



## **PHILIP R. DIAMOND, ESQ.**

Mediator/Arbitrator/Special Master/Discovery Referee

DIAMOND DISPUTE RESOLUTION

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### **Alternative Dispute Resolution Experience**

- Extensive experience as mediator and arbitrator in wide range of subject matters, such as real estate, construction, insurance, employment, personal injury, commercial disputes, general torts, and trust and will contests.
- Settlement Judge Pro Tem, Marin County Superior Court (2004 - ; recipient – 2007 Distinguished Service Award).
- Panel mediator, Contra Costa County Superior Court (Small Claims Division; 2004 – 2005).
- Panel mediator, U.S. Equal Employment Opportunity Commission (Northern California District; 2004 - 2006).
- Served for fifteen years as Arbitrator for the San Francisco County Superior Court Judicial Arbitration Panel.
- Guest Instructor, *Alternative Dispute Resolution Considerations in Contract Drafting*, University of California, Hastings College of the Law.
- Guest Instructor, Steven Rosenberg Mediation Training and Advanced Mediation Training.
- Extensive mediation, jury and bench trial, and binding and non-binding arbitration experience, as attorney.

### **Substantive Areas of Experience**

- **Real Estate and Construction** – commercial and residential nondisclosure, misrepresentation, and specific performance claims, landlord-tenant disputes, broker-agent disputes, neighborhood disputes, contract, lease, and Tenancy in Common

disputes, partition actions, investment fraud actions, distressed property and loan work-out disputes, mortgage broker and lender liability claims, access-related disability discrimination claims (under Unruh Fair Housing Act, Disabled Persons Act, and Americans with Disabilities Act), disputes involving owners, architects, geotechnical engineers, civil engineers, materials suppliers, roofing and weatherproofing consultants, plumbers, and others in construction defect, delay, and accident claims involving individual and multi-unit commercial, residential, public entity, and industrial properties, and the first- and third-party insurance coverage issues involved therein.

- **Toxic Tort** – cancer, aplastic anemia, peripheral and central nervous system, respiratory, and other bodily injury and property damage claims arising out of residential and workplace exposures to mold, pesticides, and other substances, as well as Proposition 65 claims.
- **Employment** – harassment, discrimination, wrongful discharge, wage & hour, and family and medical leave claims, as well as bodily injury claims arising out of alleged fraudulent concealment of injury and employment-related cause.
- **Structural and Agricultural Pest Control** – contamination, bodily injury, and property damage claims arising out of structural pesticide applications and fumigations and Wood-Destroying Organism inspections, regulatory proceedings against structural pest control operators, and property damage and bodily injury claims arising out of agricultural pesticide applications and related services.
- **Insurance Coverage and Bad Faith** – third-party general and professional liability coverage, and first-party property, casualty, real estate title, and life, health, accident and disability claims.
- **Product Liability** – bodily injury and property damage claims involving residential and industrial HVAC equipment, air pollution control equipment, elevators and escalators, electrical equipment, hand and power tools, medical devices, aircraft components, and other products.
- **Professional Liability** – errors and omissions claims against architects and engineers, physicians, lawyers, real estate agents and brokers, insurance agents and brokers, and Registered Investment Advisers.
- **Probate and Trust** – family disputes involving trust administration claims, will contests, and related issues.
- **Aviation** – general and commercial aviation litigation ranging from airline delay and injury claims to major general aviation and airline accidents arising out of in-flight structural failures and mid-air collisions.
- **Commercial Litigation** – contract and business disputes, partnership disputes and dissolution proceedings, securities fraud claims, and unfair competition claims.
- **General Tort Litigation** – premises liability, auto, dog bite, assault and battery, libel and slander, and general tort claims.

## Professional Background

1974 – 1982	Bronson, Bronson & McKinnon
1982 – 1989	Bickel & Diamond – Founding and Name Partner
1989 – 1997	Wright, Robinson, Osthimer & Tatum – Shareholder

- 1997 – 2003 Niesar & Diamond LLP – Founding and Name Partner
- 2003 – Diamond Dispute Resolution (formerly Law & Mediation Offices of Philip R. Diamond)
- 2004 – Lerman Law Partners, LLP (Of Counsel)

## Education and Training

A.B., University of California, Berkeley (With Great Distinction; Phi Beta Kappa), 1971  
 J.D., University of California, Berkeley, School of Law (Boalt Hall) (American Jurisprudence Award Winner; Associate Editor, California Law Review), 1974  
 Steven Rosenberg Mediation Training  
 Steven Rosenberg Advanced Mediation Training  
 Northern California Mediation Center – Fundamentals of Family Law for Mediators and Therapists  
 Numerous courses and seminars on mediation techniques

## Professional Memberships

- Association for Dispute Resolution of Northern California
- The Mediation Society
- American Bar Association – Dispute Resolution, Litigation Sections
- State Bar of California – Labor & Employment Law, Litigation Sections
- Marin County Bar Association – Member, Board of Directors (2005 - ); Alternative Dispute Resolution Section (Treasurer, 2005 – 2006; Chair, 2011); Real Property Section; Series Editor, *The Marin Lawyer* monthly newsletter (2005 – 2010)
- San Francisco County Bar Association – Alternative Dispute Resolution, Litigation Sections

## Other

- Over 30 years representing clients ranging from individuals and small businesses to some of the nation's largest manufacturers, airlines, pest control companies, geotechnical engineers, product distributors, and insurance carriers.
- Served as National Coordinating Counsel for a major life, health, and disability insurance carrier, and for the structural pest control program of one of the nation's largest liability insurance carriers.
- Maintained AV rating (the highest given) with Martindale Hubbel since beginning practice in 1974.

REFERENCES AVAILABLE UPON REQUEST