



DENISE R. MADIGAN, ESQ.
MEDIATOR



denise@denisemadigan.com

PROFESSIONAL MEDIATION EXPERIENCE

Ms. Madigan has over 20 years' experience as a fulltime professional mediator and currently is based at **ADR Services, Inc.**, in Los Angeles, California.

She began her career in the early 1980's as **Associate Director of the Harvard-MIT Public Disputes Program**. Working closely with Lawrence Susskind from MIT, she managed and co-mediated large, multiparty cases involving state public-private partnerships and local budget priorities. In addition, she served as a consultant to the Special Master in a federal lawsuit over Native American fishing rights in the United States.

After returning to school to get her law degree, and practicing with Arnold & Porter in Washington, DC, Ms. Madigan joined the private ADR firm, **ENDISPUTE, Inc.**, in the early 1990's, where she worked closely with Jonathan Marks, Esq., mediating and co-mediating large complex cases in litigation. In addition, she mediated and facilitated "negotiated rule-makings" and other public policy dialogues for clients that included the U.S. Environmental Protection Agency, the U.S. Department of Energy, and the Federal Trade Commission.

Over the past 20 years, Ms. Madigan has mediated and co-mediated an unusually wide range of cases. The following is just a sampling:

- A \$200 million settlement between a large public transportation agency and its primary contractor, related to liability surrounding one of the most serious accidents in California history.
- Over 20 separate wrongful death and personal injury cases arising out of a single accident, in excess of \$25 million.
- Reorganization of operations and assets worth over \$1 billion among 30 electric utility cooperatives.
- Commercial contract disputes involving the provision of computer hardware and software systems.
- Shareholder/directors' suit involving medical computer technology that was among the most sophisticated in the market at the time.
- Patent infringement dispute involving a high-tech and major entertainment companies.
- Partnership, copyright and royalty issues within a well-known recording group.
- Multiparty trade dress and false advertising dispute involving millions in disputed revenues/damages.
- Complex family business disputes involving enterprises worth over tens of millions of dollars.
- Superfund (CERCLA) allocation dispute involving over thirty municipal and industry PRP's.
- Will contest involving complex family and business issues in estate worth tens of millions of dollars.
- Legal malpractice lawsuit surrounding one of the largest bankruptcies at the time.
- A wide range of injury cases under the Federal Employers' Labor Act (FELA).
- Insurance coverage disputes under the Employee Retirement Income Security Act (ERISA).

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- The U.S. Federal Deposit Insurance Corporation and the U.S. Resolution Trust Corporation (FDIC/RTC) suits against directors of failed savings and loan entities.
- Reimbursement disputes between insurance companies and hospitals.
- Employment disputes, pre-litigation and in litigation, union and non-union settings.

In addition to litigated and pre-litigation disputes, Ms. Madigan has mediated and facilitated significant public policy disputes at the national level, including:

- A 2-month facilitated dialogue surrounding targeted legislative reform to the Resource Conservation and Recovery Act (RCRA).
- A 2-year negotiated rulemaking effort by the Environmental Protection Agency (EPA) surrounding the proposed redefinition of federal hazardous waste identification rules.
- Workgroup discussions within EPA surrounding the privatization of wastewater treatment facilities.
- Facilitated workshops for the Federal Trade Commission to organize public comments on proposed energy efficiency and environmental labeling rules.
- A several month process involving representatives from 50 state agencies to develop a new allocation formula for federal energy assistance funds.
- A facilitated workshop for manufacturers from around the world regarding product recycling issues.

Participants in these processes have included high-level representatives from federal, state and local agencies, from a wide variety of businesses and trade associations, and from nonprofit and public interest groups reflecting consumer, scientific, environmental and/or environmental justice concerns.

TEACHING AND TRAINING EXPERIENCE

Since 1996, Ms. Madigan has served as an **Adjunct Professor of Law at Pepperdine Law School**, where she is affiliated with the Straus Institute for Dispute Resolution, ranked #1 in graduate ADR programs by *U.S. News and World Report* for several years. There she has designed and taught semester courses in mediation, negotiation, and ADR, and provided mediation training for judges, attorneys, and other professionals from across the United States and around the globe.

Ms. Madigan also has taught mediation as a visiting lecturer at law schools in Hong Kong and mainland China for the past seven years, including courses at **City University of Hong Kong, Hong Kong University**, and most recently, **Shantou University** in Shantou, China.

Ms. Madigan has designed and delivered seminars and workshops for corporations, government agencies, law firms and other organizations. These workshops include negotiation skills development, mediation and arbitration advocacy, consensus-building, and topics relating to environmental, intellectual property, and public sector disputes.

LEGAL AND CONSULTING EXPERIENCE

Ms. Madigan practiced law with **Arnold & Porter** in Washington, D.C., where she concentrated in intellectual property law, focusing on copyright, trademark, licensing, unfair competition, rights of privacy/publicity and patent misuse law. She also practiced in communications, government contracts and antitrust law.

Ms. Madigan worked for two years as a Research Analyst for **Urban Systems Research & Engineering** in Cambridge, Massachusetts, specializing in public policy analysis for federal and state government clients.

Ms. Madigan has clerked for major law firms in Boston (**Goodwin Proctor**), Tokyo (**Nagashima & Ohno**) and Sydney (**Allen Allen & Hemsley**) and was a research assistant for the **President's Council on Wage and Price Stability** (COWPS) in the late 1970's.

PUBLICATIONS

- "Mediation Confidentiality...Not?," *ADVOCATE*, Journal of Consumer Attorneys for Southern California. September 2010
- *Primer on ADR for Intellectual Property Disputes* (co-author with J. Kichaven and T. Arnold, published by the ABA Section on Dispute Resolution. 2000
- Various articles in the *Daily Journal* regarding mediation and other ADR issues. 1997 - 98
- *At the Table: Advanced Mediation Advocacy* (published by JAMS/ENDISPUTE for use in its national ADR training programs). 1996
- *Consensus*, several columns on "Update on ADR in the Federal Government" (published by the MIT-Harvard Public Dispute Resolution Program). 1994
- "New Approaches to Resolving Local Public Policy Disputes" (with McMahon, Susskind & Rolley) (published by the National Institute for Dispute Resolution). 1990

AWARDS & RECOGNITION

- *Best Lawyers* "Los Angeles Mediation Lawyer of the Year" 2012
- *Daily Journal* "Top 50 Neutral" 2011
- *Irish Legal Times* "Top 100 Irish-American Lawyers" 2011
- *Hollywood Reporter* "Power Mediator" 2009
- *California SuperLawyers*, since 2009
- *Best Lawyers in America*, since 2006
- *Distinguished Fellow, International Academy of Mediators*
- Recipient of **Honorable Mention from the Center for Public Resources** for article entitled "New Approaches to Resolving Disputes in the Public Sector" (*The Justice System Journal*, co-authored with L. Susskind) 1985
- Recipient of research/writing **grant from the National Institute for Dispute Resolution** 1984

APPOINTMENTS

Los Angeles Police Commission, Board of Rights, Civilian Member (adjudicated allegations of police misconduct) 1997-99

EDUCATION

J.D. 1988 **Harvard Law School**, *cum laude*; Editor, *Harvard Law Review*, Winner, Williston Negotiation Competition (Best Agreement)

M.P.P. 1983 **Kennedy School of Government, Harvard University**

B.A. 1979 **Northwestern University**, *Phi Beta Kappa*, Best Thesis in Economics Award, Governor's Leadership Award

MEMBERSHIPS

State Bar of California (active)

Bars of the District of Columbia, New York & Massachusetts (inactive or retired)

American Bar Association, Section on Dispute Resolution

Los Angeles County Bar Association