

MICHAEL P. CARBONE

Mediator & Arbitrator
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EDUCATION

B.S., J.D., University of San Francisco; Member, Law Review and McAuliffe Honor Society.

LEGAL BACKGROUND

Private practice of law 1966-2003. Former partner in the law firms of Wendel, Rosen, Black & Dean, LLP, Jordan, Lawrence, Dawson & Carbone, Zankel & Carbone and Zankel & McGrane. "AV" rating from Martindale Hubbell. Practice encompassed most fields of civil law, including corporate, real estate, construction, antitrust, consumer protection, partnership, employment, securities, probate, trust and estate planning. Admitted to practice before state and federal courts in California and the Supreme Court of the United States. Clerk for Honorable Preston Devine, California District Court of Appeal, 1966-67. Has handled trials and appeals involving real estate and land use matters, architectural malpractice, construction, securities law, and business litigation. Reported cases include: *Consumers Distributing Company Limited v. E.T. Hermann et al.* (1991) 107 Nev. 387, 812 P.2d 1274, 13 ALR5th 951; *Paulsen v. Golden Gate University* (1979) 25 Cal.3d 803, 159 Cal.Rptr. 858; *Leppo v. City of Petaluma* (1971) 20 Cal.App.3d 711, 97 Cal.Rptr. 840; and *Transamerica Title Insurance Co. v. Green* (1970) 11 Cal.App.3d 693, 89 Cal. Rptr. 915, 44 ALR3d 543.

DISPUTE RESOLUTION EXPERIENCE

Mediated and arbitrated cases in many different subject areas, including construction contract and defect claims, real estate cases (particularly sales, leasing, financing, fraud claims, development, foreclosures, eminent domain, easements, and cotenancies), business, contract and partnership disputes, disputes, estate and trust matters, securities, legal malpractice, employment discrimination and termination, and sexual harassment. Court-appointed referee in real estate and commercial disputes.

Mediator and arbitrator for the San Francisco, San Mateo, Santa Clara and Contra Costa County Superior Courts. Judge Pro Tem, San Francisco Superior Court. Settlement Conference Panelist, San Francisco Bar Association Early Settlement Panel. Member, Probate ADR Panel, San Mateo County Superior Court. Member, Mediation Panel, California Court of Appeal, First Appellate District; Founding member of *Real Estate*

Neutrals, an association of Bay Area real estate attorneys who serve as arbitrators and mediators of real estate disputes.

DISPUTE RESOLUTION COURSES

Mediation: The Mediation Center, 1995 - *Civil and Commercial Mediation*, 45 hours; The American Academy of Attorney-Mediators, Inc., 1996 - *Basic Mediation Training*, 15 hours; First District Court of Appeal, 2001- *Appellate Mediation*, 15 hours; The Mediation Society, 2001- *Breaking Impasse*; Bar Association of San Francisco, 2002- *Advanced Mediation Training*, 8 hours; Bar Association of San Francisco, 2003- *Diversity in Mediation*, 6 hours; Pepperdine University, Straus Institute of Dispute Resolution, 2003- *Mediating Complex Construction Disputes*, 18 hours.

Arbitration: American Arbitration Association. 1994- *Basic Arbitrator Training*, 6.5 hours; National Association of Securities Dealers, 1996- *Securities Arbitration*, 8 hours.

PROFESSIONAL ASSOCIATIONS

The Mediation Society (President 2000-2001)
California Dispute Resolution Council (Member, Board of Directors)
American Bar Association (Dispute Resolution Section; Real Property, Probate and Trust Section)
State Bar of California
--Business Law Section (Co-Chair, Standing Committee on ADR)
--Litigation Section
--Real Property Law Section (Executive Committee, 1989-92)
--Standing Committee on ADR
Bar Association of San Francisco (Real Estate and ADR Committees)

PUBLICATIONS

"Unless Stricken, Mediation, Attorney Fee Clauses Apply," *Daily Journal*, May 25, 2005
"Getting Down to Business," *The Recorder*, March 7, 2005
"Mediating a Complex Construction Defect Case," *California Real Property Journal*, Vol. 22, No.3, Summer, 2004.
"Mediation Process Can Settle Even 'Hopeless' Cases," *San Francisco Daily Journal*, March 6, 2003.
"Current Trends in the Arbitration and Mediation of Real Estate Disputes," *California Real Property Journal*, Vol. 16, No.3, Summer, 1998.
"Convincing the Client to Mediate," *The Recorder*, September, 1994.
"Glossary of Casualty and Liability Insurance Terms," *California Real Property Journal*, Vol. 6, No. 1, Winter, 1988; revised and republished in *Commercial Leasing*, Vol. 6, No. 2, July, 1993; Vol. 6, No. 3, August, 1993; Vol. 6, No. 4, September, 1993.
"Shopping Center Leasing: Negotiating Use, Operating and Radius Covenants," *California Real Property Journal*, Vol. 9, No. 3, Summer, 1991.

LECTURES AND PANELS

"Effective Advocacy in Mediation or How to Let the Other Side Have Your Way"

State Bar of California Annual Meeting, September 10, 2005

"Mediation Strategies: A Business Lawyer's Guide to Successful Negotiation," State Bar Section Education Institute, January 29, 2005

"ADR Strategies and Tactics for Complex Litigation" State Bar of California Business Law Section Spring Meeting, May 13, 2004

"Mediation Confidentiality- Current Status and Policy Choices," 10th "Annual ADR Policy Conference sponsored by the California Dispute Resolution Council (November, 2003).

"A Dialogue on *Rojas v. Superior Court*, The Mediation Society (September, 2003).

"The Evolution of a Mediator," Bar Association of San Francisco Mediation Committee (November, 2002).

"True Confessions ('Mistakes of the Mediator')" The Mediation Society, June, 2002.

"ADR in Wonderland - Has the Legislative Process Turned ADR into the Mad Tea Party?" Alameda County Bar Association ADR Committee Meeting (1995).