

Mark C. Rutherford, Esq.
Mediator & Arbitrator
4212 Saddlecrest Lane
Westlake Village CA 91361-4761

Phone: (818) 889-2211
Fax: (818) 707-2211
Email: mcrcmi@pacbell.net

Profession

Arbitrator, Mediator, Dispute Resolution Consultant

Work History

Independent Neutral, Mediator/Arbitrator, 1994-present; Mayor/Councilman, City of Westlake Village, 1997-present; Owner, Tex-San Trucking LLC., 1998-present; CFO, Cal-Pacific Produce Processors 1993-94; Attorney, Shiotani & Inouye, 1993-94; Attorney, Reinwald, O'Connor, Marrack, Hoskins & Playdon, 1986-93.

Experience:

Business trial lawyer for 18 years handling a broad range of commercial disputes in state and federal courts. Engaged in real property matters including lease disputes, buy-sell agreements for residential and commercial properties, and condemnation valuation disputes. Construction experience including representing contractors, architects and owners in delay, defect, and liens disputes. Practice in a variety of areas including business law, partnership disputes, professional malpractice, fee disputes, aviation, transportation, agricultural, oil and gas, insurance coverage, personal injury, and employment matters.

Alternative Dispute Resolution Experience

A full time neutral with the AAA since 1994 with an extensive mediation and arbitration practice who has earned a reputation for settling the most difficult and complex disputes.

- **Business:** Numerous business disputes in a wide variety of industries including sale of businesses, disputes concerning payment terms, consulting, covenants not to compete and related agreements, contract violations, fraud, misappropriation of trade secrets, copyright and trademark infringements, business torts including contractual interference, unfair competition, partnership and close corporate disputes.
- **Real Estate:** Numerous commercial and residential real estate claims, including disputes arising out of buy-sell agreements alleging nondisclosures, failure of financing and other contingencies, broker disputes, commercial and residential lease disputes; matters involving land use zoning and environmental regulations and condemnation valuation disputes.
- **Construction:** Numerous multiparty disputes concerning alleged design and construction defects, nonpayment, lost profits, overcharges, unauthorized change orders, abandonment, prevention of performance, delay damages and completion costs.
- **Health care:** Multiparty disputes amongst providers, payor's management entities, and suppliers.
- **Torts:** including defamation, Libel, slander and personal injury, fee and professional negligence claims and related disputes. Since 1994, focused entire practice on ADR. Currently appointed on the Ventura County Superior Court's Mediation Advisory Board, the AAA's Commercial Panel, National Construction Mediation Panel, the Large Complex Case Panel (LCCP) and the Los Angeles B2B Advisory Committee.

Alternative Dispute Resolution Training:

AAA Commercial Arbitrator II Training, Los Angeles, 1/02; AAA Arbitrator Update 2001; AAA Commercial Arbitrator Training, Los Angeles, 2/99; AAA Advanced Construction Mediator Training, San Francisco, 12/97; First Mediation Corp., Amazing Resolutions to Deadlock Mediations, 9/97; AAA Dealing with the Toughest Issues as an Arbitrator or Advocate, 6/96; Los Angeles County Bar, Nuts and Bolts of Judicial Mediation, 10/96; Southern California Mediation Association, The Many Faces of Mediation, 11/96; Southern California Mediation Association, Nature of Mediation Skills, 11/95; Southern California Mediation Association/Society of Professional in Dispute Resolution, Ethical Challenges Mediators Face, 7/95; Southern California Mediation Association, New Opportunities for Mediation and Mediators, 11/94; Hawaii State Bar Association, Fee Agreements and Contracts Mediation Training, 11/92; Hawaii State Bar Association, Hawaiian Continuing Legal Education: Understanding, Preparation, and Practice, 5/92; Hawaiian Institute of Continuing Legal Education, Advanced ADR Issues in Commercial, Real Estate, and Personal Injury, 11/91 various other ADR training.

Professional Licenses

Admitted to the Bar: Hawaii, 1986; California, 1992; US Supreme Court, 9th Circuit Court and various district courts.

Professional Associations

American Bar Association, Dispute Resolution Section; California Bar Association; Hawaii Bar Association; Los Angeles Bar Association; College of Commercial Arbitrators; Southern California Mediation Association; Association for Conflict Resolution; Southern California Association of Governments, Energy and Environment Committee Board Member; Los Virgenes Council of Governments, Board Member.

Education

Southern Oregon University (BS, Clinical Psychology-1977); University of San Diego (JD-Law Review-1986).

Publications and Speaking Engagements

"Lawyers and Divorce Mediation: Designing the Role of 'Outside Counsel,'" MEDIATION QUARTERLY, 1986, reprinted Casebook Series: Mediation Theory and Practice, LEXIS Publishing 2001; Mediation skills workshop, California Association of Realtors September 1997; Conflict management System Design: How does that Work, SCMA November 1997; Ventura County Courts, Confidentiality Issues in Mediation, May 1998; Peer Review: The Grievance Resolution System for Today and Tomorrow. SPIDR October 1998; Avoiding and Resolving Construction Claims, AAA/SAVBA September 2003; Legislative Panel Mobility 21, LA Chamber of commerce/ MTA November 2003. Founding Editor of the Journal of Contemporary Legal Issues.

Compensation:

\$295.00 per hour for hearing and study time.

Cancellation Policy: \$1,000 for each scheduled day will be charged to the responsible party(ies) if hearing(s) are canceled or postponed within 20 days of the scheduled date(s).