

ROBERT M. SMITH, ESQ.
MEDIATOR

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Profile

Robert M. Smith's experience consists of mediating hundreds of complex disputes in many jurisdictions. He was Director of Mediation at CEDR (Centre for Effective Dispute Resolution) in London, and has taught mediation at both Oxford University and the United Nation's International Labor Organization in Turin, Italy. He has lectured in settings as diverse as Nairobi, Warsaw, Dublin, Singapore and Amsterdam, and has varying degrees of fluency in French, German and Spanish.

Mr. Smith has been a mediator for more than 20 years, and has more than 20 years of commercial litigation and trial experience. This experience, in part, consists of his practice at the law firm of Heller, Ehrman, White & McAuliffe, and as Senior Litigation Counsel at Bank of America, where he was responsible for international litigation worldwide. Mr. Smith was principal of his own commercial litigation firm, whose clients included 36 financial institutions. Mr. Smith served as Special Assistant to the Attorney General of the United States during the Carter Administration, and is the author of *ADR for Financial Institutions* (West Group, 2d ed. 1998, 1200 pp.), as well as many articles on arbitration, mediation, and litigation management.

He is a Registered Mediator and a Chartered Arbitrator in the United Kingdom, and has served as President of The Mediation Society. Mr. Smith serves, or has served, as a mediator or arbitrator on the panels of the UN's World Intellectual Property Organization in Geneva, Switzerland, the London Court of International Arbitration, and the Arbitration Subcommittee to the U.S. Council for International Business. Mr. Smith is on the panels of several international centers, including Vancouver, Singapore, Cairo and Kuala Lumpur.

He is a member of the CPR Panel of Distinguished Neutrals, and has been elected a Fellow of the Hong Kong Institute of Arbitrators, the International Academy of Mediators, and the American College of Civil Trial Mediators. Mr. Smith was a member of the Northern California Advisory Council to the American Arbitration Association.

Mr. Smith has commercial law experience that includes such matters as: high-tech lending, sexual harassment, computer license disputes, project finance, international letters of credit, construction disputes, insurance coverage, and personal injury. He has been on the boards of many not-for-profit organizations, including the San Francisco Neighborhood Legal Assistance Foundation. Mr. Smith is a barrister in the United Kingdom, and is admitted to the Bars of California, New York, and District of Columbia.

For an expanded biography, please visit www.robertmsmith.com.

Representative Mediation Panels

- United Nation's World Intellectual Property Org.
- U.S. Equal Employment Opportunity Commission
- the World Bank
- Centre de Médiation et d'Arbitrage de Paris

Additionally, Mr. Smith served for several years as a *pro tem* judge in the San Francisco and San Mateo County Trial Courts.

Representative International and Domestic Mediations

- ***Facilitation in London of a \$1-billion merger*** between a FTSE-100 company and another company in the same field. (Entities headquartered in Malta and in Israel)
- ***Dispute concerning ownership of probate property*** in California, with Danish and German law elements. (In Frankfurt, Germany)
- ***Dispute between protesters and a multinational company*** – protesters objected to manufacturing activities of the company worldwide. (In London)
- ***Employment Class Action*** Suit against major financial institution by a class of 68 employees and former employees. Damages of \$3.4-million sought. U.S. District Court, Oregon. Resolved in one day.
- ***Breach of Contract-Web Portal Development*** – Alleged failure of corporation with overseas operations to develop a business-to-business web portal on a timely basis. U.S. District Court, Nevada. Significant technical issues, substantial expert testimony. Resolved in one day.
- ***Breach of Contract-Computer Systems Development*** – Suit by a major insurer against a computer systems company for allegedly failing to provide a complex system for its operations (Sacramento, California). Claim for \$3.3-million. Issues of technology and contract law. Resolved in one day.
- ***Wrongful Termination*** action by former CEO against a corporation in Alameda County, California. Demand for \$1.4-million. Resolved in one day.
- ***Intellectual Property Dispute*** concerning on-line development partnership. Demand for \$21-million. (Pending in U.S. District Court, Southern District of New York.) Resolved in two days.

Professional History (selected)

- *Principal, Law Offices of Robert M. Smith*, San Francisco, CA
 - Firm specialized in representation of financial institutions, and came to represent 36 banks and other institutions in a wide range of commercial matters
- *Senior Litigation Counsel, Bank of America*, San Francisco, CA
 - Supervised the Bank's international litigation, with worldwide responsibilities
- *Special Assistant to U.S. Attorney General and Chief Spokesperson for the Dept. of Justice, Carter Administration*
- *Member, U.S. Delegation to the International Court of Justice (U.S. v. Iran)*
- *Commercial Litigation Associate, Heller, Ehrman, White & McAuliffe*, San Francisco, CA
- *Correspondent, The New York Times* (Washington Bureau)
- *First Lieutenant, Infantry Platoon Leader, U.S. Army*

Education

- *JD, Yale Law School* (Board of Editors, *Yale Law Journal*)
- *MA, MS, Columbia University*
- *Diploma, Centro de Estudios de Español* (Barcelona)
- *Fulbright Scholar, University of Tübingen* (Germany)
- *AB with Honors, Harvard College*