



## HON. MICHAEL MARCUS

Judge of the California State Bar Court (Retired)

Hon. Michael D. Marcus has a well deserved reputation as a skilled, personable and forceful mediator and a fair and impartial arbitrator, having been honored by the Daily Journal as a "Top Neutral" in 2007, 2009, and 2010 and as a "Southern California Super Lawyer" for 2008-2011.

Judge Marcus brings an extremely broad legal background to his ADR practice. He was an experienced and successful trial lawyer, former law firm partner and judge. Judge Marcus has taught evidence and trial tactics at law schools and is a legal author and bar leader as well as an efficient and effective mediator and arbitrator.

### **MEDIATION and ARBITRATION EXPERIENCE**

Since 2002, Judge Marcus has successfully mediated the following types of cases: employment (including those involving class actions), commercial/business, legal malpractice, personal injury, wrongful death, real property, premises liability, product liability, construction defect, intellectual property, medical malpractice, eminent domain, environmental/toxic tort, police misconduct and civil rights.

Judge Marcus has arbitrated the following types of cases: employment, commercial, real property, partnership, medical malpractice, legal malpractice, personal injury, fee disputes and insurance coverage.

### **DISCOVERY REFEREE**

Judge Marcus has been appointed by Judges of the Los Angeles and Orange County Superior Courts to resolve discovery disputes.

### **MEDIATION HONORS**

*Daily Journal* "Top 50 Neutral in California", 2007, 2009, 2010  
Southern California "Super Lawyer" (Neutral), 2008 - 2011

### **JUDICIAL EXPERIENCE**

- 1995 – 2001 Judge of the California State Bar Court
- 2000 – 2001 Supervising Judge of the State Bar Court Hearing Department
- 1996 – 2000 Assistant Supervising Judge of the State Bar Court Hearing Department

In his 6 years on the State Bar Court, Judge Marcus presided over approximately 160 trials involving such issues as breach of fiduciary duty, fraud, conflicts of interest, failure to perform competently, misappropriation, and client abandonment; wrote lengthy decisions containing findings of fact and conclusions of law for each trial; and was involved in over 400 settlement conferences with a settlement rate of about 95%.

### **LITIGATION EXPERIENCE**

- 1987 – 1995 Partner, Coleman & Marcus, Los Angeles
- 1985 – 1987 Of Counsel, Sanger Grayson Givner & Booke, Encino
- 1968 – 1985 Deputy District Attorney, Office of the District Attorney, Los Angeles

## **EDUCATION**

1964 – 1967 JD, UCLA School of Law, Los Angeles, California  
1962 – 1964 BA in Political Science, University of California, Berkeley  
1960 – 1962 Oberlin College, Oberlin, Ohio

## **PUBLICATIONS**

Judge Marcus is a prolific writer who has written about mediation tactics, mediation ethics, arbitration ethics, trial preparation, legal ethics, prosecution discovery and the destruction of evidence for such organizations as the State Bar of California, the California Continuing Education of the Bar (CEB), the California District Attorneys Association, the San Fernando Valley Bar Association and the California Attorneys for Criminal Justice. He is also the author of *Trial Preparation for Prosecutors (3<sup>rd</sup> Edit.)*, Lexis Law Publishing 2010, and has contracted with the West Group to write *California Courtroom Conduct: The Do's and Don'ts of Litigation*. Judge Marcus is also the author of a popular series of monthly articles on “Mediation Messages” and “Arbitration Insights.”

## **TEACHING AND LECTURING**

Judge Marcus taught evidence at the USC Law Center and he has lectured on legal ethics at the California State Bar's annual meeting, to the California Judge's Association, for the CEB and at many prominent law firms. Judge Marcus has also been a member of the faculties at Southwestern University School of Law, The National College of District Attorneys in Columbia, South Carolina and was a clinical instructor at the UCLA School of Law as well as an adjunct professor on trial skills at Pepperdine University School of Law.

## **BAR ACTIVITIES**

- Member, Board of Governors, State Bar of California, 2007-2010
- Trustee, Los Angeles County Bar Association (LACBA), 1979-1980
- Chair, Professional Responsibility and Ethics Committee (LACBA), 2005-2006
- Chair, Criminal Justice Section (LACBA), 1977-1978
- Member, State Bar of California Conference of Delegates, 1968-1993

## **FORMAL ALTERNATIVE DISPUTE RESOLUTION TRAINING**

“Mediating the Litigated Case,” a 42-hour program offered by the Straus Institute for Dispute Resolution at Pepperdine University School of Law.

“Mediating Complex Construction Disputes,” an 18-hour program offered by the Straus Institute for Dispute Resolution at Pepperdine University School of Law.