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## **NORMAN BRAND, ESQ.**

### **MEDIATOR RESUME**

#### **EXPERIENCE**

Over 30 years experience as arbitrator and mediator in more than 3,000 labor, employment, and other cases. Served exclusively as a neutral since 1983. Northern California "Super Lawyer," Alternative Dispute Resolution, 2006, 2007, 2008, 2009 and 2010.

#### **REPRESENTATIVE CASES HANDLED AS A MEDIATOR**

Sexual harassment alleged by a female scientist at a biotech firm against the firm's chief scientist, claiming the allocation of laboratory responsibilities demonstrated the harassment that led to her constructive termination. Sexual harassment alleged by a heterosexual male asserting that his homosexual male supervisor embraced him and then failed to promote him for not responding in the desired manner. Age and sex discrimination by an executive against a financial institution (settlement occurred by assisting in analyzing the risk adjusted net present value of the case). National origin discrimination lawsuit by a professor against an educational institution (assisted parties in reaching agreement that included research support, an interim title, and a financial settlement). Wrongful termination/age discrimination case by General Counsel against Fortune 100 Company resolved through re-structuring severance package. Race, national origin discrimination, and wrongful termination case by senior executive against foreign company doing business in U.S. Constructive termination and race discrimination claim at software company by mid-level employee involving stock options. Mediated new contract terms for physicians and surgeons employed in county hospitals. Mediated first annual maintenance agreement between Sacramento Delta Reclamation Districts and the California Department of Fish and Game. Mediated first agreed upon "pay for performance" experiment in a public school system, between the Denver City School District and the Denver City Teachers Association.

## **MULTI-PARTY DISPUTE RESOLUTION EXPERIENCE**

Mediated Superfund site cleanup agreement involving 19 parties and obligations in excess of \$200 million. Mediated annual maintenance agreements involving all Reclamation Districts in the Sacramento Delta and the California Department of Fish and Game. Mediated trust fund breakup involving two unions and nine employers.

## **ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE**

Over 30 years' experience as arbitrator and mediator in over 2000 labor, employment, and other cases. Served on specialized panels requiring scientific literacy in biochemistry, medicine, and psychiatry, and an understanding of research and laboratory procedures. Cases include: labor-management disputes over discipline, discharge, and new contract terms; employment arbitrations and mediations involving age, sex, race, national origin discrimination, and sexual harassment; wrongful termination, executive compensation (golden parachute), statutory and employment contract violations in diverse industries, including computer hardware, pharmaceuticals, and biomedical products. Other disputes involved trade secrets, intellectual property, environmental contaminants, medical and scientific issues, and business relationships. Special areas include MPPAA withdrawal liability (including complex actuarial issues), trust fund collections, loans, and trustee deadlocks; salary setting for police and firefighters in cities over one million; salary setting and other disputes for electricity generation, transmission, and distribution employees. Some arbitration decisions involved unique issues of law and have been reviewed by federal courts. Cases arbitrated have been valued to \$50 million; largest arbitration award issued was \$40 million. Trained state and federal judges in mediation, fact finders for California Public Employment Relations Board, mediators for New York Public Employment Relations Board, and held trainings for private organizations, the California Bar, and AAA.

## **PROFESSIONAL AFFILIATIONS**

National Academy of Arbitrators, (Past Regional Chair); College of Labor and Employment Lawyers (Fellow); The American College of Employee Benefit Counsel (Fellow); The American College of Civil Trial Mediators (Fellow); California Dispute Resolution Council (Past President); California State Bar Association (Labor and Employment Law Section, Past Secretary); International Foundation of Employee Benefit Plans (Arbitration Committee, Past Chair); American Bar Association (Labor and Employment Law, Science and Technology Sections); American Association for the Advancement of Science.

## **WORK HISTORY**

Arbitrator, Mediator, Full-time Neutral, Self-employed, 1983-present; Adjunct Professor, Hastings College of the Law, 1992-1997; President, Impartial Enterprises, Inc., 1985-88; Professor, Albany Law School of Union University, 1978-83; Ad Hoc Mediator, New York State Public Employment Relations Board, 1978-83; Labor Counsel, Emergency Financial Control Board, City of New York, 1976-78; Executive Assistant, New York State Director of Employee Relations, 1975-78; Editorial Consultant/Technical Writer, 1972-75; Professor of English, University of California at Davis, 1970-72; Professor/Consultant, Council on Legal Education Opportunity, 1969-74.

## **ALTERNATIVE DISPUTE RESOLUTION TRAINING**

Attended AAA Neutrals Conference, Palm Springs, 3/05; ACE003 – Arbitrator Ethics and Disclosure, Palm Springs, 3/05; ACE 003 – Arbitrator Ethics and Disclosure, San Francisco, 12/04; AAA Labor Arbitrator II Training, New York, 3/03; AAA Labor Arbitrator II Training, New York, 3/03; AAA Arbitrator Update, 2001; Alliance for Education in Dispute Resolution and Department of Labor, "Mediation of Wage and Hour Cases," 12/00; "So You Think You're a Mediator," Advanced Mediation Training, 1999; Trainer, AAA "Employment Arbitration: Managing the Process," (Trainer) AAA training for California Employment Panel, 1999; AAA Employment Panel Training, 1997; Los Angeles County Bar, Advanced Mediation Training, 1994; AAA Mediation Training, 1993.

## **EDUCATION**

JD	Law	University of California, Davis, 1975
PhD	English	Arizona State University, 1971
BA	English/Biology	State University of New York, 1966

## **CERTIFICATES**

Law – New York 1984; Law – California 1976

## **PANELS**

AAA Mediator Panel  
ADR Services, Inc.  
CADRE Mediation Panel  
California Academy of Distinguished Neutrals  
Contra Costa County Superior Court  
Court of Appeal, First Appellate District Mediation Panel

## **SIGNIFICANT PUBLICATIONS**

LABOR ARBITRATION: THE STRATEGY OF PERSUASION, Second Edition (San Francisco: 2006), Editor, HOW ADR WORKS (BNA 2002) "How to Survive Your First Mediation," NY EMPLOYMENT LAW & PRACTICE 9, June 2000; "When Experts Testify: Exploiting the Advantages of Arbitration," 4 ADR CURRENTS 1, Fall 1999; "Using Mediation Effectively," 128 CALIFORNIA PUBLIC EMPLOYEE RELATIONS 7, February 1998; Editor in Chief, DISCIPLINE AND DISCHARGE IN ARBITRATION, BNA 1998); ADR PERSONALITIES AND PRACTICE TIPS, Chapter 8, American Bar Association, Section of Dispute Resolution, 1998; "Choosing the Expert Mediator," 2 ADR CURRENTS, Summer 1997; "Due Process in Arbitration," LABOR AND EMPLOYMENT ARBITRATION, (Matthew Bender 1994); co-author, LEGAL WRITING: THE STRATEGY OF PERSUASION, 3<sup>rd</sup>. ed., St. Martin's Press, 1993; "Learning to Use the Mediation Process – A Guide for Lawyers," 47 ARBITRATION JOURNAL 6, (December 1992), reprinted in Craver & Brunet eds. ALTERNATIVE DISPUTE RESOLUTION, (Michie 1997); "New Trust Impasse Rules: A Review of Major Changes," 25 EMPLOYEE BENEFITS DIGEST, 3, 1988; LABOR ARBITRATION: THE STRATEGY OF PERSUASION, (Practicing Law Institute 1987).

## **PROFESSIONAL LICENSES**

Admitted to the Bar: California, 1976; New York, 1983

## **REFERENCES**

Terry Wills, Esq., Cook Brown & Prager (916) 442-3100  
Arlo Uriarte, Esq. (415) 695-1000  
Kimberly E. Colwell, Esq., Meyers Nave (510) 808-2000  
Allison Berry-Wilkinson, Esq. (415) 259-6638

## **COMPENSATION**

\$5,000 per day, includes pre-mediation conference call, one hour pre-mediation preparation and one day of mediation, regardless of how long the day. Additional work \$585 per hour. Late cancellation fee of 4 hours unless more than five working days notice is provided. Travel and subsistence expense where applicable.