



ARBITRATOR

April 7, 2015

Current Employer-Title Attorney, Dillingham & Murphy, LLP;
Adjunct Professor of Asian Law, University of San Francisco
School of Law



Profession Arbitrator, Mediator, Attorney, Law Professor

Work History Partner, Dillingham & Murphy, LLP, 1997-2012; Attorney, 2012-present; Adjunct Professor of Asian Law, University of San Francisco, 2002-present; Law Clerk, Justice William O. Douglas, United States Supreme Court, 1961-1962; Associate, Gibson, Dunn & Crutcher, Los Angeles, 1963-1964; Associate, Partner, Pillsbury, Madison & Sutro, San Francisco, 1964-1985; Senior Vice President, General Counsel and Corporate Secretary, Tandem Computers Incorporated, Cupertino, 1985-1992; Senior Vice President and General Counsel, Sega of America, Inc., Redwood City, 1992-1996; Vice President and General Counsel, Homeowners Direct Insurance Company, Boston, 1998; Special Master, United States District Court, Northern District of California, 1997-2007 (intermittent); Visiting Professor, University of California at Berkeley Law School, 1967-1968 (Real Property Secured Transactions, Uniform Commercial Code); Adjunct Professor, University of California at Berkeley Law School, 1997 (Corporations, Partnerships).

Experience Fifty years legal practice as litigator (60%), commercial and corporate lawyer (25%), and legal counselor (15%) with emphasis on antitrust, commercial law, corporate governance, international trade, joint ventures, intellectual property (patents, trade secrets, and copyrights), intellectual property licensing, securities laws, and internal corporate investigations

Over thirty years legal practice on matters involving China and Japan (30%), Mexico and Latin America (3%), and the European Union (2%), in addition to domestic matters (65%).

Legal practice consumer products, electronics, financial, manufacturing, petroleum, publishing, securities, and video game industries, and in international trade.

Alternative Dispute Resolution Experience Over thirty years experience as a domestic and international arbitrator in commercial and technology disputes; twenty five years intermittent experience as a mediator in commercial, employment, employee benefits, financial, investment and public interest disputes, including racial segregation in public education and police officer-citizen confrontation disputes.

Alternative Dispute Resolution Training AAA/ICDR Neutrals Conference, 2012; College of Commercial Arbitrators Annual Updates, 2014, 2013, 2012, 2011, 2010; AAA Advanced Mediator Training, 2010; AAA Dealing with Delay Tactics in Arbitration (ACE004), 2010, 2005; ICDR 7th Annual Miami International Arbitration Conference, Increasing the Corporate Counsel Role in International Dispute Resolution, 2009; Hong Kong International Arbitration Centre, Adjudication Training and Assessment Update, 2009; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2008; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2008; Institute for Transnational Arbitration, 19th Annual Workshop, Damages in International Arbitration, Strategies, Techniques & Presentation, 2008; 10th Annual American Bar Association Section of Dispute Resolution, New Mediation Practices and Techniques, 2008; ICDR 5th Annual Miami International Arbitration Conference, Arbitration in Las Americas: a 360 Degree View, 2007; California Court of Appeal, First Appellate District, Update on Mediator Training, 2007, 2004; The Institute for Transnational Arbitration, Investment Treaty Arbitration in the 21st Century, 2006; The Center for American and International Law, National and International Arbitration in India, 2006; ICDR/Bar of the City of New York-Commercial Dispute Committee/D.C. Bar International Dispute Resolution Committee, International Commercial Arbitration in Latin America, 2005; Hong Kong International Arbitration Centre, Update on International Arbitration Procedures, 2005; The Institute for Transnational Arbitration, The Art of Arbitrating, 2005; AAA Arbitrator Ethics and Disclosure (ACE003), 2004; AAA International Arbitration Symposium, 2003; California Court of Appeal, First Appellate District, Appellate Mediator Training 2001; AAA Commercial Arbitrator Training, 1999; Southwestern Legal Foundation, The Transnational Arbitration of High Technology Disputes, 1996; numerous other ADR training programs on various subjects continuing to present.

Professional Licenses Admitted to the Bar: California, 1962; U.S. Supreme Court, 1967; and other Federal Courts.

Professional Associations American Bar Association (Antitrust, Dispute Resolution, and Intellectual Property sections); American Intellectual Property Law Association; California Bar Association; College of Commercial Arbitrators; United States Supreme Court Historical Society (Northern California Membership Chair).

Education University of San Francisco (AB, summa cum laude-1956); University of California at Berkeley, Boalt Hall (LLB-1961, Order of the Coif); Dartmouth College, The Amos Tuck School of Business Administration (Executive Program-1990); Monterey Institute for International Studies (Mandarin Chinese-1979); South Dakota School of Mines and Technology, Economics, Geology (1957-58); United States Army Anti-aircraft and Guided Missile School, Fort Bliss, Texas, Basic Electronics, Computers and Radar (1956-57).

Publications:

“Asian Legal Systems,” 10th Edition (2014), University of San Francisco School of Law: Bhutan, Cambodia, China, Hong Kong Special Administrative Region, China, Indonesia, Japan, North Korea, South Korea, Laos, Malaysia, Myanmar (Burma),

The Philippines, Singapore, Taiwan (Republic of China, considered by the People's Republic of China to be a province). Thailand, Vietnam;

"Updated Insights on Arbitrating Disputes with Chinese Business Entities," USLAW Magazine (2010);

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

Arbitration Laws and Dispute Resolution in the People's Republic of China, Matthew Bender & Company (1993);

"Remembrances of William O. Douglas on the 50th Anniversary of His Appointment to the Supreme Court," Journal of Supreme Court History (1993) (contributor);

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

"Preferential Treatment for Foreign Investment in The People's Republic of China: Special Economic Zones and Industrial Development Districts," 7 The Hastings International and Comparative Law Review 377 (1984) (co-author);

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

"The Civil Rights Act and Mr. Monroe," 49 Cal. L. Rev. 145 (1961), republished in Selected Essays on Constitutional Law, Association of American Law Schools, West Publishing Co. (1963);

"Criminal Law: Doubt as to Defendant's Sanity at Time of Trial," 48 Cal. L. Rev. 318 (1960);

"Constitutional Law: Power of Legislative Committees to Compel a Witness to Reveal Communist Affiliations," 47 Cal. L. Rev. 930 (1959).

Speaking Engagements:

Humanism vs. Legalism in Modern Chinese Law, Chinese Culture Center (2015);

Balancing Economic Development with Environmental Sustainability in China, 1990 Institute, Teacher's Workshop (2014);

Controlling the Use of Technology at the Hearing, College of Commercial Arbitrators, Annual Meeting (2013);

Transnational Arbitration, 49th Annual Academy of American and International Law, Center for American and International Law, Plano, Texas (2012);

The Five Biggest Issues in Risk Management, 2012 Symposium on Global Markets, Center for American and International Law, Plano, Texas (2012);

Risk in Transnational Arbitration: Disputes with Sovereigns, 2012 Symposium on Global Markets, Center for American and International Law, Plano, Texas (2012);

How Chinese Business Entities Can Protect Themselves as They Expand into the United States (Choice of Law), East China University of Politics and Law (2011);

Perspectives on Resolution of Disputes Inside and Outside of China Involving Chinese Entities, Stanford Law School (2011);

The Influence of Culture, Religion, and Confucianism on Arbitrations in the East Asian Countries, Northern California International Arbitration Club (2011)

A Few of the Basics of Islam, Golden Gate Breakfast Club (2011);

Perspectives on Resolution of Disputes Inside and Outside of China Involving Chinese Entities, Stanford Law School (2011);

Some Information that You May Need to Have to Help Put Emerging China into Perspective for You and Your Grandchildren, San Francisco Committee on Foreign Relations (2010);

Entitlement to Damages for Lost Profits in the United States Arising from Patent Infringement in the United States, East China University of Politics and Law (2010);

Licensing of Intellectual Property in the United States--as Affected by the United States Antitrust Laws--Which are Intended to Promote Competition, East China University of Politics and Law (2010);

Standards for Awards of Attorneys' Fees in the United States Federal District Courts in the Ninth Circuit, Beijing Arbitration Commission (2010);

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

The Foreign Corrupt Practices Act, Dealing with Corruption or Attempts to Corrupt in International Business Transactions, San Francisco State University Graduate School of Business Administration (2009);

The Arbitration of International Business Disputes, Effective Practices under Differing Rules of Procedure, Graduate School of Business Administration, San Francisco State University (2008);

How Chinese State Owned Companies Can Identify and Manage Cost Effective Legal Services Which Are Necessary for Their Expansion into the United States Through Sales or Mergers, Shanghai Economic Management College (2007);

Arbitration and Other Contractual Issues, Mealey's Product Recall Conference: Made in China and Beyond (2007);

Arbitration in the People's Republic of China, Northern California International Arbitration Club (2005);

How to Obtain the Best Results In International Arbitration, Association for Transportation Law, Logistics and Policy (2001);

How to Succeed in the Practice of International Law in the New Millennium, Institute for International and Comparative Law, Dallas, Texas (2001);

Drafting Arbitration Clauses for International Contracts, American Bar Association (1997);

Litigation, Indemnification, and D&O Policies, Corporate Directors College, Stanford Law School (1997, 1996, 1995);

What is a Fair Use of Copyright and Trademark? Symposium on Antitrust/Intellectual Property Claims in High Technology Markets, Third Annual ALI-ABA Course of Study for Plaintiffs' and Defendants' Bars and In-house Counsel (1997);

and other speaking engagements to present.

Compensation: \$350 U.S. per hour, including study and meeting time, and \$50 U.S. per hour for travel time in excess of 4 hours. Cancellation fee of 8 hours. Reimbursement of travel expenses at basic commercial rates for hotels, food, and business class airfare. Same basic fee structure when acting as a mediator.

Languages: Conversational Mandarin

Citizenship: United States of America

Locale: San Francisco; other locations requested by the parties

Rated AV in Martindale-Hubbell's 2015 Directory of California Lawyers.

www.dillinghammurphy.com
Dillingham & Murphy, LLP
601 California Street, Suite 1900
San Francisco, CA 94108
Phone (415) 397-2700 Fax (415) 397-3300
tjk@dillinghammurphy.com