



GREGORY L. BERTRAM
MEDIATOR - ARBITRATOR

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LEGAL EXPERIENCE AND WORK HISTORY

- President and CEO, Pacific ADR Consulting (2014-Present) – *A National ADR Services Provider*
- President, Bertram Dispute Resolution, Inc. (2008-Present) – *A Pacific Northwest ADR Service Provider*
- Shareholder, Judicial Arbitration And Mediation Services (JAMS), LLC (2000- 2008) – *A National and International ADR Service Organization* Mediator/Arbitrator, Washington Arbitration And Mediation Services, Inc. (1987- 1999) - *A Pacific Northwest ADR Service Entity*
- Principal, Gregory L. Bertram And Associates (1985-1993) – *A Seattle Commercial Litigation and Commercial Transactions Practice*
- Principal, Bennett And Bertram (1983-1985) – *A Seattle Law Firm Specializing in Commercial Litigation*
- Corporate Counsel, Jack A. Benaroya Co. (1981-1982) – *A Large Pacific Northwest Commercial Real Estate Developer*

ADR EXPERIENCE

Mediated and arbitrated several thousand cases since 1985, many of which have involved complex legal and factual issues and multiple parties. Mr. Bertram has earned a reputation as a tenacious, well-prepared mediator who maintains a high resolution rate. He is well known for bringing energy and informed commitment to each dispute resolution event.

His service as a Mediator or Arbitrator has involved considerable experience with two party or multi-party disputes in the following areas:

- Business/Commercial
- Insurance Coverage
- Intellectual Property
- Personal Injury
- Real Estate/Real Estate Financing/Construction
- Employment
- Maritime
- Partnership and Shareholder Disputes
- Hospital and Health Care
- Professional Liability
- Products Liability
- Civil Rights
- Professional Fee Disputes
- ERISA
- Trusts and Estates
- Natural Resources/Environmental/Energy
- Securities

Many of the above-described disputes have involved federal or state and local governmental entities as well as closely held or publicly traded corporations. A majority also involved insurance participation.

BUSINESS/COMMERCIAL DISPUTE RESOLUTION **EXPERIENCE**

Representative Matters:

- Dispute between shareholders regarding dissolution of an LLC and the sale of its commercial property involving mutual allegations of breach of fiduciary duty, mismanagement and negligent accounting.
- Dispute between investor/alleged franchisee and alleged franchisor for latter's failure to comply with franchise registration laws of various states.
- Numerous professional practice dissolutions involving such issues as alleged breach of fiduciary duty, accounting methodology and business valuation.
- Disputes involving both residential and commercial leases, landlord-tenant issues, purchase and sale agreements, and joint ventures and/or partnerships.
- Breach of construction contracts; negligent misrepresentation; delay/performance claims.
- Class action: dispute between city and ratepayers regarding rates, alleged improper shifting of expenses.
- Consumer Protection Act claims.
- Franchise disputes: alleged violation of the Franchise Investment Protection Act (FIPA); alleged material misrepresentation, alleged failure to comply with state franchise laws, violation of Gasoline Dealer Bill of Rights Act.
- Fraud in sale of business, withholding knowledge of embezzlement activity.
- Intellectual property: trade secrets, patent infringement, insurance coverage regarding source code theft.
- Joint venture: construction, real estate development, alleged breach of fiduciary duty.

- Partnership and corporations: dissolution; misappropriation, breach of fiduciary duties.
- Purchase and sale agreements; alleged failure to disclose material facts.
- Securities: alleged negligent investing; alleged violation of anti-fraud provisions; claims against brokers for improper investment strategy, unsuitable and/or unauthorized investments (see neutral's specialty biographies for Securities and arbitration.
- Software development: alleged theft of source code; alleged deficient source code; alleged deficient source code/failure to meet contractual requirements.

CONSTRUCTION/LAND USE DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Series of land-use mediations involving developer and anchor hi-tech occupant of very large commercial project.
- Multi-million dollar dispute between hotel owner, prime contractor and subcontractors over failure of plumbing system resulting in substantial soil contamination and remediation required by applicable government agencies.
- Numerous "high end" residential construction claims involving multiple claims and parties.
- Numerous landslide cases involving resulting damage to commercial and residential structures presenting issues of remediation, valuation and insurance coverage.
- Several multi-million dollar multi-party disputes involving alleged failed integrity of "building envelope" in condominiums and other commercial structures.
- Special master/mediator in complex, multi-party condominium defect cases.
- Substantial cost overruns and material delay claims alleged by

prime contractor against concrete subcontractor involving construction of large pulp mill facility.

INSURANCE DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Disputes between defendant hospitals and physicians arising out of litigation commenced by the estate of a deceased or severely injured patients.
- Various apportionment disputes involving indemnity and damages amongst defendants in medical malpractice, motor vehicle collisions, etc.
- Bad Faith: Numerous claims involving failure to settle third party or first party claims within policy limits; insured's claims under policies for failure to defend and/or indemnify issues re: alleged intentional conduct; claims for failure to defend under CGL policies involving libel and copyright/trademark infringement issues.
- Coverage: Numerous claims involving construction defect, environmental, product liability, fire loss and theft of property, including commercial intellectual property and primary versus excess coverage disputes.
- ERISA: Numerous claims regarding coverage and failure to pay.
- Indemnity & Contribution: Mediator and arbitrator of many claims involving multiple insurers in construction, professional negligence and commercial property damage; primary and excess carriers.
- Subrogation: Numerous claims arising out of fire loss, product liability and construction defect.

INTELLECTUAL PROPERTY DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Contractual dispute between telecommunications service provider and dealer, which included alleged violations of federal and state anti-trust statutes.
- Contractual dispute between technology consulting firm and technology client which included multi-million dollar counterclaim for alleged business disruption and lost economic opportunity.
- Dispute between seller of security alarm company and purchaser in exchange for stock of the acquiring company that involved alleged violations of applicable Federal and State securities laws.

PERSONAL INJURY DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Dispute with condominium association over security/safety issues after resident was attacked.
- Hundreds of Uninsured Motorist/Underinsured Motorists arbitrations involving motor vehicle collisions.
- Maritime: Resolved numerous personal injury cases involving seamen, cruise ship and pleasure craft passengers.
- Medical Negligence: resolved several hundred claims of medical negligence against physicians, hospitals, pharmacies, and rehabilitation/residential care centers.
- Product Liability: Resolved numerous personal injury claims arising out of defective products, including food products, motor vehicles, machinery and equipment, vessels, and aircraft.
- Wrongful Death/Catastrophic Injury: Resolve hundreds of wrongful death or catastrophic personal injury claims arising out of

workplace, aircraft, motor vehicle accidents and professional negligence.

EMPLOYMENT DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Executive compensation dispute between CEO and CFO with employer a Native Village Corporation.
- Gender discrimination/hostile work environment claim between television producer and governmental employer.
- Many ERISA cases, including but not limited to disability coverage issues.
- Numerous age discrimination claims, whistleblower cases, and failure to accommodate disability claims.
- Sexual harassment and civil rights claim by former sheriff's department employee against a county's chief law enforcement officer.
- Sexual harassment and negligent supervision claims of college professor against colleague and university for, among other things, alleged promise of tenure in exchange for sexual relationship.
- Sexual harassment claims of scientist and supervisor of higher education research institution.
- Sexual harassment claims of several current and former airline employees against co-workers and airlines.
- Wrongful termination claim by physician shareholders against medical practice group who terminated plaintiff physician for latter's sexual involvement with patient.
- Wrongful termination claims by former telecommunications company manager against company; case included claims for wrongfully withheld commissions and bonus.

SECURITIES DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Dispute between seller & purchaser of security alarm company whose transaction included exchange of stock and alleged violation of applicable Federal and State securities laws.
- Action by investor in closely held business for failure to disclose required financial information in private offering memorandum.
- Actions by investors against brokers and/or financial services entity for improper investment strategy and sexual harassment.
- Case in which the SEC alleged that defendants violated anti-fraud provision, violated periodic reporting requirements, filed false report and failed to file reports as required.
- Claims of alleged negligent investing by administrator of a profit sharing and 401(k) plan.
- Dispute involving alleged unsuitable and unauthorized investments of funeral home trust account.

MARITIME DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Resolved numerous personal injury cases involving seamen, cruise ship and pleasure craft passengers.
- Mediated matters involving Admiralty Act and Public Vessels Act involving such matters as a protest boat damaged by Coast Guard;
- Mediation property damage claim in which a barge hit a major bridge.
- Arbitrated a case involving container shipping fees between the U.S. and Europe.
- Mediated cargo damage claims arising out of storms at sea with

attendant unseaworthiness allegations.

- Mediated salvage cases with alleged pollution claims arising out of applicable state and federal laws.

PROFESSIONAL LIABILITY DISPUTE RESOLUTION EXPERIENCE

Representative Matters:

- Numerous private trials in the medical malpractice/negligence arena including but not limited to allocation of liability, birth defects, and variously failed to detect embezzlement in client firms; mediated state disciplinary proceeding against accountants for alleged licensing violations.
- Banking: Various disputes involving claims that bank didn't remedy client's credit after it was proven the client's ID had been stolen, allegations of bank fraud and various escrow disputes.
- Dental: Several liability cases against dentists for failure to meet standards of care involving various dental procedures including oral surgery.
- Legal: Several dozen legal malpractice cases with claims including but not limited to:
 - Disputes concerning fees for professional services
 - Failure to disclose actual or apparent conflicts of interest
 - Failure to serve proper parties
 - Failure to timely file claims
 - Negligent administration of government contracts to provide legal services
- Medical: Hundreds of medical negligence/malpractice cases involving doctors, hospitals, pharmacies, and convalescent centers including but not limited to issues of:
 - Anesthesia: wrong drugs given, failure to monitor adequately, epidural caused heart attack.
 - Birth injuries/children: cerebral palsy, blood transfusion,

- dislocated shoulder during birth, other birth injures.
- Elder care: negligent care at nursing homes, hospices, or by in home nurses.
 - Eyes: laser surgery.
 - Foreign objects: sponges and other equipment left in body cavity after surgery.
 - Gastric/bariatric surgery.
 - Misdiagnosis/failure to diagnose: cancer, infection, heart condition, wrong or unnecessary therapy, diseases.
 - Prescriptions: filled improperly, failure to warn about side effects.
 - Wrongful death: surgery, other procedures, failure to diagnose, negligent care.
 - Arbitrated and mediated apportionment professional liability disputes between healthcare providers following defendants' settlement with claimants.

HONORS, MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

- Member American Arbitration Association's Commercial Arbitration Panel and Panel of Mediators, 2008.
- "Super Lawyer" per attorney readers' poll in *Washington Law and Politics Magazine*, 1999-2009.
- "Top Lawyers" list per attorney readers' poll for *Seattle Magazine*, 2001-2005.
- U.S. District Court, Western District of Washington, Rule 39.2 Panel of Mediators and Arbitrators and Rule 39.1 Training Faculty, 2008.
- "Master Mediator" designation by Washington Arbitration and Mediation Service, Inc. 1998.
- Adjunct Professor, Albers School of Business, Seattle University, 1998.
- Chairman, Alternative Dispute Resolution Committee of Washington State Bar Association, 1988-1989.

- Bar Admissions: Washington State Bar Association; U.S. District Court, Western District of Washington; United States Tax Court, Supreme Court of the United States.
- Board of Directors, Federal Bar Association Alternative Dispute Resolution Section, 2009.
- Member, ADR Roundtable.
- Certified Mediator, International Mediation Institute, 2009.

EDUCATION

- LL.M., Law & Marine Affairs, University of Washington School of Law, 1981.
- J.D., Seattle University School of Law, 1977.
- M.A., Occidental College, 1971.
- B.A., Occidental College, 1969.