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EDUCATIONAL BACKGROUND:

Legal **COLUMBIA LAW SCHOOL** -- J.D. 1977
New York, New York

COLUMBIA JOURNAL OF TRANSNATIONAL LAW
(Editor 1976-1977 and Member 1975-1977);
Recognition of Achievement with Honors,
Parker Program in International and Foreign
Law; Columbia University International Fellow.

Undergraduate **STANFORD UNIVERSITY** -- A.B. with Distinction 1973
Palo Alto, California
Departmental Honors in Political Science.

LEGAL EXPERIENCE:

General Business and Commercial Litigation

As an advocate and as an ADR professional has participated in hundreds of business and commercial litigation matters, including numerous breach of contract, sales and lease transactions, franchise disputes, fraud, real estate, insurance coverage and labor and employment issues.

Federal Litigation

Has handled a significant number of antitrust, bankruptcy, employment discrimination, intellectual property, securities and tax cases. Some examples include:

—represented the publisher of a major entertainment magazine in stopping a number of Internet pornographers from infringing its trademarks and distinctive trade dress through effective cease and desist letters and without having to commence litigation or pay any sums to the infringers to resolve the matters

—prosecuted a complaint in interpleader to determine whether a Cayman Islands corporation was the alter ego of an American taxpayer.

environmental laws for the remediation of hazardous waste sites and damages to property owners. These cases include Times Beach (Missour.), Stringfellow Acid Pits and Love Canal (New York).

—filed amici curiae briefs on behalf of three manufacturers challenging city ordinances purporting to regulate or ban automatic water softeners.

WORK HISTORY:

SOLO PRACTITIONER, ARBITRATOR AND MEDIATOR 1989-present
Orange County, California

FRIEDEMANN & HART 1988-89
Irvine, California

CUTLER AND CUTLER 1983-88
Los Angeles, California

LOYOLA LAW SCHOOL 1981-82
Los Angeles, California

DONOVAN LEISURE NEWTON & IRVINE 1979-81
Los Angeles, California

PACHT, ROSS, WARNE, BERNHARD & SEARS, INC. 1977-79
Los Angeles, California

A SAMPLING OF ADR CASES HANDLED:

—Acted as a mediator or arbitrator in dozens of actions for breach of contract and/or fraud.

—Settled an action brought by a well-known musician for trademark infringement.

—Offered a mediator's proposal in an insurance coverage dispute that was settled on those terms in part due to the mediator following through for weeks after the mediation hearing was concluded.

—Negotiated the settlement of a breach of a licensing agreement between a restaurant chain and a major food manufacturer.

—As a Temporary Judge, has presided over dozens of mandatory settlement conferences in medical malpractice lawsuits and health care disputes.

—Arbitrated several franchise cases involving failure to pay royalties, assigned territories, claims arising under the California Franchise Investment Act and post-termination remedies.

- Settled an action arising from an agreement for the purchase and sale of a business with a cross-complaint for breach of the implied duty of good faith and fair dealing.
- Conducted dozens of telephonic mediations arising out of a class action settlement agreement against a major insurance for fraudulent sales practices.
- Mediated a multi-party dispute under the Visual Artist Rights Act and the California Art Preservation Act arising from the destruction of a building mural.
- Resolved a suit for copyright infringement stemming from illegal file-swapping through a peer-to-peer network.
- Coaxed the parties in a rescission action regarding a search engine management contract to have the defendant agree to pay the settlement proceeds from money to come from a joint new enterprise.
- Encouraged the parties to settle a contentious suit for trade dress infringement.
- Mediated an action brought against a former employee for breach of the duty of loyalty and the theft of customer lists and other alleged trade secrets.
- Resolved an intellectual property and fraud dispute between two church factions concerning the right to use and publish copyrighted works.
- Prompted the parties to settle three weeks after the mediation conference a copyright action for infringement of a fabric pattern.
- Arbitrated disputes for breach of confidentiality agreements and unfair competition.
- Served as a member of a three-member panel which arbitrated a multi-million dollar suit over the entitlement to patent royalties.
- Involved in a number of matters, both as a defense attorney and as a mediator, relating to alleged sexual harassment or discriminatory conduct in violation of federal and state employment and civil rights laws.
- Resolved several bankruptcy cases by getting the debtor to agree to non-dischargeability usually with an agreed upon work-out schedule.

ALTERNATIVE DISPUTE RESOLUTION AFFILIATIONS:

Orange County Superior Court: Arbitrator, Mediator and Temporary Judge since 1993; American Arbitration Association: Commercial Arbitrator 1993-2019, Mediator, 2002-19, and Large Complex Case Panel 1993-2019; United States Bankruptcy Court for the Central District of California: Mediator since 1996; FINRA (formerly NASD Dispute Resolution): Arbitrator, 2006-17; United States District Court for the Central District of California: Attorney Settlement Officer and Mediator since 2006; American Health Lawyers Association, Arbitrator and Mediator since 2015; California Society for Healthcare Attorneys, Hearing Officer since 2016.

ALTERNATIVE DISPUTE RESOLUTION TRAINING:

Over 600 hours of alternative dispute resolution training programs. Among the more significant programs are the following:

American Arbitration Association:

2016 Healthcare Dispute Resolution Innovation and Strategy Conference; Advanced Training in Health Care Mediation, 2016; AAA Healthcare Payor-Provider Arbitration Rules—Orientation for AAA Healthcare Neutrals, 2016; Dispositive Motions in Arbitration, 2015; eDiscovery 2.0, 2014; Dealing With Delay Tactics in Arbitration, 2006; Pro Se: Managing Cases Involving Self-Represented Parties, 2005; Mediator Workshop, 2002; Commercial Arbitrator Training, Advanced Case Management Issues, 2001; Commercial Arbitrator Training Workshop, 1999; Basic and Advanced Training in Practice and Procedures in Commercial and Construction Arbitration, 1992

American Bar Association:

Utilizing Mediation to Navigate the Perils of Electronic Discovery, 2016; Arbitrating the Mega-Case, 2008; Section of Dispute Resolution Annual Conference, 2005

American Health Lawyers Association:

Health Care Arbitration, 2016; Arbitration and Mediation in the New Health Care Universe, 2016; Health Care Arbitration Practice Tips from Three Perspectives: The Arbitrator, In-House Counsel and Outside Defense Counsel, 2015

Association for Conflict Resolution, Harvard University—Harvard Negotiation Insight Initiative and American Arbitration Association:

Advanced Commercial Mediation Institute, 2006

California Society for Healthcare Attorneys:

2017 CSHA Hearing Officer Training Program; CSHA Online Hearing Officer Training, 2012 & 2014 Update

FINRA (formerly NASD Dispute Resolution):

Discovery, Abuses & Sanctions Training, 2015; Chairperson Training, 2007; Basic and Advanced Arbitrator Training, 2006

Orange County Superior Court:

Temporary Judge Training Program, 2019, 2016, 2013, 2010, 2007 & 2005; Early Neutral Evaluator Training Program, 2008; Mediator Orientation, 1998; Seminar for Civil Arbitrators and Judges Pro Tem, 1993

Pepperdine University School of Law, Straus Institute for Dispute Resolution:

Advanced Mediation Practice, 2009, 2008, 1997; Basic Refresher Course and Cross-Cultural Skills in Mediation, 2007, Pro Se Dynamics in Mediation, 2006, Mediating the Litigated Case, 1995-96.

Santa Clara University School of Law:

Three-day interactive seminar on Online Dispute Resolution, 2019

Southern California Mediation Association:

Cultural Intelligence in Mediations, 2017; Employment Conference, 2015, 2009, 2008 & 2007; Annual Mediation Conference, 2013, 2009 & 2007.

United States District Court, Central District of California:

Advanced Mediation Practice, annually since 2010 (except for 2014)

PROFESSIONAL ASSOCIATIONS:

American Bar Association; American Health Lawyers Association; Association of Business Trial Lawyers; California Society for Healthcare Attorneys; Colorado Bar Association; Federal Bar Association; The Howard T. Markey Intellectual Property American Inn of Court; Orange County Bar Association (Chair, Intellectual Property Section, 2001-2; Chair, Alternative Dispute Resolution Section, 2012); Orange County Intellectual Property Association; Southern California Mediation Association; and State Bar of California.

BAR ADMISSIONS:

California (1977), Colorado (1989), United States Supreme Court (1987), 9th Cir. (1980), C.D. Cal. (1978), S.D. Cal. & E.D. Cal. (1980), N.D. Cal. (1983)

PUBLICATIONS, SPEECHES AND SEMINAR PANELS:

Out of the Thicket: Discovery in Arbitrations, FBA/OC: THE NEWSLETTER OF THE FED. BAR ASSOC. ORANGE COUNTY CHAPTER, Fed. Bar. Assoc., Orange County Chapter, Newport Beach, CA Fall/Winter 2018, at 1 <http://client.pro-management.net/fbaoc/2018-10/flipbook/?page=1fbaoc>

Out of the Thicket: Discovery in Arbitrations (Part II), THE RESOLVER, Fed. Bar. Assoc., Alt Dispute Resolution Section, Wash., D.C.), Fall 2017, at 14. <http://www.fedbr.org/image-Library/Sections-and-Divisions/ADR/2017-Fall-The-Resolver.aspx>.

Into the Briar Patch: Discovery in Arbitrations, THE RESOLVER, Fed. Bar. Assoc., Alt Dispute Resolution Section, Wash., D.C.), Winter 2017, at 18. <http://www.fedbr.org/image-Library/Sections-and-Divisions/ADR/the-resolver-winter-2017.aspx>.

The Mortgage Foreclosure Crisis: Can We Talk?, ORANGE COUNTY LAWYER 9 (January 2010).

Orange County Barristers, *Ethics in Arbitration and Mediation*, January 2009 (speech).

Five Steps (and Several Suggestions) That Lead to a Successful Mediation, ORANGE COUNTY LAWYER 34 (October 2008).

The Negotiator's Fieldbook: The Desk Reference for the Experienced Negotiator, LEGAL INFORMATION ALERT (September 2007)(book review).

Discovery in Contractual Arbitrations: "What Do You Mean I Can't Serve Interrogatories?" ORANGE COUNTY LAWYER 18 (June 2006).

O'Connor's Federal Employment Codes Plus, LEGAL INFORMATION ALERT (January 2006)(book review).

O'Connor's Federal Rules - Civil Trials; O'Connor's Federal Civil Forms, LEGAL INFORMATION ALERT (January 2006)(book reviews).

LawSeminars.com: Protecting Trade Secrets and Confidential Business Information, 2000.

California Continuing Education of the Bar: Real Estate Practice in an Internet-Centric World, 1999.

Orange County Bar Association, Closing the Barn Door Before the Horses Leave: Employment, Non-Competition & Non-Disclosure Agreements, 1999 (speech).

Counsel Connect Seminars, Trademark and Copyright Essentials, 1998; Protecting Trade Secrets and Confidential Business Information, 1998 & 1997.

Mr. Merring is a certified mediator by the International Mediation Institute (The Hague) and a certified mediator and certified online mediator by mediate.com.