

ROBERT M. SMITH, ESQ.
MEDIATOR

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Chartered Arbitrator (United Kingdom)
Fellow, Hong Kong Institute of Arbitrators

Fellow, International Academy of Mediators
Fellow, American College of Civil Trial Mediators

Mr. Smith has served as a mediator for more than 15 years. He has had more than 20 years of commercial litigation and trial experience. This consisted in part of practice at Heller, Ehrman, White & McAuliffe, and at Bank of America, where he was Senior Litigation Counsel and responsible for overseas litigation worldwide. He was also principal of his own commercial litigation firm, which included among its clients 36 financial institutions. Mr. Smith was also Special Assistant to the Attorney General of the United States during the Carter Administration and Assistant U.S. Attorney for the Northern District of California. He is the author of *ADR for Financial Institutions* (West Group, 2d ed. 1998, 1200 pp.).

He has mediated hundreds of disputes over many years in a wide range of matters and in a wide variety of jurisdictions. (*Please see next page.*) He was Director of Mediation at CEDR (Centre for Effective Dispute Resolution) in London.

He has taught mediation at Oxford University and at the UN's International Labor Organization in Turin, Italy. He has lectured in settings as diverse as Nairobi and Warsaw, Dublin and Singapore, Amsterdam and Cardiff, San Francisco and Washington.

Mr. Smith was a pioneer in bringing arbitration, mediation and other alternative dispute resolution techniques to the field of financial institutions law. He is both a Chartered Arbitrator and Registered Mediator (CEDR-Accredited) in the United Kingdom, and was President of The Mediation Society. He serves, or has served, as a mediator and arbitrator on the panels of the UN's World Intellectual Property Organization in Geneva, Switzerland, the London Court of International Arbitration, the Arbitration Subcommittee of the U.S. Council for International Business (ICC) and the ICC Forum on ADR. He is a member of the CPR Panel of Distinguished Neutrals.

He has been elected a Fellow of the International Academy of Mediators and a Fellow of the American College of Civil Trial Mediators.

He is a *Médiateur Agréé* with Centre de Médiation et d'Arbitrage de Paris (CMAP). He is also on the panels of international centers from Vancouver to Singapore, Cairo to Kuala Lumpur. He is a Fellow of the Hong Kong Institute of Arbitrators, and an Accredited Mediator of the Hong Kong International Arbitration Centre. He was on both American Arbitration Association arbitration and mediation panels for many years; he was also a member of the Northern California Advisory Council to the AAA.

Mr. Smith's commercial law experience has ranged over hundreds of cases from high-tech lending through sexual harassment and discrimination matters, from computer lease disputes to project finance, from international letters of credit to construction disputes, from insurance coverage issues to personal injury matters. He is admitted to the Bars of California, New York and the District of Columbia, and is a Barrister of the Inner Temple in England and of Lincoln's Inn in England.

Mr. Smith has also run his own enterprise, as well as managing a Government office and working closely with the CEO's and board members of banks and other financial institutions, including foreign entities. He has also been on the boards of many not-for-profit organizations, including the San Francisco Neighborhood Legal Assistance Foundation. He has considerable courtroom experience as an Assistant United States Attorney and as the principal of his own firm. He is, or has been, listed in *Who's Who in American Law*, the *Martindale-Hubbell Bar Register of Preeminent Lawyers*, and the *Chambers Directory* (London).

REPRESENTATIVE ADR EXPERIENCE includes:

Hundreds of mediations over many years in a wide range of matters such as:

- ◆ sexual harassment claims against a nationwide food chain;
- ◆ breach of contract for computer systems and web portal development;
- ◆ lender liability disputes between a bank and a corporate borrower;
- ◆ employment class action against a major financial institution;
- ◆ an alleged breach of an executive's corporate compensation agreement;
- ◆ a dispute concerning high technology trade secrets;
- ◆ a suit for wrongful termination of a former CEO against a corporation;
- ◆ various environmental disputes in California;
- ◆ a dispute concerning ownership of visual images;
- ◆ the export of high-technology machinery to the People's Republic of China;
- ◆ alleged racial discrimination and wrongful termination by a Fortune 500 employer.

He serves, or has served, as a mediator with:

- ◆ the UN's World Intellectual Property Organization, Geneva, Switzerland;
- ◆ the World Bank;
- ◆ Center for Public Resources Panel of Distinguished Neutrals;
- ◆ Centre de Médiation et d'Arbitrage de Paris (CMAP);
- ◆ the University of California at San Francisco (medical school and medical center);
- ◆ the U.S. Equal Employment Opportunity Commission;
- ◆ the U.S. Bankruptcy Court, Northern District of California;
- ◆ the U.S. District Court, Eastern District of California;
- ◆ the Bar Associations of Alameda, San Francisco, Sonoma, and Santa Clara Counties;
- ◆ the dispute resolution programs for the Superior Courts of San Mateo and Santa Clara Counties;
- ◆ the American Arbitration Association's National Panel of Neutrals;
- ◆ the U.S. Postal Service;
- ◆ California State Contractors License Board;
- ◆ California Department of Transportation;
- ◆ National Association for Dispute Resolution, Inc.;
- ◆ Mr. Smith also served for several years as a *pro tem* judge in the San Francisco and San Mateo County Trial Courts where he decided more than 100 matters.

Mr. Smith has also lectured at law schools on the design of a corporate dispute resolution system, on international and domestic arbitration, and on intellectual property disputes.

He is, or has been, on the Internet domain name dispute resolution panels of both resolution (Canada) and the National Arbitration Forum (U.S.).

PROFESSIONAL HISTORY includes:

Principal, Law Offices of Robert M. Smith, San Francisco

The firm specialized in the representation of financial institutions. It came to represent 36 banks and other financial institutions, as well as other clients, in a wide range of commercial matters.

Senior Litigation Counsel, Bank of America

Supervised the Bank's international litigation, with worldwide responsibilities.

Assistant United States Attorney, San Francisco.

Special Assistant to the Attorney General of the United States and Director of the Office of Public Affairs, United States Department of Justice (Carter Administration).

Member, U.S. Delegation to the International Court of Justice in *U.S. v. Iran*.

Associate Attorney, Heller, Ehrman, White & McAuliffe, San Francisco
Commercial litigation.

Correspondent, The New York Times, Washington Bureau.

Intern in Economic Development, United Nations, Geneva

First Lieutenant (Infantry), USAR — infantry platoon leader.

EDUCATION

JD, Yale Law School (Board of Editors, *Yale Law Journal*)

MS with High Honors, Columbia Graduate School of Journalism

MA, International Affairs, Columbia University

Diploma, Centro de Estudios de Español, Barcelona

Fulbright Scholar, University of Tübingen, Germany

AB with Honors, Harvard College. Harvard College Scholarship.

Also: National Institute for Trial Advocacy (NITA); Attorney General's Advocacy Institute (Washington, DC); NITA Advanced Trial Advocacy; CDR Associates, Boulder, CO; seminars, Center for Public Resources.

PROFESSIONAL LICENSES, LANGUAGES

Member of the Bars of California, New York, District of Columbia, and the U.S. Supreme Court. Barrister of the Inner Temple in England and of Lincoln's Inn in England. Varying degrees of fluency in French, German, and Spanish.

ALTERNATIVE DISPUTE RESOLUTION TRAINING

Mr. Smith has been an Adjunct Professor of Law teaching international and intellectual property mediation.

PROFESSIONAL ASSOCIATIONS (Selected—Current and Past)

Honourable Society of the Inner Temple in England; Honourable Society of Lincoln's Inn (England); Centre de Médiation et d'Arbitrage de Paris (CMAP); International Chamber of Commerce Arbitration Subcommittee and Forum on ADR; Arbitration Panels of the international arbitration centers of Cairo, Hong Kong, Korea, Kuala Lumpur, Singapore and Vancouver; Associate Member, Australian Centre for International Commercial Arbitration; The Indian Council of Arbitration; Arbitration and Mediation Panels of the UN's World Intellectual Property Organization, Geneva; U.S.-Mexico Conflict Resolution Center; Law Society of the United Kingdom; CPR Panel of Distinguished Neutrals; American Bar Association (editor, *Litigation*, the Journal of the Litigation Section; member, Dispute Resolution Section; member, Corporate Counsel Committee); California State Bar (Litigation Section); San Francisco Bar Association (ADR Section); Editorial Advisory Board, American Jurisprudence; Law Society of the United Kingdom; Association of Attorney Mediators (Vice President, Northern California Chapter); member, AAA Northern California Advisory Council; conciliator, Community Boards of San Francisco; member, Association of Business Trial Lawyers of Northern California; member, French-American and German-American Chambers of Commerce; Society of Professionals in Dispute Resolution; Association of Former U.S. Attorneys and Assistant U.S. Attorneys for the Northern District of California.

PUBLICATIONS

Author of *Alternative Dispute Resolution for Financial Institutions* (West Group, 2d ed. 1998, 1200 pages).

Former columnist on arbitration and mediation for *California Lawyer*. Also author of numerous articles, including many on arbitration, mediation, and litigation management. For example:

- “Symmetry Alchemy” – *Cyber Esq.*
- “Ten Suggestions about How to Be More Effective in Mediation” – *Asian Dispute Review*
- “The Mediator Can Be the Advocate's Strongest Ally” – *San Francisco Daily Journal*
- “Tower of Babble” – *House Counsel*
- “Transnational Mediation” – *Northern California Mediation Association*
- “Two Harassment Cases” – *California Banker*
- “Overseeing Foreign Counsel: The In-House Lawyer's Role” – *International Financial Law Review* (London)
- “Making Mediation Work” – *Northern California Mediation Association*
- “Mediation Musings” – *California Lawyer*
- “The Minitrial” – *Dispute Resolution*
- “Mediation Rewards Creative Advocacy” – *California Lawyer*