torts/Personal Injury/General Liability/Product Liability

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## EDUCATION + PROFESSIONAL TRAINING

- Straus Institute for Dispute Resolution, Pepperdine University School of Law, "Mediating the Litigated Case"
- Advanced Mediation Training - Edwards Mediation Academy
- Advanced Mediation Training - U.S. District Court of CA, Central District & Association of Attorney-Mediators
- International Commercial Arbitration Academy – JAMS + California Lawyers' Association
  
- JD - Loyola Law School, Los Angeles (Jessup International Honors Moot Court Team and Board)
- BBA (Finance) - Loyola Marymount University, Los Angeles
- Admitted to the Bar in CA, OR (inactive) and the USDC, Southern, Central, Northern & Eastern Districts CA

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## HONORS + EXPERIENCE

- CIPP/US – Certified Information Privacy Professional/United States (IAPP)
- Certified Mediator - Mediation Certification Consortium of California (MC3) [www.mc3certified.org](http://www.mc3certified.org)
- Rated AV-Preeminent by Martindale since 1997; Martindale's Bar Register of Preeminent Women Lawyers
- Southern CA Super Lawyer - 2006 - present (Insurance Coverage - 2006-17; ADR - 2018-present)
- Southern California Top Women Lawyers, since inception in 2011 (in 2016, one of 20 for Insurance Coverage)
- Women Leaders in the Law, 2021, 2022
  
- Lawler ADR Services, LLC – January 2017 to present
- Murchison & Cumming, LLP, Los Angeles, CA – Former Senior Partner and firm-wide Managing Partner; Chaired firm's Insurance Law, Cyber & Privacy Law, International Law, and Business & Real Estate Transactions practice groups

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## PROFESSIONAL AFFILIATIONS

- National Association of Distinguished Neutrals (NADN)
- American College of Coverage Counsel, Fellow and Founding Regent. Member, Cyber & Computer Crime Committee
- FDCC – Past President + Emeritus Member; As President, co-founded the inaugural "National Summit on the Right to Trial by Jury", 2005 (now ABOTA's 7<sup>th</sup> Amendment Summit)
- International Association of Privacy Professionals (IAPP); Women Leading Privacy
- Association of Attorney-Mediators (Board of Directors)
- The CLM
- Loss Executives Association
- Past President – Insuralex Global Lawyers Group (ranked Band 1 for Insurance by Chambers)

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## REPRESENTATIVE ISSUES HANDLED AS A MEDIATOR

**ADA/DISABILITY RIGHTS:** Numerous Title II and III ADA lawsuits regarding a wide range of alleged accessibility issues and architectural barriers at various types of business establishments open to the public, including nursing homes, care facilities, hotels/motels, medical/dental offices, restaurants, fast-food locations, gas stations, retail stores (including luxury stores), shopping malls, grocery stores, and small/local businesses. ADA lawsuits regarding website accessibility.

**COMMERCIAL/BUSINESS:** Subrogation suit vs. an IT managed service provider (MSP) following a ransomware attack on its servers that in turn affected its customers' computer networks, to recover ransom paid on behalf of a customer. Employment dispute involving status of claimant as either an independent contractor or an employee. Numerous commercial contract disputes. Appeal regarding the characterization of funds provided in connection with an IPO, i.e., loan or investment. Appeal regarding regulatory fees pertinent to material imported and disposed of in conjunction with surface mining operations at a municipal facility. Appeal in favor of a commercial service provider for unpaid invoices. Alleged breaches of commercial contracts in business v. business lawsuits. Lemon Law cases re sale of allegedly defective automobiles. Enforceability of Arbitration Agreement in commercial contract. Fraud lawsuits. Law firm partnership dispute. Fair Debt Collection Practices litigation. TCPA privacy litigation. Breach of Lease. Commercial leasing agreements.

**INSURANCE:** Coverage, or not, for employee theft under Commercial Crime policies issued to auto dealer, including agent/broker issues. Duty to settle cases where trial court judgments were in excess of the insured's policy limits. Availability of reinsurance to reimburse a municipality for millions of dollars it had collectively paid for multiple settlements arising out of one incident. Numerous lawsuits regarding insurance coverage issues and related claims for declaratory relief, breach of contract, bad faith, and unfair business practices under first and third-party insurance policies. Rescission of insurance policies for alleged misrepresentation in the application for insurance. Dispute over ownership of a deceased's life insurance policies and entitlement to life insurance proceeds. Insurance coverage and bad faith regarding reimbursement of defense and settlement amounts paid by insured in connection with an adverse arbitration award, against multiple excess-level indemnity insurance policies. Obligation of a settling defendant's insurer to pay attorney costs and interest attributable to a post-settlement attorney fee arbitration between the attorney and the insured. Declaratory relief regarding right of insurer to recover defense fees and settlement amounts paid pursuant to reservation of rights. Defense mediation with multiple

insured defendants and their insurers re allocation and funding agreements in preparation for later mediation with plaintiffs in underlying habitability lawsuit. Insurance coverage and allocation issues re underlying product liability litigation. Insurance coverage issues re insured status, insured location and other coverage issues involving lawsuit stemming from death of a resident from drug overdose at a rehab center. Underinsured motorist litigation. Duty to defend cases vs. insurance companies. Matters involving available indemnity for various types of losses under multiple insurance policies issued by different insurance carriers (including London Market policies), including allocation issues. Insurance coverage litigation re Tenant Improvements & Betterments under commercial property policy. Whether a 2860 Cumis Counsel conflict existed by reason of the nature of Insurer's reservation of rights and claim of insured to reimbursement by insurer for defense fees paid to its personal counsel in defending underlying catastrophic construction site injury case. Wildfire property loss claims under homeowner and commercial property policies.

**TORT/PERSONAL INJURY:** Numerous premises liability matters, including suits against various retail stores, grocery stores, a hospital, and the City of Los Angeles. Personal injuries arising out of trucking and auto accidents. Appeals from seven-figure \$\$ personal injury verdicts in favor of injured plaintiffs following trucking accidents. Product liability lawsuits seeking damages for personal injuries. Habitability lawsuit involving multiple tenants of apartment complex, alleging various uninhabitable living conditions. "Settlement days" involving premises liability lawsuits asserted against the same corporate defendant.

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### **ADR EXPERIENCE AS AN ADVOCATE**

When in practice, either as party counsel or monitoring/coverage counsel, mediated hundreds upon hundreds of matters involving a wide range of issues, including complex civil litigation and matters involving insurance coverage and/or insurance bad faith claims arising out of underlying lawsuits such as defective products in the US and abroad, fraud, financial and D&O claims arising from the 2008 banking collapse, Condo and Homeowner Association lawsuits, including D&O and construction defect related claims, construction defect actions, habitability/slumlord cases, cemetery malpractice cases, cyber/data breach losses, equine cases, farm/agriculturally based lawsuits, including crop issues, employment issues such as wrongful termination/hostile work environment and employee/independent contractor issues, sexual harassment and clergy abuse cases, professional liability lawsuits (attorneys, real estate/insurance agents + brokers, architects), environmental cleanup actions in CA and NV, including underground storage tanks, toxic tort chemical and pesticide exposure cases, homeowner fire and water damage losses, 17200 Unfair Business Practices claims, misappropriation of style of doing business and trademark infringement cases involving a wide range of words, images, and products, breach of contract and fraud cases, class actions, wrongful death, defamation, ADA, and even a declaratory relief action and appeal involving a murder for hire situation. I also arbitrated insurance coverage disputes.

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### **RECENT SPEAKING ENGAGEMENTS**

- *Mediating Data Breach, Ransomware, Cyber & Privacy Lawsuits, Live Webinar, CLM (November 2021)*
- *Let's Talk Privacy! Impacts of Privacy Legislation + Lawsuits on our Practices, Clients + Firms, Live Webinar, FDCC (April 2021)*
- *Is your Mediation Really Confidential? Live Zoom Discussion, 360° ADR – Midweek Talk (March 2021)*
- *9/11 Litigation and Mediation Lessons Learned, Live Webinar, FDCC (February 2021)*
- *Mediating Cases Involving Liability When There is No Coverage - Part II: Cases with Both Covered and Non-Covered Claims, Live Webinar, The CLM (December 2020)*
- *Coverage Issues Related to Data Breaches, National Law School of India University, Law & Technology Society, Live Webinar (October 2020)*
- *Settlement and Assignment Following Breach of the Duty to Defend, American College of Coverage Counsel Annual Meeting (September 2020)*
- *Online Mediation Confidentiality, Association of Attorney Mediators (July 2020)*
- *Online Mediation: Prepare for Settlement Success – A Zoom Webinar for Attorneys, Live Webinar, Southern California Mediation Association (June 2020)*
- *Mediating Cases Involving Liability When There is No Coverage - Part I: Americans with Disabilities Act (ADA) Cases, Live Webinar, The CLM (April 2020)*
- *Faculty, Insurance Coverage Training Academy: CGL Boot Camp, FDCC Winter Meeting, Scottsdale, AZ (March 2020)*
- *Data Breach Litigation in the 2020 Landscape: Practical Tips and Strategies to Avoid the Pitfalls, Live Webinar, The Knowledge Group (January 2020)*
- *Mediating Before and After Judgment, FDCC, Annual Meeting, Sun Valley, ID (August 2019)*
- *Legal Analytics, Big Data and You: The Future of Litigation Management, How We Practice Law & Evolving Ethical Considerations – Tomorrow's Tools Today, ADTA Annual Meeting, Austin TX (April 2018)*
- *Insurance Masters Series: Cyber Claims and Legal Trends, Murchison & Cumming, webinar (November 2016)*
- *Insurance Roundtable: Disruptors - Technology and Product Liability Exposures, Murchison & Cumming, webinar (June/October 2016)*
- *Cyber and Data Breach Losses: Recent US Court Decisions, Risk Management & Investigations, London (May 2016)*