



AAA Mediation.org™

Jean-Paul Menard, Esq.

Los Angeles, California

Primary Areas of Expertise

Unfair Competition Claims
Employment Related Disputes
Commercial Contract Disputes
Real Estate Disputes

Current Employer-Title Menard Mediation, Inc. - Principal;
Brown White & Osborn LLP - Partner

Profession Attorney
Mediator

Work History Principal, Menard Mediation, 2008 - Present; Partner, Brown White & Osborn LLP, 2019 - Present; Principal, Law Office of Jean-Paul Menard, 2008 - 2019; Partner, McKenna Long & Aldridge LLP (now Dentons US), 1997 - 2008; Partner, Stephens Berg & Lasater, 1986 - 1997; Associate, Munns Kofford Hoffman Hunt & Throckmorton, 1984 - 1986.

Experience Conducted over 500 mediations in litigated and non-litigated matters since 2008, including multi-party disputes, involving employment, business, commercial, real estate, partnership, unfair competition, business torts, copyright and trademark infringement, and personal injury matters. Participated in hundreds of mediations as an advocate since 1984. Mediation panelist for the California Association of Realtors and the United States District Court, Central District of California. Former mediation panelist for the now defunct Los Angeles Superior Court ADR Program.

40 years of complex litigation experience at the trial and appellate levels in state and federal courts involving employment, breach of contract, business torts, fraud, unfair competition, trade secrets, partnership and real estate matters, trademark and copyright infringement, and environmental and government contract/qui tam related claims. Counseling of clients on business strategies to minimize exposure to costly and unnecessary litigation. Additional experience in consulting with clients on employment related issues and negotiating and documenting business and commercial agreements.

Mediator Experience Conducted over 500 mediations since 2008, in the following areas:

- (1) Employment matters, including statutory claims for discrimination, harassment, and wrongful termination, wage and hour claims, and breach of express and implied contracts.
- (2) Commercial and business matters, including breach of contract claims, collection matters, and consumer remedies.
- (3) Real estate matters, involving purchase and sale of commercial and residential properties, disclosure obligations, brokerage fiduciary duty issues, landlord-tenant disputes, quiet title and partition actions, declaratory and injunctive relief, specific performance actions, and HOA related disputes.
- (4) Unfair competition claims, including statutory and common law claims, unfair business practices, trade secret violations and business interference claims.

(5) Statutory and common law claims for trademark, trade name, and trade dress infringement, false advertising claims, and copyright infringement violations.

(6) Intentional and negligent misrepresentation claims.

(7) Personal injury claims, including premise liability, automobile accident, and defective product claims.

Mediation training includes the following:

Certification by the Los Angeles County Bar Association to conduct mediations. Participation in numerous mediation training courses and seminars, including the basic and advanced mediation training programs offered by the Los Angeles County Bar Association, and programs presented by the Southern California Mediation Association (SCMA), the Straus Institute for Dispute Resolution at Pepperdine University School of Law, the USC Gould School of Law, the United States District Court, and ADR Services, Inc.

Representative Issues Handled as a Mediator

Mediated a wide variety of disputes and substantive issues, including employment claims, involving discrimination, harassment, wrongful termination, breach of express and implied contracts, and wage and hour claims; breach of contract claims, and collection matters; real estate disputes, including purchase and sale of commercial, industrial and residential properties, non-disclosure and fiduciary duty issues, landlord-tenant, quiet title, partition, declaratory and injunctive relief, and specific performance actions; business entity disputes involving partnerships, corporations, and LLCs; unfair competition claims, including trade secret violations and business interference claims; fraud claims; and personal injury claims, including premise liability, automobile accident, and defective product claims.

Mediator Style & Process Preferences

Since 2008, I have dedicated a significant amount of my time as a private mediator assisting parties in resolving their disputes, believing that mediation is a more cost-effective and efficient manner of resolving conflicts. I integrate my litigation, negotiation and interpersonal skills in my mediation work, and am very persistent, patient, and proactive when seeking resolution. My methods and demeanor contribute to a high success rate in settling cases; attorneys and parties have commented that my demeanor makes me an effective mediator.

I am flexible during the mediation process, adapting to the circumstances involved in each matter including the nature of the case, and the personalities and desires of the parties. I will caucus with each side privately throughout the mediation in resolving the dispute. During this process, I will explore the material issues of the case and each party's interests. I will pose questions relating to the strengths and weaknesses of each party's position. Generally, I take an evaluative approach at some point during the mediation and will express my views if I believe it will facilitate a resolution of the dispute. A settlement will be memorialized in a written agreement signed by the parties at the mediation.

A successful mediation requires the physical presence of final decision makers with full settlement authority. Thus, I require that such individuals attend the mediation in person.

I require mediation statements from the parties seven days prior to the mediation. Statements should include a summary of the relevant factual and legal issues, the material case and/or statutory authority, an analysis of the claimed damages, and a discussion of any prior settlement negotiations. The parties may submit relevant documents with their statement. I recommend that parties exchange their statements prior to the mediation, which will make the mediation a more productive and efficient process. Any information that is sensitive in nature, such as the party's specific interests and priorities regarding settlement, may be sent to me in a separate writing marked "confidential."

I generally conduct an individual or joint pre-mediation telephonic conference with counsel or the parties if unrepresented. The purpose of this conference is to discuss scheduling, the nature of the case, the status of any discovery, the intended participants at the mediation, and any interests or issues that should be addressed prior to the mediation.

Education

Loyola Law School (JD – 1984); California State University, Northridge (BA, magna cum laude – 1981).

Professional Licenses	Admitted to the Bar: California (1984); United States Court of Appeals, Ninth Circuit; United States District Court: Central, Northern, Eastern and Southern Districts of California, Western District of Michigan.
Professional Associations	Mediation Panelist, California Association of Realtors Mediation Panelist, United States District Court, Central District Southern California Mediation Association, Professional Member
Locations Where Parties Will Not be Charged for Travel Expenses	Downtown Los Angeles
Mediation Rate	\$400 Per Hour
Languages	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.