

Robert M. Smith, Esq.

Mediator

MEDIATING FOR RESULTSSM

Robert M. Smith offers results-oriented commercial mediation backed by experience and training. He strives for imaginative resolutions where appropriate, and makes use of the business and legal sense of those in the room. Mr. Smith has had a range of experience: commercial litigator, senior corporate lawyer, entrepreneur, journalist, widely published author of mediation and other legal and non-legal materials, government official. He has had broad international experience, and has been a lecturer, Adjunct Law Professor, and President of the Mediation Society.

www.robertmsmith.com

OVERVIEW

A full-time mediator, Mr. Smith has mediated hundreds of commercial disputes -- including contract, construction, employment (wrongful termination, sexual harassment, discrimination), insurance (including inter-carrier disputes), intellectual property, financial services, health, personal injury, and real estate. He has also mediated such diverse disputes as conflicts between co-counsel, between churches, and between overseas importers and exporters. He also facilitated a \$1-billion merger in London between two companies.

Mr. Smith had more than 20 years of trial and litigation experience -- including at Heller, Ehrman, White & McAuliffe, the Bank of America (where he managed international litigation worldwide), and his own commercial litigation firm. He served as an Assistant US Attorney in San Francisco. He was also an Adjunct Law Professor teaching the mediation of intellectual property and international disputes.



President of The Mediation Society (1999-2000). Other honors include: elected Fellow, International Academy of Mediators; elected Fellow, American College of Civil Trial Mediators; Chartered Arbitrator and Registered Mediator in the United Kingdom.

Present and former affiliations include: CPR Panel of Distinguished Neutrals; Northern California Advisory Committee, American Arbitration Association; Fellow and member of the Mediation Panel, The Chartered Institute of Arbitrators (London); member of the Mediation Panel of the UN's World Intellectual Property Organization (Geneva).

Author of numerous articles on mediation in American and international legal journals; author of *ADR for Financial Institutions* (West, 2nd ed. 1998, 1200 pp.); frequent lecturer to bar groups and law firms (for example, the California State Bar and the International Bar Association).



PROFESSIONAL HISTORY

includes:

Principal, Law Offices of Robert M. Smith, San Francisco.

The firm represented three dozen banks and other financial institutions, as well as other clients, in a wide range of commercial matters

Senior Litigation Counsel, Bank of America. Supervised the Bank's international litigation, with world-wide responsibilities

Assistant United States Attorney, San Francisco. *Member*, U.S. Delegation to the International Court of Justice in *U.S. v. Iran*.

Special Assistant to the Attorney General of the United States (Carter Administration).

Associate attorney, Heller, Ehrman, White & McAuliffe, San Francisco. Commercial litigation.

Correspondent, The New York Times, Washington Bureau.

INTERNATIONAL

Mr. Smith is admitted as a Barrister in England, and was an Associate Tenant at Littleton Chambers in London. He is also a Chartered Arbitrator and Registered Mediator in England, and a member of the Mediation Panel of the Chartered Institute of Arbitrators in London. He has appeared in the International Court of Justice at The Hague.

REPRESENTATIVE MEDIATIONS

Mr. Smith has conducted mediation over 16 years in a wide range of matters. *These include:*

- ◆ sexual harassment matters, such as claims against a nationwide food chain;
- ◆ a dispute concerning ownership of visual images;
- ◆ the export of high-technology machinery to the People's Republic of China;
- ◆ alleged racial discrimination and wrongful termination by a Fortune 500 employer;
- ◆ many other types of employment claims, including physical and psychological disabilities, race, gender, failure to accommodate, harassment, leave denials, failure to promote, workplace environment, performance evaluations, commission disputes, and workplace violence;
- ◆ multi-party inter-insurance disputes
- ◆ a dispute between churches;
- ◆ ownership of computer codes;
- ◆ alleged libel by a financial institution;
- ◆ disputed ownership of Internet domain names;
- ◆ mediation among co-counsel as to their strategies in a lawsuit;
- ◆ 10-party real estate lease dispute;
- ◆ hospital vs. health-care administrator dispute;
- ◆ construction dispute involving a power plant;
- ◆ dispute between telecommunications companies;
- ◆ dispute between utility and customer company;
- ◆ franchise disputes;
- ◆ probate -- dispute among heirs;
- ◆ admiralty -- seaman's injury;
- ◆ many construction disputes involving responsibility among subcontractors and general contractor;
- ◆ various environmental disputes
- ◆ Dispute between a mother and a daughter over the proceeds of the sale of the family-owned pub

EDUCATION

JD, Yale Law School (*Board of Editors, Yale Law Journal*)

MS with High Honors, Columbia Graduate School of Journalism

MA, International Affairs, Columbia University
Diploma, Centro de Estudios de Español, Barcelona

Fulbright Scholar, University of Tübingen, Germany

AB with Honors, Harvard College

PROFESSIONAL LICENSES, LANGUAGES

Member of the Bars of California, New York, District of Columbia, and the U.S. Supreme Court. Barrister of the Inner Temple and of Lincoln's Inn in England. Chartered Arbitrator (U.K.). Varying proficiency in French, German, Spanish. Mr. Smith has mediated in French and German as well as in English.





PUBLICATIONS

Author of *Alternative Dispute Resolution for Financial Institutions* (West, 2nd ed. 1998, 1200 pp.).

Also author of numerous articles, such as:

“A Meditation on Mediation” -- *California Lawyer*

“ADR: Unlimited Possibilities” -- *Dispute Resolution*

“The Minitrial: An Alternative to a Lengthy Lawsuit” -- *Dispute Resolution*

“Mediation Musings” -- *Northern California Mediation Association*

“Symmetry Alchemy” -- *Cyber Esq.*

“Tower of Babble” -- *House Counsel*

“Advocacy in Mediation” -- *The Daily Journal*

REFERENCES

include attorneys at these firms:

Anderson & Blake; Arter & Hadden LLP; Audley & Audley; Ault, Davis & Schonfeld, LLP; Berliner Cohen; Bertrand, Fox, Elliot & Colwell; Blecher & Collins; Brobeck, Phleger & Harrison LLP; Browning, Wholey & Lenvin; Buckner, Alani, Khouri, Chavos & Mirkovich; Bullivant Houser Bailey; Burkley, Greenberg, Fields & Whitcomb; Burnham Brown; Carroll, Burdick & McDonough LLP; Chapman, Glucksman & Dean; Choate, Hall & Stewart; Cooley Godward LLP; Cozen O'Connor; Crosby, Heafey, Roach & May; Davis Wright Tremaine LLP; Employment Lawyers Group; Fine Boggs Cope & Perkins, LLP; Greve, Clifford, Wengel & Paras, LLP; Hancock, Rothert & Bunshoft LLP; Holland & Knight LLP; Howard, Rice, Nemerovski, Canady, Falk & Rabkin; Johnson & Pardini; Jones, Day, Reavis & Pogue; Kay & Merkle; Krieg, Keller, Sloan, Reilley & Roman LLP; Lewis, D'Amato, Brisbois & Bisgaard LLP; Liner Yankelevitz Sunshine & Regenstreif LLP; Litigation Solutions Law Group LLP; Lombardi, Loper & Conant, LLP; Low, Ball & Lynch; Lurie, Zepeda, Schmalz & Hogan; Marshall, Akawie & LaPietra; Monty, Ginalski & Marchi; Orrick; Phillips & Erlewine LLP; Pillsbury Winthrop LLP; Preuss Shanagher Zvoleff & Zimmer; Quadros & Johnson, LLP; Ritchey Fisher Whitman & Klein; Robbins Palmer & Allen LLP; Robinson & Schmidt; Ropers, Majeski, Kohn & Bentley; Sedgwick, Detert, Moran & Arnold; Shapiro, Galvin & Moran; State of California, Department of Fish & Game, Office of General Counsel; State of California, Office of the Attorney General; Taft Securities Litigation, PC; Thelen Reid & Priest LLP; Trump Alioto Trump & Prescott; Valerian, Patterson, Field & McGraw; Whitehead, Porter & Gordon; Wolfe & Wyman, LLP.

ROBERT M. SMITH

Robert M. Smith, born Boston, Massachusetts; admitted to Bar, 1976, California; 1980, U.S. Supreme Court; 1983, District of Columbia; 1985, New York. *Education*: Harvard College (A.B., with Honors, 1962); University of Tübingen Germany (Fulbright Scholar, 1962); Columbia University (M.A., International Affairs, 1964; M.S., Journalism, 1965); *Yale Law Journal* 1974-1975. Author; "Overseeing Foreign Counsel: The In-House Lawyer's Role," *International Financial Law Review*, London, "Dispute Resolution for Financial Institutions," West Group, 1200 pages, 1995, rev. 1998. Columnist, "Alternatives," *California Lawyer Magazine*; "Mediating International Intellectual Property Disputes," *CyberEsq.*, May, 1999 "The Minitrial," *Dispute Resolution*, 1994. Former Member, Editorial Advisory Board, *American Jurisprudence*. Barrister, England, 2002. Judge Pro Tem, Municipal Court, San Francisco and San Mateo Counties, 1989-. Director, San Francisco Neighborhood Legal Assistance Foundation, 1985-1987. Counsel, Senior Counsel and Senior Litigation Counsel, Bank of America, NT&SA, 1982-1986. Assistant to the Attorney General of the U.S., 1979-1980. Member, U.S. Delegation to the International Court of Justice, The Hague, in *U.S. v. Iran*, 1980. Correspondent, Washington Bureau, *The New York Times*, 1968-1972, 1975-1976. World Intellectual Property Organization (Geneva, Switzerland); Arbitration Panels of the Regional Centers of Cairo, Hong Kong, Korea, Kuala Lumpur, Singapore, Vancouver; London Court of International Arbitration. Director: Yale Club of San Francisco, 1989-1991; Harvard Club of San Francisco (President, 1992-1994); Nob Hill Association, 1986-. Arbitrator, National Association of Securities Dealers. Mediator: U.S. Equal Employment Opportunity Commission; U.S. Postal Service; Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara and Solano Counties, Early Neutral Evaluator, U.S. District Court, Eastern District of California. *Member*: Bar Association of San Francisco; State Bar of California (Member, Public Affairs Committee, 1982-1985); American Bar Association (Associate Editor, *Litigation*, Journal of Litigation Section, 1978-1981; Member, Corporate Counsel Committee, 1986-) and International Bar Associations; American Arbitration Association (Member, National Panel of Arbitrators and Mediators); CPR Panel of Distinguished Neutrals; Arbitration Committee (U.S.), ICC. Fellow, The Chartered Institute of Arbitrators. [1st Lt., (Infantry) USAR]. **LANGUAGES**: French, German and Spanish

(Adapted from Martindale-Hubbell Law Directory)