



Paul E. Burns, Esq.
Procopio, Cory, Hargreaves & Savitch, LLP

Current Employer-Title	Procopio, Cory, Hargreaves & Savitch LLP - Partner
Mediation Profession	Attorney, Arbitrator, Mediator and Adjunct Professor
Work History	Partner/Attorney/Arbitrator/Mediator, Procopio, Cory, Hargreaves & Savitch LLP (AMLAW 200 firm with offices in Los Angeles, San Diego, San Francisco Bay Area-Silicon Valley and Phoenix/Scottsdale), 2010-present; Adjunct Professor of Law, Pepperdine University School of Law Straus Institute for Dispute Resolution, 2008-present; Attorney, AMLAW100 and regional firms (including Steptoe & Johnson and LeBoeuf, Lamb, Greene & MacRae), 1985-2010.
Experience	<p>30+ years of legal experience and 14+ years of arbitration experience including: COMMERCIAL CONTRACT AND FRANCHISE: Arbitrator in approximately 50+ commercial contract disputes including those seeking damages of over \$100 million. Arbitrator in 15+ franchise agreement disputes including several emergency arbitrations seeking emergency relief. Counsel in hundreds of commercial contract disputes, including those involving purchase and sales, manufacturing, distribution, supplier, sales/marketing consulting, services and other agreements.</p> <p>HEALTHCARE AND INSURANCE: Advise on HIPAA data security and privacy obligations drafting agreements with health care providers and patients. Litigation involving healthcare computer software, health IT systems, and HIPAA for pharmacy benefit management (PBM) company. Drafted numerous manufacturing, research and development, licensing and purchase and sale agreements for medical device manufacturers and biotechnology/life sciences clients. Received AAA training in credentialing/peer review/medical staff and provider contract disputes. Monitored insurance legislation for UK insurance underwriters.</p> <p>TECHNOLOGY, INTELLECTUAL PROPERTY, LICENSING: Arbitrator or counsel in hundreds of intellectual property disputes involving patent infringement, patent ownership, copyright infringement, trademark infringement, trade secret misappropriation, computers, software, information technology, life sciences (including biotechnology, medical devices and pharmaceuticals), semiconductors, electrical, mechanical, and chemical technology.</p> <p>ENTERTAINMENT AND MEDIA: Arbitrator in approximately 80+ online copyright infringement music, film and television show disputes. Counsel for Internet-based entertainment and media company negotiating agreements with production companies, talent, and SAG/AFTRA and other guilds. Speaker at San Diego Comic-Con. Developing an ADR program for #MeToo victims of sexual harassment and discrimination in the entertainment industry.</p> <p>INTERNET/CYBERSECURITY/DATA PRIVACY: 20+ years as thought leader in Internet Law including drafting Internet Terms of Use and Online Privacy Policies for Internet start-ups, social media companies and established companies, and provided advice regarding their cybersecurity and data privacy obligations</p>

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under state and federal law, Federal Trade Commission guidelines, HIPAA, FERPA and GDPR. Conducted data breach investigations and advised on data breach notice obligations and cybersecurity and data breach insurance coverage.

CORPORATION/LLC/PARTNERSHIP/INVESTMENT/SECURITIES: Arbitrator in 15+ disputes involving claims of breach of fiduciary duty, excessive compensation and dissolution; a medical practice LLC breach of fiduciary duty dispute; and disputes involving bond holders' claims, improper broker-dealer conduct, breach of investment advisor agreements, unsuitable investments, and securities fraud.

BANKING AND FINANCIAL: Counsel in banking and financial disputes involving financing agreements, loan agreements, collections, and creditor and debtor rights.

ACCOUNTING AND LEGAL SERVICES: Arbitrator or mediator in several professional malpractice and nonpayment cases involving alleged accounting malpractice applicable to international taxation, forensic accounting experts, and allegations of legal malpractice and excessive fees in a patent infringement case.

EMPLOYMENT: Advised on Americans with Disabilities Act, Federal Medical Leave Act, sexual harassment and discrimination, and age discrimination. Handled litigation involving breach of employment agreements and trade secret misappropriation.

ELECTRONIC DISCOVERY: 12+ years of experience as thought leader in E-Discovery. Appointed as Special E-Discovery Master in court and arbitration proceeding.

Experience as a Mediator

12+ years of mediation experience and mediation training. Have served for 10+ years as an Adjunct Professor of Law teaching mediation at Pepperdine University School of Law's Straus Institute for Dispute Resolution, the U.S. News's No. 1 ranked Alternative Dispute Resolution Program in the country, trained over 120+ students, and supervised hundreds of simulated mediations. Developed a proprietary method of mediation. Co-created/led The Sedona Conference Patent Mediation Drafting Team involving multiple stakeholders and several prominent federal judges to develop best practices for mediating patent infringement disputes and was a Contributing Author of "Patent Mediation Best Practices," The Sedona Conference Working Group on Best Practices in Managing Patent Litigation (2016). Serve as a member of the Panel of Trademark Mediators for the International Trademark Association. Serve as Vice Chair of the American Intellectual Property Association and assisted in developing AIPLA Mediator List application protocol. Mediation practice is focused on technology, intellectual property and commercial dispute resolution, including patent mediation, copyright mediation, trademark mediation, and mediation of disputes involving trade secret misappropriation, license agreements, technology-related agreements, commercial contracts, employment relationships, franchise relationships, environmental, and all other types of disputes involving subject matter such as computer hardware, software and information technology, entertainment, Internet and E-Commerce, website terms of use and privacy policies, social media, cybersecurity, biotechnology and pharmaceutical, healthcare, semiconductor processing, electronics, chemical, product manufacturing and distribution, publishing, insurance, financial services, and professional services. Also mediated numerous litigation matters at the request of various courts involving personal injury,

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commercial disputes and banking/financial disputes. Available to mediate healthcare disputes, including disputes involving peer review, credentialing, privilege suspension/termination, compensation and other medical staff disputes, billing and collections disputes, medical practice corporations, limited liability companies and partnership disputes, medical and other health care provider contracts with hospitals and managed care organizations (MCO), healthcare insurance and Medicare/Medicaid coverage and reimbursement disputes, medical device and purchase and sale agreements, digital medicine, False Claims Act disputes, Health IT meaningful use disputes, medical malpractice and other health care provider malpractice disputes. Available to mediate employment disputes including employment agreement and compensation disputes, Americans with Disabilities Act, Federal Medical Leave Act, sexual harassment and discrimination, and age discrimination. Available to handle corporation, limited liability company and partnership disputes involving claims of breach of fiduciary duty, excessive compensation, derivative claims and dissolution. Available to mediate disputes involving shareholders, bond holders, investment advisors, suitability of investments, and securities fraud. Available to mediate banking and financial disputes involving financing agreements, loan agreements, collections, creditor and debtor rights and bankruptcy. Available to mediate disputes involving real estate purchase agreements, real estate development and real estate financing, as well as construction disputes. Available to mediate personal injury, toxic tort, hurricanes and other mass disasters, insurance coverage and class action disputes. Available to serve as electronic discovery mediator or Special E-Discovery Master in courts and arbitration proceedings, SPECIAL EXPERTISE IN MEDIATING INTERNATIONAL AND MULTICULTURAL DISPUTES.

Representative Issues Handled as a Mediator

In addition to participating as counsel in hundreds of mediations and settlement conferences, acted as mediator in 100+ disputes before and during litigation and arbitration. The following is a representative list of matters in which I have acted as mediator:

- Claim of star actor of hit TV show against tax accounting firms for accounting malpractice.
- Patent infringement dispute by inventor against Fortune 500 paper manufacturer.
- Patent infringement/trade secret misappropriation dispute between sound equipment manufacturers.
- False advertising with patent infringement counterclaims in the cybersecurity industry.
- Copyright infringement claims involving photographs published by major school book publisher.
- Trademark infringement and Internet domain name dispute involving web-based retailer.
- Claim of negligent and unsuitable investments against an investment advisory firm.
- Claim of nonpayment of fees and counterclaim of failure to provide financial advisory services.
- Dispute between a pharmaceutical company and a medical spa.

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- Numerous contract and tort disputes.

Multi-Party Dispute Resolution Experience	Yes.
Years of Practice as a Mediator	12+
Total Number of Cases Mediated	100+
Mediation Experience as an Advocate or Party	Has participated in over 200+ mediations and settlement conferences as an advocate.
Mediation Philosophy	During my years of teaching mediation to law students and mediating cases, especially complex patent, technology, trademark, copyright, entertainment and commercial disputes, I have developed a proprietary method of mediation. This method includes thorough review of factual allegations of each side, the applicable law, each parties' arguments as to application of law to the facts, and the parties' respective interests and needs. While I have the knowledge and experience to provide candid evaluations of strengths and weaknesses of each parties' respective legal positions in private caucus when necessary, I focus on facilitating settlement. This goal is pursued through identifying potential risks to the parties in turning control over dispute resolution to a court or jury and offering creative solutions from which all parties can benefit. I am committed to doing everything in my power and working for as long as it takes into the evening and beyond to settle your dispute.
Mediation References	Maurice Harmon, maurice@harmonseidman.com, (970) 245-9075; Russell Jackson, russell.jackson@skadden.com, (212) 735-7839; Ira Schwartz, ischwartz@dmylphx.com, (602) 282-0500.
Alternative Dispute Resolution Training	AAA/CCA Advocacy in Arbitration, 2017; California International Arbitration Summit, 2016; AAA Advanced Training in Healthcare Mediation, 2016; AAA Healthcare Dispute Resolution Innovation and Strategy Conference, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Dispositive Motions in Arbitration, 2015; AAA Sanctions in Arbitration: Everything You Might Not Know that You Should Know 2015; AAA Damages for Neutrals, 2014; AAA eDiscovery 2.0, 2014; Faculty, State Bar of Arizona Annual Convention ADR Section Presentation, 2012; Faculty, AAA/ICDR Neutrals Conference, 2012; Faculty, AAA Muscular Arbitration: Trimming the Fat out of Arbitration, 2011; Pepperdine University, Straus Institute for Dispute Resolution Annual Professional Skills Program, 2010, 2011 and 2012; Pepperdine University, Advanced Mediation, 2009; State Bar of Arizona ADR Section, Open Forum, 2009; State Bar of Arizona, Private Arbitration Update: Basic/Advanced Arbitration Practice, 2008; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2006; Pepperdine University Straus Institute for Dispute Resolution, Mediating the Litigated Case, 2005; AAA Issues of Discovery in

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Arbitration, 2005; AAA Drafting Scheduling & Procedures Orders, 2004; Intellectual Property Owners' Association, ADR in the IP Context, 2004; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2004; AAA Arbitrator I Training-Fundamentals of the Arbitration Process, 2003.

Professional Licenses Admitted to the Bar: California; Arizona; Texas; New York; District of Columbia; Massachusetts; Connecticut; U.S. Patent and Trademark Office.

Professional Associations College of Commercial Arbitrators (Fellow), California Dispute Resolution Council (Board Member); Federal Bar Association (Chapter Board Member and Past President); The Sedona Conference (Board Member and Member, E-Discovery Working Group, Patent Litigation Working Group, Data Security and Privacy Liability Working Group, Trade Secrets Working Group); American Bar Association (Fellow and Member of several sections); State Bar of California (Member of several sections); Licensing Executives Society (Chapter Chair); American Intellectual Property Law Association (Vice-Chair, Alternative Dispute Resolution Committee); Copyright Society of the USA (Past Chapter Chair); International Trademark Association (Panel of Trademark Mediators); State Bar of Arizona (Past Chair, Intellectual Property Law Section and member of several sections); Los Angeles County Bar Association (member of several sections); Beverly Hills Bar Association (member Entertainment Law and Intellectual Property, Internet and New Media sections).

Education Boston College (BS, magna cum laude; JD, magna cum laude).

Awards and Honors Listed in "The Best Lawyers in America," 2007-2018; Martingale-Hubbell AV Rating for 20 years; Selected for America's Top 100 High Stakes Litigators, 2018; Fellow, American Bar Association, 2008; Listed in Super Lawyers, 2007-2010; Elected as Fellow, College of Commercial Arbitrators, 2017-present.

Publications and Speaking Engagements PUBLICATIONS: (Past 5 Years): Author, Cutting Edge Issues in Mediation Ethics: Mediation Confidentiality and Privilege in Patent Cases, presented to the American Intellectual Property Law Association Annual Meeting (2017); Contributing Author, "Patent Mediation Best Practices," The Sedona Conference Working Group on Best Practices in Managing Patent Litigation (2016-17); Co-Author: "Technology-Assisted Review: The Judicial Pioneers," 15 Sedona Conf. J. (2014); Author, "E-Discovery in Arbitration" American Arbitration Association presentation "Using Technology to More Effectively Manage Arbitration," American Bar Association 15th Annual Section of Dispute Resolution Spring Conference, 2013. Contributing Author for The Sedona Conference, Electronic Discovery and Digital Evidence (West American Casebook Series).

SPEAKING ENGAGEMENTS: Numerous speaking engagements on Arbitration, Mediation, E-Discovery, Litigation, and Intellectual Property for the American Arbitration Association, the American Bar Association, the Federal Bar Association, the Association of Corporate Counsel, The Sedona Conference, the American Intellectual Property Law Association, the Copyright Society of the USA, the Licensing Executives Society, the LA County Bar Association, the

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Beverly Hills Bar Association, the State Bar of Arizona and San Diego Comic-Con. A representative list includes the following: "Trade Secrets in the Life Sciences: How to Protect and Enforce Them," Association of Corporate Counsel, San Diego Chapter, 2018; Mediation Ethics: Mediation Confidentiality and Privilege, American Intellectual Property Law Association Annual Meeting, 2017, Arbitration Provisions in Trademark/Brand Licenses, Licensing Executive Society Annual Meeting, 2017; "Legal and Ethical Issues, Intellectual Property and Artificial Intelligence in HBO's Westworld," San Diego Comic-Con, 2017; "Patent Mediation Best Practices," The Sedona Conference Annual Patent Working Group Meeting, 2016; "E-Discovery in Arbitration," Los Angeles County Bar Association Los Angeles, CA, 2016; "Technology Assisted Review (TAR): What, Why, When, and How," The Sedona Conference Institute's 7th Annual E-Discovery Program: Living on E-Discovery's Cutting Edge, 2013; "E-Discovery in Arbitration," American Arbitration Association Conference, 2012; "Strategies for Requesting & Producing ESI in the Cloud and Social Media," The Sedona Conference, 2012; "Muscular Arbitration: Trimming the Fat Out of Arbitration," American Arbitration Association, 2011; "Proportionality in Preservation & Discovery," The Sedona Conference, 2011. "The Ethical Minefields of Mediation and Arbitration," American Intellectual Property Association Mid-Winter Institute, 2010; "Social Networking and Fair Use," Copyright Society of the USA Mid-Winter Meeting, 2010; "Managing the Costs of Litigation," Federal Bar Association, 2009; "Settlement Conferences and Mediation in Federal Court," Federal Bar Association, 2009; Copyright Under Pressure, Copyright Society of the USA Mid-Winter Meeting, 2006; "Electronic Discovery Panel," American Bar Association Annual Meeting, 2006; "Technology-Related Transaction Tips for Corp. Counsel," Association of Corporate Counsel, 2005; "Alternative Dispute Resolution in Copyright Disputes," Copyright Society of the USA Mid-Winter Meeting, 2005; Red Lights & Green Flags: Rules of the Road for Advertisers, Federal Trade Commission, 2005; The Law of the Internet, National Business Institute, 1997.

Willing to serve without travel cost

Los Angeles, San Francisco, San Diego, Orange County, Phoenix, anywhere in California, Arizona and the United States, including New York, Washington, DC, Boston, Philadelphia, Atlanta, Miami, Chicago, Dallas, Houston, Austin, Denver, Salt Lake City, Portland and Seattle.

**Citizenship
Languages
Locale**

United States of America
English
Los Angeles, California, United States of America

Compensation

Hearing:	\$495.00/Hr
Study:	\$495.00/Hr
Travel:	\$0.00/Hr
Cancellation:	\$2500.00/Day
Cancellation Period:	30 Days
Comment:	HOURLY FEE DISCOUNTED

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TO \$450.00 FOR CLAIMS
UNDER \$500,000. NO HOURLY
RATE FOR TRAVEL OR
TRAVEL FEES ANYWHERE IN
CALIFORNIA OR ARIZONA.

Hourly rate for preparation, study
and hearings (minimum 8 hours
for hearing days). Offices in Los
Angeles, San Diego, San
Francisco Area and
Scottsdale/Phoenix, AZ. No
hourly fee for travel time
anywhere in the U.S. In the
arbitrator's discretion, a
cancellation fee of \$2500 may
apply for each hearing day
cancelled less than 30 days prior
to the scheduled date of the
hearing day.

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