

**Norman Brand, Esq.
Mediator**

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Calendar on www.normbrand.com

EXPERIENCE

Over 30 years' experience as arbitrator and mediator in more than 3,200 labor, employment, and other cases. Served exclusively as a neutral since 1983. Northern California "Super Lawyer," Alternative Dispute Resolution, 2006 - 2011. 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, 2007-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, ERISA beneficiary disputes, salary setting for police and firefighters in cities over one 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.

REPRESENTATIVE CASES HANDLED AS A MEDIATOR

- Sex discrimination allegations by seven female police officers against a City;
- FLSA claim involving trucking company and drivers;
- Wage and hour claims in home care industry;
- Disability discrimination alleged by a firefighter against a City;
- 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);
- Mediated first agreed-upon teacher “pay for performance” experiment in the Denver public schools;
- Mediated individual claims under dispute resolution programs in Fortune 100 companies;
- Mediated new contract terms with police and cities;
- 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.

MULTI-PARTY DISPUTE RESOLUTION EXPERIENCE

- Mediated contract dispute over new San Francisco Bay Bridge construction involving 12 parties;
- Mediated class action FLSA claim;
- 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.

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);
- Bar Association of San Francisco, Labor & Employment Law Section, Executive Committee;
- California Academy of Distinguished Neutrals;
- 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);

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

- 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 (ACE003), 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 Mediator Panel
- ADR Services
- International Institute for Conflict Prevention & Resolution (CPR)
- California Academy of Distinguished Neutrals
- Contra Costa County Superior Court

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," 1 *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, ABA Section of Dispute Resolution (Washington, D.C.: 1998);
- “Choosing the Expert Mediator,” 2 *ADR Currents*, Summer 1997;
- “Due Process in Arbitration,” in Bornstein and Gosline *Labor and Employment Arbitration*, (Matthew Bender: 2000);
- Co-author, *Legal Writing: The Strategy Of Persuasion*, 3rd. 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*, (PLI: 1987);

REFERENCES

Joseph D. Garrison, Esq., Garrison, Levin-Epstein, Chimes, LLP, (203) 777-4425
 Leslie L. Abbott, Esq., Paul Hastings, LLP, (213) 683-6310
 Kimberly E. Colwell, Esq., Meyers Nave (510) 808-2000
 Allison Berry-Wilkinson, Esq., (415)259-6638

COMPENSATION

\$5500 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 per day unless more than five working days' notice is provided. Travel and subsistence expenses where applicable.