

Francis J. Raucci, Esq.

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Work History Partner, Gough, Shanahan, Johnson & Waterman, 1999-present; Adjunct Professor, MBA Program, University of Utah, 2002-present; Adjunct Professor, University of Montana MBA Program, 2002-present, 1981-84, 1972-76; Executive Vice President/Chief Labor Counsel/Senior Vice President/Assistant General Counsel, American Stores Company, 1989-99; Senior Vice President/General Counsel, Alpha Beta, 1986-89; Instructor, University of California, Fullerton, 1986-89; Executive Vice President/General Counsel, Buttrey Food & Drug, 1981-86; Adjunct Instructor, University of Great Falls, 1960-86; Corporate Vice President/General Counsel, Acme Markets, 1976-81; Adjunct Professor, St. Joseph's University MBA Program, 1977-81; Lecturer, Temple University School of Law, 1978; Vice President/Labor Counsel, Buttrey Food & Drug, 1968-76; Deputy County Attorney, Cascade County, Montana, 1966-68; Attorney, Scott, Linnell & Fillner, 1965-68.

General Experience Served as chief legal officer for the largest subsidiaries of second largest food and drug retailer in the United States. Managed or supervised the legal affairs in California, Pennsylvania, and 23 other state including trade regulations, risk management, insurance carrier coverage and claims issues, merger and acquisitions, commercial lease, lending and fee issues, governmental affairs, contract negotiations, and administration. Participated in the strategic planning of the affairs of the company. Completed the University of Utah Executive Development Program in 1974. Fellow of the University of Pennsylvania Fels Institute of Public Administration in 1978. See education.

Experience as a Mediator 1.) Served as court-appointed mediator in largest class action to date in Montana, which included over 48,000 claimants, with damages claimed in excess of \$20 million; 2.) Served as a mediator appointed by the Montana Supreme Court (Rule 54) for complex cases, e.g. public employee bargaining issues, wrongful discharge etc.; and 3.) Serves as mediator/early settlement neutral for the U.S. District Court in complex cases, e.g. medical malpractice with claim of \$10 million.

Representative Issues Handled as a Mediator Class composition in medical class action; scope of damage and discovery in class action; benefit terms and coverage in ERISA claims, both individual and class action; and effect and scope of TRO in franchise litigation. Labor: Benefits-Pension, withdraw liability, wages and job protection, just cause, protected rights.

Multi Party Mediation Experience Experienced with a class action that involved 48,000 claimants, 17 lawyers and three insurance carriers and an ERISA class action with over 12,000 beneficiaries.

Years of Practice as a Mediator 15

Mediation Philosophy The easy part is to state my philosophy as being "facilitative." However, my experience as a mediator leads to conclude that one must add an evaluative

approach as well. When and to what extent the evaluation is given is a function of the particular situation. In my case, it is a tool to facilitate the settlement rather than a primary purpose of the process. In addition, it is primary to the process and success that the decision making, based on the consequences of those decisions be the parties rather than the counsel. Accordingly, despite the level of sophistication and experience in the process, I start all mediations with a direct review of the process with the parties, including their "ownership" of the result.

Alternative Dispute Resolution Training Utah Bar, What Family Law Judges Want to Know in Mediation, 2013; Pennsylvania Bar, Arbitration: Problems and Developments, 2013; Montana Bar, Issues, Ethics and Opportunities (presenter) 2013; Pennsylvania Bar, New Protocols in Arbitration, 2014; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2012; Sedona Conference, eDiscovery for Mediators and Special Masters, 2010; Association of Attorney-Mediators, Mediation Training, 2007; AAA Arbitrator Ethics & Disclosure (ACE003), 2006; AAA Neutrals Conference, 2005, 2004; AAA Practical Tips for Dealing with Delay Tactics (ACE004), 2005; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2004; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2003; Annual Arbitrator Update 2002; AAA Labor Arbitrator II Training: Advanced Case Management Issues, 2003; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2001; AAA Commercial Arbitrator Training, 1999; Philadelphia Bar Education Center, ADR Training, 1996; Academy of Attorney Mediators, Mediation Training, 1995.

Professional Licenses Admitted to the Bar: Montana, 1965; Pennsylvania, 1976; District of Columbia, 1987; U.S. District Court: District of Columbia; District of Pennsylvania; District of Montana; U.S. Court of Appeals: Third, Ninth, and District of Columbia Circuits; U.S. Supreme Court.

Professional Associations Academy of Court Appointed Masters (Fellow); Montana Board of Personnel Appeals (Past Chair); California Employment Law Council (Board of Directors); American Bar Association (Section on Labor and Employment Law; Section on Torts and Negligence); College of Labor and Employment Lawyers, Inc.; District of Columbia Bar Association; Montana Bar Association (Certified Labor and Employment Lawyer, ADR Board); Philadelphia Bar Association; Montana Mediation Association (Board of Directors). Executive Committee, Dispute Resolution Committee, Montana Bar Association; Association of Attorney-Mediators(Board of Directors) Vice Chairman, Arbitration Committee, American Bar Association; Academy of Court Appointed Special Masters

Education St. Joseph's University (AB-1958); Georgetown University (JD-1965); University of Pennsylvania, Fells Institute of Public Administration Fellow-1978

Publications and Speaking Engagements "The Pyramid-How to Build Diversity," Institute for International Research, 2000; "The Self-Evaluation Privilege after Stender," American Bar Association Section on Labor and Employment Law, December 1994; "Unfair Labor Practice and the Grievance Process," MONTANA ARBITRATOR'S QUARTERLY, 1986; "Grandfathered Bargaining Unit Supervisors and the Bargaining Obligation," PUBLIC EMPLOYEES LABOR RELATIONS DIGEST; "Teachers Evaluations and the Bargaining Obligation," PUBLIC EMPLOYEES LABOR RELATIONS DIGEST; DECISIONS OF MONTANA PERSONNEL APPEALS BOARD, Index of Decisions, 1974-81, 1983-86.