



DENISE R. MADIGAN, ESQ.

PROFESSIONAL LEGAL EXPERIENCE

After graduating from Harvard Law School, 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 law. She also practiced in communications, government contracts and antitrust law.

PROFESSIONAL MEDIATION EXPERIENCE

Ms. Madigan began her career as a professional mediator in the early 1980's, when she served as Associate Director of the Harvard-MIT Public Disputes Program, working closely with Professor Lawrence Susskind, one of the "fathers" of public sector mediation. While there, she mediated large, multi-party cases involving public-private partnerships and consensus-based priorities in the face of dramatic budget constraints. In addition, she served as a consultant to the special master in a federal lawsuit over Native American fishing rights in one of the Great Lakes.

In the early 1990's, Ms. Madigan joined the private ADR company, ENDISPUTE, Inc., where she worked closely with Jonathan Marks, mediating highly complex cases in litigation. In addition, she mediated or facilitated negotiated rule-making and other public policy dialogues for clients that included the U.S. Environmental Protection Agency, the U.S. Department of Energy, and the U.S. Federal Trade Commission, among others.

After ENDISPUTE merged into JAMS/ENDISPUTE, Ms. Madigan moved to its Los Angeles' offices in 1996.

She joined ADR Services, Inc., based in Los Angeles, California, in 2001 where she currently mediates cases both within California and nationwide.

Over the past 20 years, Ms. Madigan has mediated an exceptionally wide range of cases. The following is just a sampling:

- A \$200 million settlement between a large transportation agency and its primary contractor, related to liability surrounding one of the most serious train accidents in California history. Settlement approved by the federal court.
- 25 wrongful death and personal injury cases arising out of a single, massive accident, totaling in excess of \$25 million.

- The reorganization of operations and assets (worth over one billion dollars) among thirty rural utility cooperatives.
- A “Hollywood accounting” dispute over royalty and participation payments, involving tens of millions of dollars.
- Commercial contract disputes involving the provision of computer hardware and software systems.
- Shareholder/directors' suit involving medical computer technology that was among the most sophisticated in its market at the time.
- 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.
- Complex family business disputes involving enterprises worth over tens of millions of dollars.
- Superfund (CERCLA) allocation dispute involving over thirty municipal and industry PRP's.
- A wide range of injury cases under the Federal Employers’ Labor Act (FELA.)
- Insurance coverage disputes under a variety of policies, and under the Employee Retirement Income Security Act (ERISA.)
- The U.S. Federal Deposit Insurance Corporation and the U.S. Resolution Trust Corporation (USFDIC/RTC) suits against Boards of Directors related to failed savings and loan entities.
- Reimbursement disputes between insurance companies and major healthcare providers.
- Insurance coverage and bad faith disputes.
- Employment disputes, both pre-litigation and in litigation, in both union and non-union settings.

In addition to disputes in, or about to be in, litigation, Ms. Madigan has mediated and facilitated significant public policy disputes at the national level, including 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 from 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 TEACHING AND TRAINING EXPERIENCE

Denise has been designing and teaching course in negotiation, mediation and ADR since the early 1980's. Although her principal occupation is that of a full-time mediator, she believes her practical mediation experience brings something unique to her teaching and training, which in turn, keeps her day-to-day mediation practice fresh and current.

For the past 16 years, Denise has been a member of the Adjunct Faculty at Pepperdine Law School, teaching classes in negotiation and mediation for the Straus Institute of Dispute Resolution (ranked the #1 Law School Dispute Resolution Program by *US News & World Reports* for 7 years running). In addition to teaching law students there, she is a member of the Straus Institute's core professional training team offering classes to practicing lawyers, judges, state and federal court panels, and other professionals from within the United States and around the world.

Ms. Madigan is also a Visiting Faculty at Shantou University in Shantou, China, located near the heart of China's manufacturing activities, where she teaches an intensive 40-hour course for law students there.

Over the years, Ms. Madigan has been called upon by corporations, government agencies, law firms and other organizations to assist them in designing and/or 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 (federal, state, and international)
- Mediating Patent Disputes
- Mediation Advocacy
- Arbitration Advocacy
- Environmental/Public Policy Dispute Resolution
- Consensus-Building in the Public Sector

Entities for which Ms. Madigan has designed and/or delivered courses in ADR include:

- Pepperdine's Straus Institute's *Mediating the Litigated Case* and other tailored courses for lawyers and judges in the United States and from around the world.
- International Trademark Association (INTA) (conferences in Chicago, Boston, Seattle and Sao Paulo, Brazil)
- Administrative Conference of the United States (ACUS)
- Federal Judicial Center (sitting federal judges)
- California Center for Judicial Education and Research (CJER) (sitting state judges)
- International Conference of Mediation for Justice (Conférence Internationale de la Médiation pour la Justice) (CIMJ)
- U.S. Department of Energy (DOE)

- U.S. Department of Justice (DOJ)
- California Superior Court mediation panels for Los Angeles, Orange, Riverside, Solano and Butte counties
- Oregon Department of Land Conservation and Development,
- Banff Centre for Management (Banff, Alberta, Canada)
- American Intellectual Property Law Association (AIPLA)
- Program on Negotiation (PON) at Harvard Law School
- Farmers, State Farm, AIG, CNA and other nationwide insurance companies
- A variety of Fortune 500 companies and Am Law 100 law firms

PUBLICATIONS

Mediation Confidentiality...Not??, *ADVOCATE* (published by the Consumer Attorneys Association of Los Angeles,) September 2010.

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

“Collective Effort: Enhancements in Intellectual Property Law,” *Los Angeles Daily Journal*, 1998.

“Beyond Vanilla Mediation,” *Los Angeles Daily Journal*, 1997.

“Mediating Intellectual Property Disputes,” *Los Angeles Daily Journal*.

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.

"New Approaches to Resolving Disputes in the Public Sector," *The Justice System Journal* (co-authored with L. Susskind,) Summer 1985.

AWARDS

Daily Journal's “Top 50 Neutrals in California,” 2012

Best Lawyers' “Mediation Lawyer of the Year, Los Angeles,” 2012 (only one selected in each community)

Irish Voice Newspaper's “Irish Legal 100,” 2011

Distinguished Fellow, International Academy of Mediators, since 2001

The Hollywood Reporter's "Power Mediator," 2009

Best Lawyers in America, since 2006

Southern California Super Lawyers, since 2009

Honorable Mention, Center for Public Resources (CPR) for article entitled "New Approaches to Resolving Disputes in the Public Sector" (*The Justice System Journal*, Summer 1984, co-authored with L. Susskind), 1985.

Recipient of research/writing grant from the National Institute for Dispute Resolution, 1984.

APPOINTMENTS

Attorney Settlement Officer Panel, United States District Court, Central District of California, 2012

Center for Public Resources (CPR) National Mediation Advisory Committee, 2011

Los Angeles Police Commission, Board of Rights, 1997 - 1999 (civilian member of panel in police misconduct proceedings)

SUMMARY OF EDUCATION

J.D.	1988	Harvard Law School, <i>cum laude</i> ; Editor, <i>Harvard Law Review</i> , Winner, Williston Negotiation Competition (Best Agreement)
M.P.P.	1983	Kennedy School of Government, Harvard University
B.A.	1979	Northwestern University, <i>Phi Beta Kappa</i> , Best Thesis in Economics Award, Governor's Leadership Award

MEMBERSHIPS

- State Bars of California (active) and the District of Columbia, New York & Massachusetts (inactive or retired)
- International Academy of Mediators, Distinguished Fellow
- American Bar Association, Section on Dispute Resolution
- Los Angeles County Bar Association, Executive Committee for Entertainment and IP Law
- Women Lawyers Association of Los Angeles, ADR Committee
- Straus Institute for Dispute Resolution, Pepperdine University School of Law, Adjunct Faculty
- Shantou University, Shantou China, Visiting Faculty