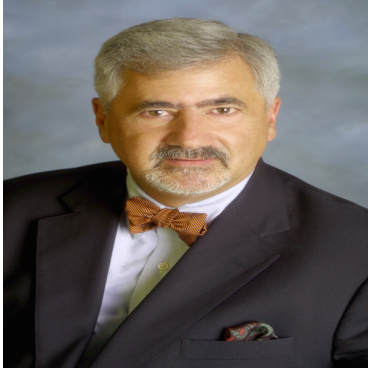




AAA Mediation.org™

## Richard J. Idell, Esq.

Sonoma, California



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**Current Employer-Title** The Idell Firm, A Professional Corporation - Attorney

**Panelist Video** <https://www.adr.org/videoresume?paramName=286170888>

**Profession** Attorney, Arbitrator, Mediator

**Work History** Attorney, Of Counsel, Dickenson, Peatman and Fogarty, 2019 - Present; Attorney, The Idell Firm, A Professional Corporation, 2014-Present; Attorney, Idell & Seitel, LLP, 2005-2014; Attorney, Richard J. Idell, A Law Corporation, 1986 - 2005; Attorney, Carlos Bea, A Law Corporation, 1977-1986.

**Experience** Practicing trial lawyer since 1977. Maintains both a transactional practice and litigation practice. Practice has focused on business and intellectual property matters primarily in the entertainment industries since 1985, with significant experience in copyright, trademark, trade secret, unfair competition and publicity matters.

Vineyard owner and grape grower in Sonoma County, California, and is on the Board of Sonoma County Vintners and member of a special committee of the Sonoma County Vintners on land use and other regulatory issues affecting vineyard owners and wineries. Practice includes representation of vineyard owners and wineries in myriad contract and land-use matters and other regulatory issues as well as trademark and other branding issues pertaining to the wine and grape production. Has represented wine and grape producers in a variety of litigation matters including breach of contract, purchase and sale of brands, purchase and sale of real estate and regulatory and land-use issues.

Broad trial experience in state and federal courts and private arbitration. Significant experience in the entertainment industry (particularly live entertainment) and wine industry with particular emphasis on contracts, land use, real estate, especially commercial leases and lease disputes, employment, insurance and all manner of intellectual property disputes with a particular emphasis on licensing. Experienced in construction disputes, professional negligence (including complex attorney-client fee disputes, attorney malpractice, accountancy malpractice, architectural malpractice and insurance broker negligence claims), complex business disputes, complex investment banking transactions, including tax shelters, tort claims and trade secret litigation. Since the mid-80's, has

represented numerous entertainment companies in the business of presentation and promotion of live entertainment performances, presentation of live theatre, production and distribution of music and production and distribution of film productions. Served as lead trial counsel in numerous litigation matters involving investment advisor and stock broker issues, publicity, licensing, copyright, trademark, publicity, trade dress, substantial similarity claims, unfair competition, Internet issues, a variety of live entertainment performance issues including artist agreements, tour agreements, tour joint ventures, sponsorship contracts, publicity rights, domain name disputes, force majeure issues, venue liability for patron claims, insurance, indemnity, ADA compliance, venue construction, CEQA matters, land-use and easement issues, complex commercial lease matters and disputes, purchase and sale disputes, tort law, investment banking transactions and tax shelters. Has handled many litigation matters requiring pursuit of provisional relief, such as attachments, claim and delivery, temporary restraining orders and preliminary injunctions. Has handled dozens of copyright seizure cases utilizing the ex parte seizure remedies of Section 503 of the Copyright Act and comparable remedies under the Lanham Act. Has handled many transactional matters in the same areas. Serves as advisor and counsel to entertainment and technology endeavors in live entertainment, music, film, video production and audio-visual delivery. Is the owner of Idell Family Vineyards and counsel to wineries, vineyard owners and wine retailers, both on-line and terrestrial.

Copyright Experience: film production and distribution; television production and distribution; music production and distribution; presentation of live entertainment performances; live theatre, rock and roll festivals; Internet and Web-sites.

Trademark Experience: film; music; television; Internet; sports; live theatre; presentation of live entertainment performances and a variety of other business contexts.

## **Mediator Experience**

Serves on ADR panels of the Marin Superior Court and the Bar Association of San Francisco. Prior experience on the ADR Arbitration Panel of the United States District Court, Northern District of California. Panelist for the San Francisco Bar Association for mandatory fee arbitration matters.

## **Representative Issues Handled as a Mediator**

Entertainment industry disputes; copyright; trademark; other intellectual property; trade secret disputes; unfair competition disputes; wine industry contracts and real estate matters; internet law and disputes; Corporate/Limited Liability Company governance disputes; partnership dissolution and disputes; business disputes; complex investment banking disputes; financial and investment disputes - investment advisor/stock broker disputes; securities disputes; contract disputes; disability/Americans with Disabilities Act claims; buy-sell disputes; employment/work place disputes; environmental issues and land use disputes; estate and trust litigation; fee disputes; legal malpractice and other professional negligence disputes; personal injury; products liability; real estate; securities; construction; winery and vineyard real estate.

## **Mediator Style & Process Preferences**

My mediation philosophy is a combination of facilitative and evaluative approaches with an emphasis on analyzing and evaluating the facts relevant to the dispute and the parties' legal positions. I emphasize the best of both approaches to assist the parties in coming to a mutually agreeable solution. In doing so, I engage the parties in understanding the dispute and how it came about and emphasize the fact that the mediation process can lead to a result crafted by the parties rather than a fact-finder/decision-making judge or jury. I emphasize the obvious strengths and weaknesses of the parties' respective case in order to come to a practical solution that is reflective of those strengths and weaknesses.

## **Education**

Golden Gate University (JD-1976); University of California, Berkeley (BA, Sociology-1970).

## **Professional Licenses**

Admitted to the Bar: California, 1976.

## **Professional Associations**

Sonoma County Bar Association; Napa County Bar Association; Marin County Bar Association; San Francisco Bar Association; American Bar Association; American Bar Association Forum on the Entertainment and Sports Industries; State Bar of California (Sections: Business Law; Intellectual Property; Litigation; Real Estate); The Copyright Society of Northern California; San Francisco Trial Lawyers Association (SFTLA); Lawyer Friends of Wine (LFW); Sonoma Valley Vintners & Growers Alliance (SVVGA); Sonoma County Vintners (SCV).

## **Recent Publications & Speaking Engagements**

Recent Publications:

"Venues: Festivals" Chapter of IAEL Publication: "Live Entertainment - An International Handbook" MIDEM, Cannes, France, January 2011; "Compliance Issues Heat Up With Outdoor

Summer Concerts," LOS ANGELES DAILY JOURNAL, June 16, 2009; "Must the Show Always Go On? Better Check the Contract," LOS ANGELES DAILY JOURNAL, May 12, 2009; "Indemnity Policies Are Crucial To Setting The Stage For A Smooth Live Show," LOS ANGELES DAILY JOURNAL, May 5, 2009; "A Concerted Effort," LOS ANGELES DAILY JOURNAL, April 21, 2009; "Online Marketing Campaigns and Legal Considerations," WEBSITE MAGAZINE, August 3, 2007.

**Recent Speaking Engagements:**

Panelist: American Bar Association Forum on the Entertainment and Sports Industries 40th Anniversary Annual Meeting: Plenary Session: Past Chairs Roundtable: Recipient of Past-Chair Recognition for 2013 to 2015 Term as Chair and Participation on Past Chairs Roundtable, Las Vegas, Nevada, October 5, 2018.

Speaker: Wine/Beer/Spirits Law Seminar: "Attracting your DTC Customers: Sales and Marketing Issues in the 2018 Land-use and Regulatory Environment: Events, Promotion and Sponsorship", Sonoma County Bar Association, Santa Rosa, California, April 27, 2018.

Panelist: Careers in Business Law focusing on Entertainment Law, Golden, Gate University Law School, San Francisco, California, March 14, 2018.

Speaker: "The Business of Wine": "IP, Trademarks and Licensing: Protecting Your Winery Name, Brand and Identity", The Seminar Group, Napa, California, November 16, 2017.

Panelist: Duke University Law School: 7th Annual Duke Sports and Entertainment Law Symposium: "Lawlapalooza: Contracts, Negotiations, and other Legal Issues in the Music Festival Industry"; Duke University Law School, Durham, North Carolina, January 27, 2017.

Speaker: Sonoma County Vintners Education Series: "Winery Permits 101: Events At Wineries And Tastings Rooms – Conditional Use Permits, Sponsorship, Music Licensing"; Santa Rosa, November 16, 2016.

Lecturer: Sonoma State University Wine Executive MBA Program: "Leadership, Compliance and Governmental Relations"; (8 sessions) June – July, 2016.

Speaker: Creative Sonoma Next Level Music Business Education Series: Music Industry Legal Issues – What every band and musician should know", Santa Rosa, September, 2016.

Panelist: Wine & Craft Beer Symposium: Legal Issues in the Wine & Craft Beer Industry: From Start-up to Succession: "Introduction & Top 10 Things to Know About Your Wine Business"; Sonoma County Bar Association, April 19, 2016, Fountaingrove Inn, Santa Rosa, California  
Moderator: Panel discussion regarding: "Getting Your Music Heard" as part of the Music Industry Conference for artists and members of the music industry sponsored by Creative Sonoma, an agency/division of the County of Sonoma, including Al Evers from A-Train talking about licensing and Julie Schuchard from Tricycle Records talking about marketing and fan base development, April 17, 2006, Santa Rosa, California

Guest Speaker: UC Davis School of Law: Entertainment and Sports Law Society: "Careers in Entertainment Law and Sports Law", March 30, 2016, Davis, California.

Moderator and Presenter: Sonoma Valley Vintners and Growers Alliance Symposium on licensing of music for public performances in tasting rooms and wineries, featuring Todd Brabec as co-presenter February 26, 2016, Fairmont Sonoma Mission Inn, Sonoma, California.

Guest Speaker: Berkeley Journal of Entertainment and Sports Law, Lunch Symposium: "How to Build a Career in Entertainment Law", University of California at Berkeley Law School (formerly Boalt Hall), February 24, 2016, Berkeley, California.

<b>Mediation Rate</b>	\$5,000 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Sonoma, 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.