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**RESUME**

**Profession:**

Attorney; trial lawyer 1975-2000; practice limited since 2000 to providing arbitration, mediation, special master and other ADR services.

**Arbitration Experience:**

Over twenty-five years of experience (1985-present) serving as an arbitrator, mediator and special master in commercial cases. Served as a sole or panelist arbitrator in more than seven hundred cases involving a wide variety of parties and issues. Frequent service as chair of three-arbitrator panels. Experience serving as an arbitrator in cases administered by AAA, ICDR, JAMS, ICC, LCIA, under the UNCITRAL, CPR, and Society of Maritime Arbitrators rules, and in numerous other non-administered cases.

Fellow, College of Commercial Arbitrators. Fellow, Chartered Institute of Arbitrators. Charter Member, National Academy of Distinguished Neutrals. Washington *Super Lawyer*, 2000-2010. Listed in *Lawdragon 500 Leading Judges in America*.

Arbitrations pending or in which an award was issued recently include:

- An international arbitration between Belgian and Brazilian owners of an oil and gas refinery and its associated oil and gas trading partnership relating to a corporate governance dispute and resulting exercise of one owner's "put" rights. (Panel Chair)
- An international biotech arbitration between U.S. and Swiss parties related to alleged breaches of a licensing agreement covering certain genotypes sold for use in a test kit for human papillomavirus. (Neutral Panelist)
- A domestic energy arbitration relating to interpretation and enforceability of a five-year option agreement to purchase electric power from a gas-fired generating plant. (Panel Chair)
- A complex international arbitration between British, Israeli and U.S. investors in a large commercial real estate project related to alleged breaches of the parties' development agreements, fiduciary duties and capital call obligations. (Neutral Panelist)
- A domestic energy arbitration between a state governmental entity and a private electric power generator relating to alleged breaches of a long-term power supply contract. (Panel Chair)

- An international arbitration relating to interpretation and enforcement of the royalty provision in a software licensing agreement permitting manufacture of a GPS navigational product sold to the commercial aviation industry. (Neutral Panelist)
- A domestic antitrust arbitration in which the claimant medical provider groups allege violations of the antitrust laws by several large health insurance companies. (Panel Chair)
- A dispute between competing manufacturers of an environmental remediation product alleging breach of contract, business torts, RICO violations and misappropriation of trade secrets. (Neutral Panelist)
- A dispute between a commercial lessor and lessee concerning claims for repairs and alterations following termination of a forty-year manufacturing lease. (Panel Chair)
- An international M & A arbitration between European and U.S. parties arising out of the sale of a software company in which the buyer alleges breaches of representations and warranties given by the sellers related to balance sheet and tax liabilities. (Neutral Panelist)
- A domestic energy arbitration involving a dispute between a PURPA generating plant and a large utility over the avoided cost calculation provisions in a thirty-year power purchase and sale agreement. (Panel Chair)
- A dispute between a hospital and an IT vendor over alleged breaches of a healthcare IT services outsourcing agreement. (Sole Arbitrator)
- A consumer protection, business tort and breach of contract dispute between property owners and a company engaged in removing underground storage tanks and remediating petroleum-contaminated soils. (Sole Arbitrator)
- A California-based contract dispute between a large commercial retailer and a consultant relating to enterprise-zone tax credits. (Sole Arbitrator)
- A class action arbitration between auto dealers and the provider of a computerized parts display service and related equipment. (Panel Chair)
- A dispute between owners of an HMO over alleged related-party transactions and breaches of fiduciary duties by directors of a Medicaid managed care company. (Neutral Panelist)
- A large Alaska-based construction dispute. (Panel Chair)
- A distributor-termination and valuation dispute between a brewery and a beer distributor. (Sole Arbitrator)
- A dispute between a natural gas shipper and gatherer over alleged breaches of certain natural gas gathering agreements. (Neutral Panelist)
- A dispute between a hospital and a managed care company relating to reimbursement disputes. (Sole Arbitrator)
- A class action employee benefits arbitration between construction workers and a labor union pension fund over issues related to credit for prior shop service. (Sole Arbitrator)
- A class action arbitration between an alleged class of clinical pathology providers and a large managed care company operating in Tennessee arising out of reimbursement denials for certain services provided by the pathologists. (Panel Chair)
- A dispute between investors in certain oil and gas and commercial real estate properties located in Texas. (Neutral Panelist)

- An international arbitration involving applications for emergency relief between parties engaged in the aviation industry. (Sole Arbitrator)
- A wrongful termination/employment discrimination case. (Sole Arbitrator)
- A construction dispute between a large subcontractor and the developer of several extensive condominium and apartment building projects. (Sole Arbitrator)

Cases handled as a neutral have included many large disputes but have also included a wide variety of other matters, of varying size, involving corporations, privately-held companies, LLC's, partnerships, governmental entities and individuals. Examples of other prior cases are posted at [www.tjbrewer.com](http://www.tjbrewer.com). Types of cases handled have included:

- commercial contract
- intellectual property
- international contract and technology licensing disputes
- breach of contract/breach of warranty
- unfair competition
- energy (oil, gas, electric and wind)
- construction
- government contracting
- business purchase and sale
- copyright
- trademark, trade secret and patent
- international sales and joint ventures
- health care and health insurance
- biotechnology
- software and other technology disputes
- partnership, LLC and shareholder disputes
- aviation
- disputes involving professionals
- commercial leasing and real estate
- employment termination and discrimination
- ERISA and employee benefits
- insurance coverage
- franchise
- valuation
- distribution
- employee non-competition and confidentiality covenants

Member of the American Arbitration Association's Commercial, International, Large Complex Case, Energy, Construction and Mediation Panels. Member of the International, Energy, Oil and Gas, Health Care & Life Science and Seattle panels of neutrals of the CPR Institute of Dispute Resolution. Member, London Court of International Arbitration North American User's Council.

International arbitrations and mediations have included Australian, Austrian, Belgian, Bermudan, Brazilian, British, Canadian, Cayman Islands, Chinese, Danish, French, German, Italian, Indian, Israeli, Japanese, Korean, Mexican, New Zealand, Peruvian, Saudi Arabian, Swedish, Swiss, Thai and U.S. parties.

### **Mediation Experience:**

Mediation experience has included numerous breach-of-contract and business tort disputes between parties in various industries; disputes arising out of the purchase and sale of businesses; intellectual property and patent disputes; various types of licensing disputes, including software and other technology-related matters; energy cases; international disputes; insurance coverage disputes; construction and government contracting disputes, including False Claims Act disputes; copyright, trademark infringement and dilution disputes; reorganization and debtor-creditor disputes; trade secret and unfair competition disputes in high technology and other industries; law firm dissolution and legal malpractice claims; disputes involving family members, family-owned businesses, and estates; real estate-related disputes; franchise disputes; securities cases; and disputes relating to enforcement of employee non-competition and confidentiality covenants. Specific examples of prior mediation engagements are posted at [www.tjbrewer.com](http://www.tjbrewer.com).

### **Special Master Experience:**

Served as court-appointed special master responsible for resolving all discovery issues regarding electronically stored information in UCC Ueshima Coffee Company, Ltd. v. Tully's Coffee Corporation, No. C06-1604 RSL (W.D.Wash.), an international licensing, trademark and market development dispute between Japanese and U.S. parties. Served as a court-appointed special master for all discovery matters in Whatley v. Nike, Inc., No. CV98-063-MO, U.S.D.C., Or., a patent case. Served a court-appointed special master to verify and report to the respective state and federal courts concerning a class action defendant's performance of certain settlement obligations in West, et al. v. Group Health Cooperative of Puget Sound, et al., No. C01-716P (W.D. Wash.) and Stone v. Group Health Group Health Cooperative of Puget Sound, et al., King County Sup. Ct. No. 01-2-14261-5 SEA. Served as a court-appointed special master for discovery matters in Amazon.com Commerce Services, Inc. v. Expedia, Inc. (King County Sup. Ct. No. 02-2-25747-0SEA), a breach of contract and antitrust action. Served as the court-appointed special master to arbitrate the amount of class action damages in James E. Hoffman and Dale Snow v. REGENCE BLUESHIELD, No. C98-1078P (W.D. Wash.) and Steven R. Holman v. REGENCE BLUESHIELD, No. 00-2-02033-3SEA (King County Superior Court).

### **Education:**

Dartmouth College (B.A., Government, magna cum laude, 1968); Oxford University (B.A., Jurisprudence, First Class Honours, Wronker and Jurisprudence Prizes, Rhodes Scholar, 1973); Harvard Law School (J.D., magna cum laude, law review, 1975).

### **Employment History:**

2000-present: Self-employed ADR neutral; practice limited to providing arbitration, mediation and special master services. 1985-2000: Substantial, but not full-time, experience serving as a neutral arbitrator and mediator. 1975-2000: Trial lawyer representing and counseling clients in business and commercial cases. Partner, Wickwire, Greene, Crosby, Brewer & Seward (Seattle), 1994-00; Partner (1981-94)/Associate (1975-81), Heller Ehrman White & McAuliffe (and predecessor firm acquired by merger), 1975-94.

### **Recent Publications and Speaking Engagements:**

Speaker, *Arbitrator Boundaries: What Are the Limits of Arbitrator Authority?*, AAA Webinar, 2010; Co-author, *E-Discovery in Arbitration*, CPR ALTERNATIVES, September-October, 2009; speaker, *The Process and Practice of International Arbitration*, ICDR Seminar, 2009; speaker, *How to Prevent Arbitrations from Transforming Into Litigations*, AAA University Webinar, September 2009; co-author, *When Arbitrators "Exceed Their Powers" – A New Study of Vacated Arbitration Awards*, DISPUTE RESOL. J., Vol. 64, no. 1, February-April 2009; speaker, "Arbitrator Update," AAA National Neutrals' Retreat, San Diego, 2/09; speaker, *E-Discovery in Arbitration*, College of Commercial Arbitrators Annual Meeting, 10/08; speaker, "Mediation of Intellectual Property Disputes," ICDR International Arbitration and Mediation Symposium, Philadelphia, 11/06; contributing author, THE COLLEGE OF COMMERCIAL ARBITRATORS GUIDE TO BEST PRACTICES IN COMMERCIAL ARBITRATION, JurisNet 2006; speaker, "Arbitration of Intellectual Property Disputes," ICC International Dispute Resolution Seminar, La Jolla, 10/05; co-author, "A Courtroom Lawyer's Guide to Arbitration," LITIGATION, vol. 31 no. 3, Spring 2005 (partial listing).