



AAA Mediation.org™

Deborah Rothman, Esq.

Los Angeles, California



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Current Employer-Title Full-time Neutral

Panelist Video <https://www.adr.org/videoresume?paramName=860129870>

Profession Arbitrator, Arbitration Consultant, Discovery Referee; Attorney

Work History Full-time Arbitrator, Mock Arbitrator, Arbitration Consultant, Discovery Referee - Self-employed, 1991-present; Chief Executive Officer, Baby Fair Enterprises, 1984-1988; Litigation Attorney, Manatt Phelps Rothenberg & Tunney (now Manatt Phelps & Phillips), 1976-1980.

Experience Litigation experience includes general business, corporate, commercial, banking, secured creditor in bankruptcy proceedings, entertainment & real estate matters.

Nationally-recognized mediator with 30+ years of experience in the resolution of complex disputes in all areas of business & commercial law, both domestic & international (incl. European, Asian & Middle-Eastern companies), in a wide variety of industries, including pharmaceuticals, telecommunications, global agribusiness, insurance, automobile dealerships, condominium & shopping center development & leasing, advertising, apparel, banking, educational institutions; gaming/gambling regulation, food & beverages/restaurants, aerospace/defense contractors, healthcare (doctors, hospitals, dentists, pharmacies, health insurance, nursing homes, home health--incl. failure to pay/delayed pay for Covered Provider Services, coordination of benefits, authorization, level of care & medical necessity, contract rate & coding, White Bagging cancer drugs, physician raiding, breach of Facilities Agreement), religious institutions; school districts/education law, police departments, municipalities, security guard services, international beverage distribution, agriculture (supply contracts, migrant workers), direct marketing, multi-level marketing, law firms, accounting firms, medical, dental & other professional partnerships; entertainment & media: streaming video, radio, television, infomercials, motion picture production, newspaper (rights & obligations of publisher, editor, reporters), songwriter credits/royalties, construction of recording studio, disputes re personal management contracts including right to residuals), software applications involving automotive leases, critical medical test results. In cases involving aviation/aircraft liability & pilot instruction; mergers & acquisitions (asset purchase

agreements, phantom stock agreements, earnout disputes); employment (discrimination - sex, race, religion, national origin, disability, sexual orientation & sexual harassment; wrongful termination; retaliation; wage & hour; breach of covenant not to compete & fiduciary duty, class actions; allocations between jt. employers); intellectual property & licensing, misappropriation of trade secrets, trade dress infringement; biotechnology--sale & licensing of pharmaceutical patents; business torts; commercial contracts & leases, communications, computers/technology; consumer disputes; construction defect & earthquake damage; franchisor-franchisee disputes {(breach of UFOC/FDD, antitrust allegations, encroachment & other territorial disputes, failure to disclose negative information learned during lease negotiations, inadequate-misleading-fraudulent disclosure/non-disclosure, breach of agreement to market/advertise, trademark infringement, termination of franchise, accounting issues related to breach of franchise agreement. Also franchisor-driven claims of franchisee misconduct, failure to pay royalties, failure to de-identify.)) Consumer class action involving gift certificates issued by a franchisor; ADA public access--educational institutions & employment claims; First Amendment including slander & defamation; foreclosure; partnership disputes & dissolutions; medical malpractice; negligence, personal injury; trusts, conservatorships, probate & estates; product & premises liability; software joint venture; securities industry (broker-dealer/financial adviser, & customer/broker disputes); taxation-municipal and corporate; and unfair competition.

Has been recognized for professional excellence in mediation since 2006 by BEST LAWYERS IN AMERICA and SuperLawyers. Was named a Thought Leader - USA - in Commercial Mediation by WHO'S WHO LEGAL in 2023.

Mediator Experience

Appointed to the AAA Master Mediator Panel, which is comprised of the top mediators as rated by counsel.

Full-time mediator for the past 30 years. Experience has run the gamut from wage & hour class actions, corporate dissolutions, commercial real estate, insurance coverage, intellectual property--royalty dispute, professional partnerships, franchisor/franchisee disputes through large complex business and commercial real estate matters. Mediated multi-party construction defect matters including dispute by homeowners association against contractor/subs/architect/engineers. Mediated settlement of representative action brought on behalf of over 100 consumers (carpet steam cleaning). Successfully mediated dozens of wage and hour class actions. Frequently retained for disputes requiring special sensitivity and insight.

Representative Issues Handled as a Mediator

Served as mediator in cases brought against a wide variety of defendants, including multi-national corporations, franchisor-franchisee, securities firms, defense subcontractors, motion picture studios, national banks, fast food franchisors, insurance companies, interstate trucking service, mass media companies, an ISP, hospitals and health care providers, judicial officers, ad agencies, hotel and restaurant chains, security service providers, universities, a fight promoter, dot coms, municipalities, doctors, dentists, law firms, realtors, and manufacturers, distributors and retailers.

Mediator Style & Process Preferences

Every case is different, so every mediation is different. I am extremely adaptable to whatever comes up in the course of the mediation. One of my greatest strengths is my ability to "read" people, so that I can tailor the process to the needs of the parties. If one party remains highly-emotional, I might, e.g., invite the person to tell me what upset them the most about the dispute. In empathizing with that person and acknowledging the validity of their feelings, I enable that person to give up their desire for their day in court and instead empower them to make a rational economic decision at the mediation.

Mediation Procedures: I like to receive mediation briefs seven days before the mediation so I can become familiar with the facts, key witnesses, contentions, issues, etc. and to follow up with one or both attorneys with questions, suggestions, requests, etc. After reviewing briefs, I would be happy to speak by phone with one or both sides, with or without clients. I encourage counsel exchange the non-confidential portions of their briefs prior to the mediation, to engender mutual trust and to quickly see where the parties disagree re facts and/or law.

Education

Yale College (BA, magna cum laude-1971); New York University (JD-1976); Princeton University (MA, Public Affairs-1976).

Professional Licenses

Admitted to the Bar: California, 1976; U.S. District Court: Central District of California, 1978; U.S. Supreme Court, 1980. Formerly licensed as a California Real Estate Broker (expired).

Professional Associations	College of Commercial Arbitrators (Past President); American Bar Association (Litigation Section, Forum Committee on Franchising; Dispute Resolution Section, Arbitration, Corporate ADR & Intellectual Property Committees); State Bar of California; Los Angeles County Bar Association (Litigation and Labor and Employment Law sections); Beverly Hills Bar Association (Past Chair, Alternative Dispute Resolution and Labor and Employment Sections).
Recent Publications & Speaking Engagements	<p>PUBLICATIONS: "An Inside View of Class Action Settlements," DAILY JOURNAL, March 11, 2010; co-author, "Survey: Difficult Arbitration E-Discovery Process Questions Suggest Increasingly Complex Future Problems on Costs, Scope," CPR ALTERNATIVES, October, 2009; co-author, "Technology Survey Indicates Big Case Management Problems from E-Discovery Are Spreading . . ." CPR ALTERNATIVES, September, 2009; "eDiscovery: From the Arbitrators' Perspective," CALIFORNIA LITIGATION, vol. 22, no. 1, 2009; chapter author, "Resolving Securities Industry Disputes," ARBITRATION HANDBOOK 2001, Practicing Law Institute; "Class and Multi-Party Wage & Hour/Overtime Claims," CALIFORNIA STATE BAR LABOR & EMPLOYMENT LAW QUARTERLY, Fall 2001; "Betting the Odds: Increasing the Likelihood of Punitive Damages Awards in Arbitration," DAILY JOURNAL, November 10, 2000; "Special Types of Contractual Arbitrations and Their Problems," Los Angeles County Bar Association LITIGATION SECTION NEWSLETTER, vol.15, no.1, Summer 1998. Frequent contributor to Los Angeles Daily Journal; co-editor of Q & ADR in VERDICTS & SETTLEMENTS.</p> <p>SPEAKING ENGAGEMENTS: "Bias and Culture in International Arbitration," LACBA/ICDR 2014; "Recent Developments in Arbitration Law," Orange County Bar Association 2014; "You say Tomato, I say Tomahto: Global Jurisdictional Differences in ADR Practices and Process" CPR 2014 Annual Meeting Charleston, SC, February, 2014; "Ethical Issues in Mediations and Arbitrations" ABA Insurance Coverage Litigation Committee, March, 2013; "Muscular Arbitration" [2 panels "Discovery/eDiscovery" and "Streamlining The Case Management Conference" AAA and UCI Law School, Irvine, CA, 2011; Faculty, ABA 6th Annual Arbitration Institute, Los Angeles, 2011; "Managing Your First Arbitration" Co-sponsored by the College of Commercial Arbitrators, AAA, JAMS, ABA, LACBA & the Beverly Hills Bar Assoc., Los Angeles, December 2010; "Everything You Should Want to Know About Arbitration Made Neat -- Questions Answered!" LACBA Litigation Section Trial Practice American Inn of Court, December 2010; "Smart Women Arbitrate" WLALA, Los Angeles, October, 2010; co-presenter, "How can Litigators & Arbitrators Streamline Arbitration to Increase Efficiency?" State Bar of California Annual Mtg., Monterey, CA, September, 2010; panelist, "The Cutting Edge of Arbitration: What You Need to Know" ABA Annual Meeting, 2010; "How Arbitrators, Outside Counsel, Clients and Providers Can Make Business-to-Business Arbitration Faster and Less Expensive (plenary program)" and "How Effective Use of the First Case Management Conference Can Work for Advocates, Arbitrators, Clients and Providers" ABA Dispute Resolution Section Spring Meeting, 2010; panelist, "eDiscovery in Arbitration" College of Commercial Arbitrators, 8th Annual Meeting, San Francisco, November 1, 2008; panelist, "Arbitrating the Mega-Case: Surviving and Succeeding in the Mega-Arbitration" American Bar Association Section of Dispute Resolution, Los Angeles, February 8, 2008; "Making Lemonade out of Lemons," organized and moderated full-day program on arbitration advocacy, CELA Annual Convention, Pasadena, October 3, 2008; CDRC 15th Annual Dispute Resolution Policy Conference, 2008 (eliminating "blind spots"); "Going for the Gold in Arbitration" CELA Annual Convention, San Jose, September 28, 2007.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Under 60 minutes in each direction.
Mediation Rate	\$11,000 Per Day
Languages	Spanish, English
Citizenship	United States of America
Locale	Los Angeles, CA

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight

and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.