



Kenneth M. Malovos

Mediator

Arbitrator

Special Master

Discovery Referee

Temporary Judge

Ken Malovos has been a trial lawyer and litigator in Sacramento for over 35 years. He has appeared regularly in state and federal courts for law and motion hearings, settlement conferences, court trials, jury trials and appeals, representing both plaintiffs and defendants. He has also participated in countless arbitrations and mediations as an advocate.

Throughout that entire time, he has maintained a steady interest in the art of settlement. As a practical matter, the vast majority of cases do settle, it is only a question of when and on what terms. It is his strong belief that the best and earliest settlements come about through the use of a competent and interested mediator who has real litigation experience as an advocate.

Since 1988 he has served as a pro tem settlement judge and judicial arbitrator for the Sacramento County Superior Court. He serves as a neutral for the American Arbitration Association on their Construction, Commercial and Large Complex Case panels, both as an arbitrator and as a mediator. In addition, he is an arbitrator on the Public Works Contract Program for the Office of Administrative Hearings.

For the past 10 years, he has served as a neutral in over 250 cases. He is well versed in a wide variety of business disputes.

- **Construction Claims & Defects**
- **Contract**
- **Employment Discrimination/Wrongful Discharge**
- **Insurance Coverage**
- **Intellectual Property**
- **Partnership/Corporation Dissolution**
- **Probate**
- **Product Liability**
- **Professional Malpractice**
- **Real Estate**

Education: J.D., Hastings College of the Law, 1969
(American Jurisprudence Award, Wills)
A.B., Stanford University, 1966
(Honors Tutorial Program, Philosophy)

Bar Admissions: California State Bar (1969);
U.S. Supreme Court (1984);
U.S. District Court, Northern District of California (1970)
and Eastern District of California (1984);
Ninth Circuit Court of Appeals (1970).

ADR Affiliations: Superior Court Judge, Pro Tempore, and Judicial Arbitrator,
Sacramento County Superior Court.

Panel Member, Mediator, Arbitrator and Large Complex Cases,
American Arbitration Association.

Panel Member, Public Works Contract Arbitration Program, Office
of Administrative Hearings, State of California.

Panel Member, Arbitration Works, Inc.

Arbitrator, California State Bar Association and Sacramento County
Bar Association, attorney/client fee disputes.

Chair, ADR Section of the Sacramento County Bar Assn.

ADR Training: American Arbitration Association (Sacramento) Arbitration I (1993);
American Arbitration Association (San Francisco) Arbitration II
(2002); Steven Rosenberg (San Francisco) Advanced Mediation
Training (2004); Institute for Conflict Management (Santa Monica)
Mediation Training (2006).

Legal Affiliations: President, Sacramento County Bar Association (1994); Member
Sacramento County Bar Association (1972 to present); Member,
Sacramento County Bar Council (1988 – 1994); Founding Chair and
Member, Construction Law Section; Member Fee Arbitration
Committee (1988 to present); Chair, Judicial Review Committee
(1990 – 1993); Chair and Member, Judiciary Committee (1982 –
1984, 1992 – 1994); Member, Alternative Dispute Resolution Section
(1990 to present), Chair (2000 to present).

President, (1998-2001) and Member (1995 – 2001), Board of
Directors, Legal Services of Northern California.

Faculty Member, Hastings College of the Law, College of Advocacy,
Business Litigation Institute (1997–2000).
Adjunct Professor of Law (Trial Practice), King Hall Law School

University of California, Davis (1982-1985).

Member, Board of Governors, Hastings Law School Alumni Association (1990 – 2001); President, Sacramento Chapter of Hastings Law School Alumni Association (1989 – 1993).

Member, American Bar Association; ABA Section of Litigation, Section of Dispute Resolution and Construction Law Forum; Delegate, Sacramento County Bar Association, ABA House of Delegates (1995 – 1999).

Master of the Bench (Emeritus), Anthony M. Kennedy American Inn of Court.

Martindale Hubbell (AV).

Personal Statement: I promise each litigant and each counsel my best effort at a fair and equitable settlement. I will listen. I have been an attorney in thousands of cases and I know how important it is to consider every fact and every point of law. I doubt that you will find anyone who will work harder. If asked to decide a question, either as an arbitrator, trial judge or referee, I will produce an impartial and legally-supportable answer to the dispute. I have tremendous respect for our legal system and believe that I can assist in resolving almost any type of case.

Quotes from Attorneys:

“As I mentioned to you, we had little hope or expectation that this matter would be settled through mediation because of the chasm between the parties’ positions. I thank you for your efforts and acumen in resolving this dispute.”

“Ken Malovos is the most effective mediator I have used in my thirty years as a construction litigator. His high level of expertise in construction law is matched by his patience and creativity to methodically direct the discussions toward settlement. Mr. Malovos has a gentle and persistent manner that enables the clients to find their way to an agreement. I would enthusiastically recommend Mr. Malovos to mediate any construction dispute, especially where you are convinced that the case cannot settle.”

“This is to express our sincere thanks and appreciation for the excellent services you provided as mediator in the above-referenced matter. Your skill, temperament and sensitivity to both the legal and emotional complexities involved in the case served both parties well. Thank you for your assistance.”

“I believe that it was only through your efforts that this matter was settled to the satisfaction of both parties.”

“Thank you for your mediation efforts as they were invaluable in bringing this matter to an early resolution.”

“The case that you helped resolve was a case that I would have told everybody was simply not going to be resolved by arbitration or mediation. It was a case where relatives were at each other’s throats over an inheritance and the attorneys were not doing much better in trying to control their clients and trying to reach a settlement. The expertise and calmness that you brought to the proceeding were able to bring the two sides, which were totally at different ends of the playing field, to an equitable and reasonable compromise and settlement at mid-field.”

“Thank you again for your professional and diligent services as our mediator in this matter. I have no doubt that, but for your mediation, this matter would not have settled.”

“Mr. Malovos came highly recommended by one of my colleagues and his services proved to support such a high recommendation. I was pleased with his fair minded approach and efficient resolution of our mediation.”

(Attorneys’ names withheld because of mediation confidentiality.)

Procedures:

Quiet and comfortable hearing rooms available on premises. Plenty of free parking. Easy freeway access off of Highway 50. Nearby restaurant.

Mediations usually start with a joint session at which counsel will make a brief factual presentation of the case. This will be followed by closed sessions with each party and counsel. All statements made in closed sessions are confidential and will not be repeated to the other side without express consent.

Briefs are to be submitted four (4) days in advance of the mediation session and exchanged with the other parties. Confidential information can be provided under separate cover. Clients with full authority to resolve all issues must be in attendance at all sessions. Expert witnesses may be utilized in joint or closed sessions of mediations, at the discretion of counsel.

For **arbitrations**, there will be a written award, consisting of the basis and rationale on all issues within 30 days, unless otherwise agreed.

Briefs and exhibits are to be submitted one week in advance of the arbitration hearing and exchanged with the other parties. The use of a court reporter at arbitrations is at the discretion of each party.

For **special master/referee engagements**, most sessions will be conducted by joint conference call, after briefing by the parties. A tentative ruling will be issued before the hearing. The order will be served on the parties and the court promptly thereafter.

Rates:

Mediation and arbitrations: \$3,500 per day, payable in advance. The fee is a retainer to save the day and is non-refundable. The entire fee must be received seven (7) days before the hearing or it will be canceled. If the hearing is postponed, the fee will be fully transferable to the new date. Half-day rates available.

Referee: \$350 per hour, paid in advance.

Travel outside of Sacramento or San Francisco is charged at the rate of \$150 per hour. All costs and fees are borne equally by the parties, unless otherwise agreed.

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