



Mediator Full Profile



Mr. Thomas Klitgaard

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Address:

225 Bush Street

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Current Position & Background

Partner, Dillingham & Murphy, LLP, San Francisco 1997-present

General Counsel and Senior Vice President, Sega of America, Inc., 1992-1996

General Counsel, Senior Vice President, and Corporate Secretary, Tandem Computers Incorporated 1985-1996

Partner, Pillsbury, Madison & Sutro, San Francisco, California 1971-1985

Associate, Pillsbury, Madison & Sutro, 1964-1971

Associate, Gibson, Dunn & Crutcher, Los Angeles, 1963-1964

Law Clerk, United States Supreme Court, Mr. Justice William O. Douglas, 1961-1962

Lieutenant, United States Army, 1956-1958

Arbitrator and Mediator, American Arbitration Association

Arbitrator and Mediator, International Centre for Dispute Resolution

Arbitrator and Mediator, Beijing Arbitration Commission

Arbitrator, National Arbitration Forum, United States

Mediator, California Court of Appeal

Special Master for Attorney's Fees, Discovery, Settlement, United States District Court, Northern District of California

Languages

Chinese, English

Main Mediation Practice Areas

Antitrust, Computers, Competition Law, Corporate, Distributor Agreements, Employment, Export/Import, Finance, Intellectual Property, Investments, International Trade, Joint Ventures, Officers and Directors, Securities, Technology, Telecommunications, Trade Associations, Asia, China, Taiwan

Mediation Experience

Financial disputes involving construction projects, corporate finance, employee benefits plans,



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employment agreements, intellectual property, international trade, investments, insurance claims, joint ventures, offshore investment projects, public school student assignment programs, securities, and technology. Additionally, complaints by the public against police officers. One dispute involved membership by foreign businesses in a United States trade association.

The settlements in the non-public disputes have ranged from thousands to several million dollars. The settlements in public disputes have ranged from changes in procedures to injunctive relief.

The claims have exceeded 50 million dollars on occasion. The disputes generally involve accounting issues.

Mediation Style

Narrow evaluative, broad facilitative, transformative where non-commercial interests are involved. Emphasis on party decision making and participation in all procedural and substantive stages of mediation process.

Emphasis on independent, extensive preparation for mediation. Emphasis on facilitation of communication with counsel and parties. Emphasis on understanding the cultures of the parties. Emphasis on absolute confidentiality and discretion in handling the mediation. Respectful of counsel and the parties.

Emphasis on efficiency.

Code of Ethical Conduct

Code of Conduct for Arbitrators and Mediators, American Arbitration Association
Code of Conduct for Arbitrators and Mediators, Beijing Arbitration Commission
Code of Professional Responsibility, California State Bar

Complaints Process

American Arbitration Association, Compliant Process
Beijing Arbitration Commission, Complaint Process
California State Bar Association, Complaint Process

Professional Affiliations

Member, College of Commercial Arbitrators
Member, Antitrust, Dispute Resolution, International Law, Litigation Sections, American Bar Association
Member, Advisory Board, Institute for Law and Technology, Center for American and International Law
Member, American Intellectual Property Law Association

Fee Rate

\$600 per hour, including study time
Travel costs at standard commercial rates



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Feedback Digest

Feedback received from

Reviewer: AAA/ICDR STAFF (imireviewer@adr.org)

Date: 30.09.2009

Time: 19:07:18

This Feedback Digest has been updated to include 5 Feedbacks in 5 Mediations as of September 30, 2009.

Parties and counsel who have used Thomas Klitgaard would overwhelmingly use his services again and would, without hesitation, recommend him to others. Typical of the comments reflecting Mr. Klitgaard's acceptability are: (i) Mr. Klitgaard is a great mediator. He went beyond most mediators I have dealt with. He is very hard working; (ii) Tom is a very accomplished mediator. He is able to work with diverse parties and issues; and (iii) Tom speaks Mandarin, which made it easier for the parties to communicate with each other.

Mr. Klitgaard's mediation skills and abilities are rated as highly effective. Typical of feedback received in this regard are: (i) Mr. Klitgaard's study and ultimate understanding of the facts of the dispute made a decisive difference in the outcome; (ii) He had knowledge of both the substantive law and the business issues, as well as Asian business practices; (iii) He maintained the respect of both parties and successfully used various methods to reduce tension and maintain civil discourse; and (iv) Mr. Klitgaard had a willingness to immerse himself in the details of the case and to force the parties to reveal and confront all of the relevant evidence.

Mr. Klitgaard is also highly regarded for his ability to effect a positive outcome. For example, one provider of feedback noted that their mediation was successful in ways other than resolution, including the ability to maintain a civil dialogue after resolution. Mr. Klitgaard also taught valuable dispute resolution skills, which has proven very useful.

Costs were widely reported as reasonable in the context of the value of the disputes mediated by Mr. Klitgaard, and in general a very high degree of satisfaction was reported.

No reportable negative comments have been received since Mr. Klitgaard's designation as an IMI Certified Mediator.

References

Robert L. Brace, Esq., Hollister & Brace, LLP, 805-963-6711, rbrace@hbsb.com

William Faulkner, Esq., McManis Faulkner, 408-279-8700, wfaulkner@mcmanisfaulkner.com

Timothy D. Hauser, Esq., United States Department of Labor, Plan Benefits Section, . 202-693-5600, hauser.timothy@dol.gov

Fenn C. Horton, III, Esq., Pahl & McCay, 408-286-5100, fhorton@pah-mccay.com;

Robin B. Johansen, Esq., Remcho, Johansen & Purcell, LLP, 510-346-4200, rjohansen@rjp.com

Mediation Training

The Mediation of International Commercial Disputes, Successful Techniques, Northern California International Arbitration Club, 2009

Appellate Mediation Training, California Court of Appeal, 2009, 2001

Conference on New Mediation Practices and Techniques, American Bar Association, Section of



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Dispute Resolution, 2008

Mediation in Hong Kong, The Way Forward, Hong Kong International Arbitration Centre, 2007

Getting to Yes, Harvard Law School, 1991

Professional Indemnity Insurance

The Hartford

Compliance Department

Hartford Financial Products

2 Park Avenue, 5th Floor

New York, New York 10016

212-277-0400

\$3,000,000 maximum limit

Teaching

Adjunct Professor of Asian Law, University of San Francisco Law School, 2002-present

Adjunct Professor of Corporate Law, University of California at Berkeley Law School, 1997

Visiting Professor of Commercial Law, University of California at Berkeley Law School, 1968

Visiting Professor of Real Property Security Law, University of California at Berkeley Law School, 1967

Lecturer, San Francisco State University Graduate School of Business Administration, Ethics, Foreign Corrupt Practices Act, 2008, 2009

Lecturer, Shanghai Economic Management College, Expansion of Chinese Companies into the United States, 2007

Publications

Asian Legal Systems Reference Book, University of San Francisco Law School, Cambodia, China, Hong Kong SAR, Indonesia, Japan, North Korea, South Korea, Laos, Malaysia, Myanmar, The Philippines, Singapore, Taiwan, Vietnam, Fifth Edition (2009)

The Context for Innovation in Japan: Comparative Competitive Aspects and Some Practical Comments, 21 Canada-United States Law Journal 55 (1995)

Arbitration Laws and Dispute Resolution in the People's Republic of China: Recent Developments, Symposium on Private Investments Abroad-Problems and Solutions in International Business, Matthew Bender & Company (1992)

High Technology Disputes: The Arbitration as the Emerging Solution, 8 Santa Clara Computer and High Technology Law Journal 1 (1992) (co-author)

People's Republic of China Joint Venture Dispute Resolution Procedures, 1 UCLA Pacific Basin Law Journal 1 (1982)

Note: This Mediator Profile is intended to offer guidance to users of mediation services about the competency, skills, styles and potential suitability of the IMI Certified Mediator featured above. The Reviewer, the Mediator and IMI are attempting to present fair, balanced and



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objective information but none are to be held responsible for reliance on the information given. Users of mediation services are encouraged to pursue further research before selecting the IMI Certified Mediator, including contacting references and conducting an interview with the Mediator before making a selection.