Cynthia L. Remmers, Esq.

1 Kaiser Plaza, Suite 250, Oakland, CA 94612



Current Employer-Title

Remmers Global – Principal, Arbitrator and Mediator

Profession

Arbitrator, Mediator

Work History

Principal, Mediator and Arbitrator, Remmers Global, 2008 – Present; HR Manager, Mergers & Acquisitions/Greater Asia Region HR Legal Manager/Senior HR Attorney, Intel Corporation, 2000 – 2007; Partner/Associate, Orrick Herrington & Sutcliffe, 1981 – 2000; Law Clerk to Honorable Thomas Tang, U.S. Court of Appeals for the Ninth Circuit, 1980 – 1981; Extern to Justice Mathew O. Tobriner, Supreme Court of California, 1979.

Experience

Brings a broad, culturally-sensitive perspective to mediations and arbitrations gained from almost 40 years of specialization in domestic and international labor and employment litigation, law and policy. Held leadership roles as a Manager/Partner in a global law firm, as a Senior Manager/In-house attorney in a global Fortune 100 technology company and as a Board/Committee Member in many professional/community associations. Has tried numerous jury and court cases to successful conclusion (predominately defense but also a few plaintiff cases), conducted and/or supervised hundreds of workplace fact-finding investigations, and taught trial practice and many other law-related topics. Handled a wide array of legal matters, including wage/hour and glass ceiling class actions and disputes involving contracts, mergers and acquisitions, workplace compliance, ethics and fraud, privacy, intellectual property, reductions-in-force, retaliation, discrimination (all types), whistle blowing, sexual and other forms of harassment/assault/bullying, physical and emotional injuries, and wrongful termination. Has successfully negotiated union contracts and handled organizing and other union disputes. At various times as an in-house attorney, met and negotiated with foreign government officials in Asia and the Middle East and managed 1) the HR Legal function for the Greater Asia Region; 2) domestic and international investigation teams; 3) HR disputes/litigation in Greater Asia, California and Latin America; 4) the company's Immigration Department; and the 5) merger and acquisition HR team. Has arbitrated and mediated cases in the United States and internationally. Past member of AAA's former Northern California Employment Advisory Council (worked on drafting AAA's rules for the Resolution of Employment Disputes). Past member of Anthony M. Kennedy Inn of Court.

Mediator Experience

Full time mediator and arbitrator since 2008, part-time from 1989-2000. Served as a mediator for over 22 years in thousands of cases covering the full range of labor and employment disputes and some commercial contract matters (e.g. subprime mortgage, judicial foreclosure, commercial leases,

partnerships, and contracts, unlawful detainers), well over 90% successfully resolved. Has mediated cases involving complex legal/factual issues, multiple parties/collective/representative/class actions, top-level executives/public figures, cultural sensitivities (including cross border issues), high-stakes damage/costs, and highly emotional allegations. Mediation parties have come from many private industries and government entities, including health care (hospital and health facilities, medical and dental offices), technology, energy sector, telecommunications, finance/securities, manufacturing (full range), retail, religious communities, government contracting, non-profits, education, and food/hospitality. Allegations have included, inter alia, retaliation in violation of various statutes (including whistle blowing and public policy); sexual assault and other harassment and bullying (including cases involving concurrent criminal charges); Foreign Corrupt Practices Act violations, discrimination (race, ethnicity, religion, gender, sexual orientation/identity, pregnancy, equal pay, disability, age, etc.); wage and hour violations (including improper classification, rest/meal periods, overtime, inaccurate wage statements, pay practices); breach of executive and other contracts; wrongful termination; failure to hire/promote (including glass ceiling); misappropriation of trade secrets, covenants not to compete; theft, fraud and other compliance and ethics issues; conflicts of interest; interference with contractual relations; breach of privacy; false imprisonment; loss of consortium; infliction of emotional distress and physical injuries. Has also mediated to successful resolution federal court cases that began as Early Neutral Evaluations.

Representative Issues Handled as a Mediator

Mediated thousands of cases involving the full range of workplace grievances, most presenting multiple legal theories (tort, statutory, contract, e.g.) and many with multiple parties, including multiple plaintiffs and/or employers/companies and class/collective/representative actions (including PAGA). Successfully mediated numerous highly-charged sexual harassment/assault/battery cases, including alleged rape cases and sexual harassment cases involving male plaintiffs. Has successfully mediated numerous cases involving whistle blowing and/or the sufficiency of internal employer investigations and other employer practices/policies. Many cases involved damage claims in the millions, including a number with claims involving high-value executive compensation, commission, stock, and/or cross-complaints by the employer. Resolved numerous cases involving national origin/ethnic discrimination, including Asian, Hispanic, and Middle-Eastern, African and African-American and reverse discrimination. Has resolved numerous cases with economically vulnerable parties (many with employers on the brink of bankruptcy) by finding creative, structured settlements. Has successfully mediated cases brought by employers against former employees, including trade secrets/solicitation and alleged misappropriation of corporate or agency assets and disability and religious discrimination cases involving failure to accommodate, promote, and/or hire. Has successfully mediated disputed high-value/ multiple car lease/commercial contract disputes and subprime mortgage cases involving multiple parties, e.g. bank/lender, borrower, broker.

Mediator Style & Process Preferences

Successful mediation requires the commitment of all parties and stakeholders to arrive prepared and willing to work vigorously, respectfully and tirelessly toward resolution. Success also depends on a skilled, focused, actively engaged and persistent mediator. Has reached successful resolution in a very high percentage of cases (most in a single session) by taking a flexible but respectfully-tough approach involving careful preparation/listening, creative solution building and varying degrees of facilitation and evaluation, depending on the case. In advance of the mediation session, typically works with the parties to set up success and help reduce costs by, among other things, (1) holding a pre-mediation telephonic conference with the attorneys (included in the daily rate); (2) requesting basic pleadings, key documents and substantive briefing already generated in the case (or key documents in pre-filed cases) rather than insisting on special mediation briefs in every case; and (3) arranging the mediation session with adequate time availability to come to a complete, fully-documented resolution in a single day. On mediation day, expects all parties and key stakeholders to be present (or available by telephone if necessary), including those party representatives with full authority to settle and those non-parties with a high degree of influence over the outcome. Encourages parties to eliminate barriers to success by bringing all key documents and, in some cases, key witnesses, particularly in those cases in the early (or non-existent) discovery stage. Believes that in the vast majority of cases it is most efficient and effective to begin with a non-substantive joint session where the parties meet one another, sign the mediation agreement and then break into caucus, but will customize where unusual facts suggest a different approach.

Education

University of California, Berkeley, Boalt Hall Law School (now Berkeley Law)(JD-1980); University of California, Davis (Lifetime Secondary and Elementary Teaching Credentials-1969; AB, Honors-1968).

Professional Licenses

Admitted to the Bar: California, 1980; U.S. District Court: Northern, Eastern and Southern Districts

of California; U.S. Court of Appeals, Ninth Circuit.
Formerly held the Society of Corporate Compliance & Ethics certification, the CCEP (Certified Compliance & Ethics Professional).

Professional Associations

International Academy of Mediators (IAM), Distinguished Fellow; California Dispute Resolution Council (Member; Board Member 2020 to present);The Mediation Society, Current Member (President of the Board 2014-2015; Board Member 2010-2016); The Association of Workplace Investigators, Current Member (Founding Board Member and Former Board Vice President); American Bar Association, Current Member ADR and Labor and Employment Sections; California Bar Association, Current Member ADR and Labor and Employment Sections; Former Member, Alameda County Superior Court ADR Administration Committee (2011-2015); The Congress of Neutrals (Former Board Member); XBHR (Co-founding Board Member, former Board member of this international organization dedicated to cross-border employment issues); Prevent Child Abuse California (Past President and Former Board Member); The Workplace Institute (Co-founder and Former Board Member; subsequently merged into The Center for Collaborative Solutions, a nonprofit association dedicated to transforming labor-management workplace relationships from negative to constructive based on interest-based problem resolution); San Francisco Lighthouse for the Blind (Former Board Member).

Recent Publications & Speaking Engagements

PUBLICATIONS: Authored or co-authored numerous articles, including "Discrimination Claims," Chapter 2, WRONGFUL EMPLOYMENT TERMINATION PRACTICE, CEB, 1997; "Employment Dispute Management," COMSTOCK'S, Nov. 1991; "Pregnancy Discrimination and Parental Leave," 11 IND. REL. L.J. 377, 1989; "Drugs and Alcohol in the Workplace: Technology, Law and Policy," 2 SANTA CLARA COMPUTER & HIGH-TECH L.J. 305, 1986; "Nonjudicial Developments in Comparable Worth," 10 EMP. REL. L.J. 222, 1984; "Wage Discrimination and Comparable Worth Issues and Remedies in the Aftermath of AFSCME v. State of Washington," 10 EMP. REL. L.J. 6, 1984; "Employment Protection and Gender Dysphoria: Legal Definitions Of Unequal Treatment On The Basis Of Sex And Disability," 30 HASTINGS LAW JOURNAL 1075, 1979.

SPEAKING ENGAGEMENTS: Has given well over 150 speeches/presentations on a full range of ADR and labor and employment law topics. Has been an Adjunct Trial Practice Professor at the University of California, Davis, School of Law. Has appeared on TV (KCRA, Channel 3 - The Willie Brown Television Show, Corporate Downsizing) and in videos (e.g. Preventing Sexual Harassment: What Works, What doesn't, ABA-CLE 1997.) A partial list of non-ADR speeches includes: "Comparative Models for Addressing Workplace Discrimination: How the Laws in the United States and Select Countries in Europe and Asia Deal with Implicit Bias in the Workplace," The State Bar of California Annual Labor and Employment Section Meeting, 2009; "Advising the International Employer: Codes of Conduct; Global Employment Policies; Privacy Issues Around the World; Discrimination Claims Against the Global Employer," The American Employment Law Council, Florida 2006; "Globalization Issues in Europe and Asia," San Francisco Bar Association, Labor and Employment Law Section, 2006; Program Chair, XBHR Annual Meeting, Hong Kong, 2006; "Best Practices: Responding to and Investigating Complaints of Corporate Fraud, Abuse, Corruption, Bribe, Scandal and Mismanagement," International Bar Association Annual Meeting, New Zealand, 2004; "SARS: Corporate Compliance, Risk Assessment and Employment Law," Hong Kong Chamber of Commerce Forum, Hong Kong, 2003; "Think Globally / Act Globally or Think Globally / Act Locally?: Structuring HR Management Policies and Programs in Multinational Organizations," XBHR Annual Meeting, England, 2003. See also RemmersGlobal.com/Bio.

Mediation Rate

$12,000 Per Day

Languages

English

Citizenship

United States of America

Locale

Oakland, 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.