



The Mediation Offices of Lee Jay Berman

MEDIATION CURRICULUM VITAE LEE JAY BERMAN

GENERAL DESCRIPTION

Mr. Berman is uniquely qualified and experienced in the field of mediation, which leads to his consistently posting resolutions rates over 90% every year. His deep understanding and experience with the mediation process, risk analysis, legal rights and remedies, court systems, negotiation theory, people, motivations, difficult personalities, and the neuroscience of what drives people in conflict, along with his unique experiences in and out of the court system, law schools, mediation rooms and training judges and mediators all over the world are the primary reasons for his being chosen to resolve the most complex legal matters and highly emotional and intractable disputes. Mr. Berman organizes parties and issues into logical, digestible order, and he is a very quick study who rapidly identifies where the conflicts are and in what order they need to be resolved. For this reason, he is frequently engaged to manage the most complex disputes with multiple parties, multiple layers of insurance, cross complaints between all parties, and complex business and financial issues. He is also highly effective with emotionally charged disputes where one or more of the parties requires extra attention, or where the information is highly confidential, complex or sensitive.

WORK HISTORY

The Mediation Offices of Lee Jay Berman – Commercial Mediator; 1994 to Present
American Institute of Mediation – Founder, President and Lead Trainer; 2008 to Present
PMA Dispute Resolution – Mediator, Arbitrator & Umpire; 2011-2014
Director, Pepperdine Law School’s “Mediating the Litigated Case” program 2002-2009
Santa Barbara Superior Court, Director, Court Administered Dispute Resolution (CADRe) Program, 1999-00
Ryland Homes, Vice President, Land and Development, Los Angeles Division
Pardee Construction Company, Director Land Acquisition & Pardee Environmental Group

ADR CREDENTIALS

Unmatched experience in the field of mediation
Successfully mediated over 2,100 cases in over 22 years as a full-time mediator
Who’s Who Legal in International Commercial Mediation 2012, 2013, 2014, 2015, and 2016
Mediator of the Year – California, Acquisition International’s M&A Awards 2012, 2013, 2014, 2015, and 2016
“Top Neutral” California Daily Journal 2008 and 2009
Mediator of the Year, U.S. Bankruptcy Court, California Central District 2007
Director, Pepperdine Law School’s #1 Ranked “*Mediating the Litigated Case*” program 2002-2009
Certified Mediator with the International Mediation Institute, The Netherlands 2009 to Present
Intl. Dispute Resolution Expert, United Nations Development Programme 2008 to Present
Administered several hundred mediations as ADR Director of the Santa Barbara Superior Court
Chaired statewide committee that published CDRC Standards of Practice for California Mediators in 1998



Distinguished Fellow
International Academy of Mediators



Internationally Certified Mediator
International Mediation Institute



Charter Diplomat, National
Academy of Distinguished Neutrals



Charter Diplomat, California
Academy of Distinguished Neutral



Top Neutral
The Daily Journal LA/SF



20 Years in Practice

ADR PANELS

American Arbitration Association – “Master Mediator” for Employment Mediation; National Registry of Mediators & Arbitrators – Business & Commercial, Employment, Construction, and Healthcare Disputes
International Mediation Institute, The Netherlands
Financial Industry Regulatory Authority (FINRA, formerly National Association of Securities Dealers)
United States Bankruptcy Court, Central District of California
California Second District Court of Appeal
Superior Courts of Los Angeles, Santa Barbara, Kern, and Sonoma Counties
American Health Lawyers Association
Hospital Association of Southern California

LEGAL & ADR ORGANIZATIONS

Distinguished Fellow, International Academy of Mediators, 2003-present
Charter Diplomat, National Academy of Distinguished Neutrals, 2010-present
Charter Diplomat, California Academy of Distinguished Neutrals, 2007-present
State Bar of California, Standing Committee on ADR, 2006-2009; Ethics Subcomm., 1998-2000
Chair, International ADR Subcommittee; Legislation Committee, Ethics and Standards Committee
ABA Section on Dispute Resolution, National Chair, Training Committee, 2003-2007
California Dispute Resolution Council (CDRC), 1995-present; Board of Directors, Executive Committee, Mediation Legislation Committee, Chair, CDRC Qualifications and Standards Committee, 1997-2003
Member, California Judicial Council drafting committee Rules of Court for mediators
Southern California Mediation Association, 1994-present, Chair Courts Committee, 2005
Los Angeles County Bar Association, Litigation, Real Property and ADR Sections, 1994-present
Beverly Hills Bar Association, Litigation, Real Property and ADR Sections, 2000-present
Mediators Beyond Borders, Charter Mediator Member, 2009-present

COMPLEX CASE EXPERIENCE

Successfully mediated over 2,000 civil mediations, before, during and after litigation, specializing in complex, multi-party litigation including business litigation, construction and construction defect, wage and hour, mass consumer claims, product liability, medical malpractice and wrongful death. Sample cases have included:

Single plaintiff v. multiple defendants: including construction defect and product liability claims with anywhere from 4 to 30 defendants, including complex insurance issues involving time on risk, coverage disputes, excess and surplus lines, reinsurance, AI endorsements, indemnity provisions, SIRs, deductibles, TPAs, and title insurance, and complex negotiation issues including comparative negotiation (“looking sideways”), global contingencies, White waivers, and more.

Multiple plaintiff v. single defendant, including mass claims, such as large groups of students suing private colleges for claims of fraudulent misrepresentation, fraud in the inducement; wage and hour claims; and auto roll-over cases with multiple deaths and/or extended hospital stays and limited insurance; and classes not certified, including all kinds of similarly situated plaintiffs.

Complex Multi-party all suing/complaining against each other, including claims for injunctive relief, specific performance, fraud, RICO and more, involving such issues as environmental clean-up, real estate transactions with buyer-seller-escrow-Realtors-title disputes, complex commercial disputes, transactions, insurance disputes, and construction disputes that involve indemnity provisions.

Simple Multi-party including groups with diverse interests and perspectives, that would end up in complex litigation, such as members of a rock-and-roll band, shareholders, and partners, where everyone would be suing or arbitrating against everyone, and when confidentiality is paramount, including work teams and trade secrets.

OTHER ADR CASE EXPERIENCE

In over 23 years as a neutral, and 2,200 cases, Mr. Berman has successfully resolved a wide variety of cases:

Business and Commercial: Several hundred cases involving claims for breach of contract, business and corporate matters, shareholder disputes and corporate dissolutions, trade secrets, unfair competition, bankruptcy, fraud, collections, and franchise and partnership disputes and dissolutions (including several law firms).

Real Property, Construction and Land Use: Several hundred cases involving construction claims, defects, delay and closeouts, design defects, land use, CEQA, environmental clean-up, natural resource protection, earth movement, disclosure, homeowner associations, lending, exchanges, brokerage and other fiduciaries.

Employment: Several hundred cases involving claims for discrimination, harassment, wrongful termination, constructive termination, retaliation, whistle-blowers, and wage and hour claims, in both public/government and private sectors.

Entertainment: Over 100 cases involving high-profile celebrities, intellectual property, new media, high-tech, involving film, television, music, gaming and custom software development.

Personal Injury and Legal and Medical Malpractice: Several hundred cases involving catastrophic injuries and death sustained in vehicle, trucking, railroad, slip and fall, construction sites, and claims for medical and dental malpractice, legal malpractice and other professional liability.

General Civil: Several hundred other cases, including insurance coverage, intellectual property, health care, elder abuse (physical and financial), and probate and trusts.

MEDIATION, NEGOTIATION & ADR TRAINING EXPERIENCE

In addition to his career as a mediator, Mr. Berman is highly sought after as a speaker and trainer, including:

Pepperdine Law School's Director, *Mediating the Litigated Case* program, 2002-2009

ABA Dispute Resolution Section, National Chair, Training Committee, 2003-2007

American Institute of Mediation, founder, President, Core Faculty, 2008 to present

Harvard Negotiation Insight Initiative at Harvard Law School, Advisory Board

California State University Northridge, Tseng College mediation program, Advisory Board

U.S. Agency for International Development (USAID), Advanced Trainer, Croatia Project

Institute for the Study and Development of Legal Systems, Mediation Trainer, Delhi High Court, India

American Arbitration Association, Court Mediation Skills Trainer

Los Angeles County Bar Association, Advanced Mediation Skills Trainer

Institute for Mediation Studies, Founder, Director and Trainer, 1994-2008

Institute of Conflict Management, Lead Mediation Trainer

California Contractor's State Licensing Board – Trainer

California Continuing Education of the Bar, seminar leader on ADR Ethics & Advocacy

Guest lecturer or trainer for:

- University of Texas, Austin, Center for Public Policy Dispute Resolution
- Southern Methodist University, Graduate Program in Dispute Resolution and Conflict Mgmt.
- Southwestern Law School – guest lecturer, 2006-2014
- California State University Northridge, Tseng College mediation program
- University of Idaho Law School
- Lipscomb University, Nashville, TN, Institute for Conflict Management
- University of California, Santa Barbara
- Bond University, Brisbane, Australia

MEDIATION, NEGOTIATION & ADR TRAINING EXPERIENCE (Cont'd)

Trainer in mediation, conflict resolution and negotiation skills for clients such as:

- Nationwide Insurance, Nationally across the US
- Zenith Insurance, Woodland Hills, CA
- Farmers Insurance, Orange, CA
- LexisNexis, Columbus, OH
- Children's Hospital, Dallas, TX
- Beck Group Construction, Tampa, FL
- Manhattan Construction, Dallas, TX
- TEXO, The Construction Organization, Dallas, TX
- Accountants, Inc., Los Angeles, CA
- Teacher Retirement System of Texas, Austin, TX
- The Superior Courts of Los Angeles, Sonoma, Santa Barbara and Kern Counties
- Kern County Schools Legal Services, Bakersfield, CA

Trainer, speaker and workshop leader at dozens of state and national conferences on ADR, mediation, conflict resolution and negotiation skills, and for dozens of law firms in southern California.

PUBLICATIONS & MEDIA

Books:

The Mediator's Starter Kit, published independently, being released by the American Bar Association in 2017
Becoming a Master Mediator, being released by the American Bar Association in 2017

Edited chapters of *A Litigator's Guide to Effective Use of ADR in California*, published by the California Continuing Education of the Bar (CEB)

Television:

KTLA 5 Morning News, Los Angeles, Conflict Expert Commentator

Radio:

Co-Hosted a weekly radio talk show called "*Talk It Over*", www.TalkItOverRadio.com for 2 ½ years
Regular appearances as mediator on "PAPA", a cable television talk show for divorced fathers

Print and Online Media:

Published articles published on ADR and negotiation in the following publications:

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| •California Lawyer | •Los Angeles Lawyer |
| •Los Angeles Business Journal | •Santa Monica Business Journal |
| •Professional Insurance Association | •CaliforniaNeutrals.com |
| •Mediate.com | •Brilliant Results Magazine |
| •IAMed.org (Intl. Academy Mediators) | •So. California Mediation Assn. News |
| •Santa Barbara Lawyer, ADR Editor | •Many other websites around the world |

FEE SCHEDULE

For a complete description of fees, including Mr. Berman's "All-Inclusive" full and half-day formats, please see the attached fee schedule.

REFERENCES & CLIENT LIST

References and Client Lists available upon request.

Please direct all inquiries to Callie Squires at
casemanager@mediationtools.com or 310-478-5600