

## ADR & Arbitration

Unique among law firms is Irell & Manella LLP's alternative dispute resolution practice group, which consists of attorneys serving as mediators and arbitrators in complex civil matters through selection by private parties and by court-appointment as masters and referees.

The core of the practice is the Alternative Dispute Resolution Center, established in 1998 under the leadership of Layn Phillips, a former federal judge and a nationally-prominent mediator and arbitrator. The Center is located adjacent to the firm's Newport Beach office and has its own administrative offices, conference space, and courtroom dedicated to arbitration.

For over 15 years, Judge Phillips has successfully mediated high stake civil disputes for Fortune 500 companies nationwide and is considered pre-eminent in the resolution of multi-party matters, some involving as many as 150 parties. He has mediated hundreds of disputes referred by private parties and courts, and has been appointed a Special Master by various federal courts in complex civil proceedings. He has also served as special counsel to numerous corporations, conducting a wide variety of internal investigations on sensitive issues. He has conducted matters under the CPR, AAA, and ICC rules, as well as the Federal Rules of Civil Procedure.

Judge Phillips has also been elected into, and now serves as, a Fellow in the International Academy of Mediators. In addition, he has also been nationally recognized as a mediator by the Center for Public Resources Institute for Dispute Resolution (CPR), serving on CPR's National Panel of Distinguished Neutrals. He is also a Diplomat Member of the California Academy of Distinguished Neutrals.

ADR proceedings are also conducted by Irell & Manella attorneys Richard Borow and Christine Byrd. Richard Borow is a retired senior partner and founder of the firm's litigation group. He has served as arbitrator or mediator in numerous business disputes and is in high demand for mediation of disputes between law firms and their former clients. He is a member of the Panel of Distinguished Neutrals of the CPR International Institute for Conflict Prevention & Resolution and is on the Large Complex Case Panel of the American Arbitration Association.

Christine Byrd has been serving as an arbitrator of commercial disputes for private parties and through court reference for over 10 years, about half of them involving the energy industry. She was elected into and now serves as a Fellow in the College of Commercial Arbitrators. She was elected and continues to serve as a member of the board of directors of the American Arbitration Association and is a member of its Large Complex Case Panel, National Energy Panel, and Class Action Panel. She is also a member of the California Academy of Distinguished Neutrals and of the Panel of Distinguished Neutrals of the CPR International Institute for Conflict Prevention & Resolution.

Our other attorneys draw upon the ADR practice group to assist clients in evaluating the potential for using arbitration, mediation, or other forms of ADR in lieu of litigation, for selecting arbitrators and

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mediators for particular client matters, and for successful representation of clients before ADR tribunals nationwide.

Representative of our attorneys' experience in the field of alternative dispute resolution is the Court of Appeal's recent decision in Jakks Pacific, Inc. v. Superior Court; THQ Inc., Real Party in Interest, which affirmed the trial court's ruling -- and our client's position -- that arbitrators need not disclose potential conflicts until they are actually selected, as opposed to when they are first nominated by the parties or by the court. This was the first time that the Court of Appeal had interpreted the arbitrator disclosure rules under the California Code of Civil Procedure.

For more information, please contact Christine Byrd.