



DENISE R. MADIGAN, ESQ.

PROFESSIONAL LEGAL 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. She also has practice experience in the areas of communications, government contracts and antitrust law.

Prior to joining Arnold & Porter, Ms. Madigan served as Associate Director of the Harvard-MIT Public Disputes Program, and as a research analyst for Urban Systems Research & Engineering, a private consulting firm.

PROFESSIONAL MEDIATION EXPERIENCE

Ms. Madigan has been a professional mediator since the early 1980's. Over the past twenty years, alone, she has mediated an extraordinary array of cases. The following is just a sampling:

- Commercial contract disputes involving a variety of products and services, including the provision of computer hardware and software systems.
- Entertainment disputes involving copyrights, record deals, radio advertising, television contracts and intra-band relationships.
- The reorganization of assets worth over one billion dollars among thirty utility cooperatives.
- A dispute between utilities involving highly technical issues regarding the measurement of product traveling through pipelines.
- Shareholder/directors' suit involving medical computer technology that was among the most sophisticated in its market.
- Patent infringement dispute involving high-tech and major entertainment companies.
- Multi-party trade dress, false advertising dispute involving millions of dollars in disputed revenues/damages.
- Superfund (CERCLA) allocation dispute involving over thirty municipal and industry PRP's.
- Hospital reimbursement dispute with major insurer.
- Legal malpractice dispute surrounding the provision of trusts and estates advice.
- Will contest involving complex family and business issues in an estate worth tens of millions of dollars.
- Bankruptcy of a major national retailer, involving hundreds of millions of dollars.
- Over thirty personal injury cases arising out of a major train accident.
- A wide range of injury cases under the Federal Employers' Labor Act (FELA).
- Internal workplace disputes in a federal enforcement agency.

Ms. Madigan is also one of the country's foremost mediator-facilitators for complex public policy disputes. Examples of cases she has mediated or facilitated include the following:

- A two-month facilitated dialogue surrounding targeted legislative reform to the Resource Conservation and Recovery Act (RCRA).
- A two-year negotiated rulemaking effort by the U.S. Environmental Protection Agency (EPA) surrounding the proposed redefinition of federal hazardous waste identification rules.
- Internal 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 labeling rules and environmental labeling rules.
- A several month process involving representatives for 50 state agencies to discuss new allocation formulas for federal energy assistance funds.
- A facilitated workshop with members of a trade association seeking consensus-based revisions to its ethical standards for member organizations.
- 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 non-profit and public interest groups reflecting consumer, scientific, environmental and/or environmental justice concerns.

SUMMARY OF OTHER RELEVANT DISPUTE RESOLUTION EXPERIENCE

Ms. Madigan is currently a **Senior Fellow** and an **Adjunct Professor of Law at Pepperdine Law School**, where she is affiliated with the **Straus Institute for Dispute Resolution since 1996**. She currently teaches semester courses in Mediation and ADR, as well as in-service training for sitting and former judges and practicing attorneys. Ms. Madigan is also a Visiting Professor at Shantou University in Shantou, China, and has also taught at the City University in Hong Kong and Hong Kong University over the past several years. In addition, Ms. Madigan has been called upon by corporations, government agencies, law firms and other organizations over the past twenty years to assist them in designing and delivering special seminars, training programs and training materials in negotiation, arbitration, and mediation. Courses and workshops have included:

- Negotiation for Lawyers
- Negotiation for Executives
- Negotiation for Managers in the Public Sector
- Negotiation and Settlement for Insurance Professionals
- Gender Issues in Negotiation
- Alternative Dispute Resolution
- Mediating Litigated Cases
- Mediation for Judges (sitting & retired)
- Mediating Patent Disputes
- Mediating Trademark Disputes
- Mediation Advocacy
- Arbitration Advocacy
- Environmental/Public Policy Dispute Resolution
- Consensus-Building in the Public Sector

Many of Ms. Madigan's teaching materials are now used by universities and ADR providers across the country. Courses she has designed and/or in which she has lectured have been conducted for numerous entities over the years, including:

- The Administrative Conference of the United States (ACUS)
- Federal Judicial Center
- U.S. District Court and Superior Court programs in Los Angeles, Riverside and Orange Counties
- California Judicial Council
- U.S. Department of Energy
- U.S. Department of Justice
- American Intellectual Property Law Association
- International Trademark Association
- American Bar Association and the State Bar of California
- Axel Johnson, Inc.
- MCI Communications, Inc.
- Oregon Department of Land Conservation and Development
- Banff Centre for Management (Banff, Alberta, Canada)
- Hogan & Hartson
- Steptoe & Johnson
- McDermott, Will & Emery
- Shaw, Pittman, Trowbridge & Potts
- Program on Negotiation at Harvard Law School
- Bank of America
- Farmers, State Farm, AIG, CNA and other nationwide insurance companies

PUBLICATIONS

Primer on ADR for Intellectual Property Disputes (co-author with J. Kichaven and T. Arnold, published by the ABA Section on Dispute Resolution in 2000).

Various articles in the *Los Angeles Daily Journal* (a publication for attorneys) regarding mediation and other ADR issues. 1997 - present

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

Recipient of research/writing grant from the National Institute for Dispute Resolution (1984)

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*, Summer 1984, co-authored with L. Susskind). 1985

Best Lawyers in America, since 2006

California Super Lawyers, since 2007

The Hollywood Reporter's Power Mediators 2009

APPOINTMENTS

LOS ANGELES POLICE COMMISSION, BOARD OF RIGHTS (heard disputes regarding allegations of police misconduct as part of 3-person administrative panel) 1997-1999

SUMMARY OF EDUCATION

J.D.	Harvard Law School, <i>cum laude</i> ; Editor, <i>Harvard Law Review</i> , Winner, Williston Negotiation Competition (Best Agreement)
M.P.P.	Kennedy School of Government, Harvard University
B.A.	Northwestern University, <i>Phi Beta Kappa</i> , Best Thesis in Economics Award, Governor's Leadership Award

MEMBERSHIPS (current)

Bars of California (active) and the District of Columbia, New York & Massachusetts (retired).

International Academy of Mediators, Distinguished Fellow

Straus Institute for Dispute Resolution, Senior Fellow and Adjunct Faculty

Shantou University, Shantou China, Visiting Faculty

American Bar Association