

**Norman Brand, Esq.**  
**Employment and Commercial Arbitrator / Mediator**

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**EXPERIENCE**

Over 40 years' experience as arbitrator and mediator in more than 4,000 labor, employment, pension, and other cases. Served exclusively as a neutral since 1983. Northern California "Super Lawyer," Alternative Dispute Resolution, for 10 years. Served on specialized panels requiring scientific literacy in biochemistry, medicine, and psychiatry, and an understanding of research and laboratory procedures. Member UCSF Medical School, Committee on Human Research, Institutional Review Board (Mt. Zion Cancer Center, 2008-present).

Experience includes 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/tin 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, trustee deadlocks, Top Hat plans, and ERISA beneficiary disputes. Some arbitration decisions involved unique issues of law and have been reviewed by federal courts. Cases arbitrated have been valued to \$335 million; largest non-ERISA arbitration award issued was \$40 million.

**PROFESSIONAL AFFILIATIONS**

- The College of Labor and Employment Lawyers (President 2017, Board of Governors, Secretary, Treasurer, Vice President)
- Fellow, The American College of Employee Benefit Counsel
- Bar Association of San Francisco, Labor & Employment Law Section, Executive Committee (2010-2020)
- Fellow, American Bar Foundation
- President, California Dispute Resolution Council (1998)
- Board of Directors, California Dispute Resolution Council
- Board of Directors, California Dispute Resolution Institute
- American Arbitration Association National Employment Advisory Council
- UCSF Medical Center, Institutional Review Board, (Outside member, 2008-present)
- President, Industrial Relations Association of Northern California (1994-95)
- Member, National Academy of Arbitrators, Chair, Northern California Region (1990-2)
- Chair, International Foundation of Employee Benefit Plans, American Arbitration Committee, 1990, Member, 1988-1989

- Chair, Association of American Law Schools, Section on Labor Law, 1983
- Secretary, Executive Committee, Labor and Employment Law Section, California Bar Association, 1988, Member, 1985-1988, Advisor, 1989-91, Chair, Editorial Board, Labor and Employment Law Quarterly, 1990-1992
- Chair, Association of American Law Schools, Section on Legal Writing, Reasoning, and Research, 1980-81, 1981-82
- New York State Bar, 1984
- California State Bar, 1976

## **WORK HISTORY**

Self-employed Arbitrator and Mediator, 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**

- Faculty, AAA Advanced Mediator Training, 2009;
- Anatomy of a Mediation, Mediator Training, Mediation Society, 2009;
- NAA Annual Meeting, 2007; NAA Beyond the Protocol: The Future of Due Process in Workplace Dispute Resolution, 2007;
- ACR/Harvard/AAA, Advanced Commercial Mediation Institute, 2006;
- AAA Arbitrator Ethics and Disclosure, 2005, 2004;
- AAA Employment Arbitrator Training II, 2003;
- AAA Labor Arbitrator II Training: Advanced Case Management Issues, 2003;
- AAA Arbitrator Update 2001;
- Alliance for Education in Dispute Resolution and Department of Labor, Mediation of Wage and Hour Cases, 2000;
- So You Think You're a Mediator, Advanced Mediation Training, 1999;
- Faculty, AAA Employment Arbitration: Managing the Process, 1999;
- AAA Employment Panel Training, 1997;
- Los Angeles County Bar, Advanced Mediation Training;
- AAA Mediation Training;
- Trainer for new mediators, New York Public Employment Relations Board, 1982-3.

## **EDUCATION**

University of California, Davis, J.D., 1975

Arizona State University, Ph.D. (English), 1971

Harpur College, State University of New York Binghamton, B.A. (English, Biology), 1966

## **CERTIFICATIONS**

New York State Bar, 1984

California State Bar, 1976

## PANELS

- AAA Employment/Mediator Panel (asked not to be sent out on panels 2021)
- California Academy of Distinguished Neutrals

## PUBLISHED AWARDS

For Interest Arbitration and Trustee Deadlock cases, see  
[www.lawmemo.com/arb/arbitrator/brand.norman.htm](http://www.lawmemo.com/arb/arbitrator/brand.norman.htm)

## PUBLICATIONS (Partial List)

- Brand, Norman. Rev. of *Toward a New Federal Law of Arbitration*, by Thomas E. Carbonneau. *Dispute Resolution Magazine* (Summer 2015:24-27).
- Co-Editor in Chief (with M. Biren), [\*Discipline and Discharge in Arbitration\*](#), 3<sup>rd</sup> ed. (BNA: 2015); Editor in Chief, 1st ed. (BNA: 1998). Co-Editor in Chief (with M. Biren), 2nd ed. (BNA: 2008).
- *Labor Arbitration: The Strategy of Persuasion*, 2<sup>nd</sup> ed. (San Francisco: 2006).
- Editor, [\*How ADR Works\*](#) (Washington: BNA, 2002).
- Co-Author, *Designing Integrated Conflict Management Systems* (Cornell Studies in Conflict and Dispute Resolution: 2001).
- *ADR Personalities and Practice Tips*, Chapter 8, American Bar Association - Section of Dispute Resolution (Washington: 1998).
- "Due Process in Arbitration," in Bornstein and Gosline *Labor and Employment Arbitration*, (Matthew Bender:1994, 2000).
- "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).

## FEES

\$800 per hour for all hearing and study time. Minimum hearing day: Four (4) hours. Late cancellation fee: Hourly fee (7 hours) for all cancelled dates unless more than 30 calendar days' notice. If three or more consecutive dates scheduled, 50 calendar days' notice required. Travel and subsistence expense where applicable. Air fare is the lowest unrestricted fare available for convenient flights at the time of purchase, in coach for flights of less than 2.5 hours, and in business class for longer flights. Bills are due and payable upon receipt by parties. Unpaid bills accrue interest of 1% per month (12.68% APR).