

MEDIATOR PROFILE – MALCOLM SHER, ESQ.

EDUCATION

Legal Education: London University, Holborn College of Law, LL.B (Hons.) (1969)
Admitted to practice law in California in 1976 and in U.K in 1972. CA Bar # 72629

PROFESSIONAL EXPERIENCE

After almost forty years as a successful litigator and trial lawyer in the United Kingdom and California, I have been a full-time mediator, arbitrator and neutral evaluator for more than ten years. Over 75% of my mediations are high-emotion disputes and many involve cross-cultural and intra-cultural parties. I have mediated and arbitrated hundreds of disputes, many using the ZOOM videoconferencing platform. The disputes involve residential, commercial and industrial real property, and include the following:

- Breach of Contract to Purchase or Sell
- Partition and Quiet Title Actions
- Misrepresentation and Non-disclosure Claims
- Malpractice Claims Against Real Estate Professionals
- Return of Deposit Claims Following Failure to Close Escrow
- Easement, Boundary Line and Encroachment Disputes
- Landlord-Tenant Disputes, including “habitability” and payment of rent issues under COVID-19
- Business Opportunity Disputes, including Breach of Contract, Lease Disputes, Misrepresentation and Business Valuation
- Broker and Agent Commission Claims

PUBLICATIONS

I co-author the ADR chapter of California Continuing Education of the Bar’s (CEB) “*Real Property Remedies and Damages*” and have published numerous articles in *The Daily Journal*. I am a frequent presenter and panelist on programs involving ADR.

AFFILIATIONS

Mediator for San Francisco, Contra Costa, Alameda and San Mateo Superior Court ADR programs; Member, California and National Academies of Distinguished Neutrals; Past President of The Mediation Society; Past member of State Bar of California ADR Sub-committee; Member, C.A.R. Real Estate Forum.

STATEMENT AND PHILOSOPHY

Conflicts involving real property often reveal intensely personal interests and generate significant emotional feelings. As a mediator, I have earned a reputation for being sensitive to these interests, to how cultural diversity, gender and personality impact the perception of rights and obligations, and how

they influence negotiation and dispute resolution. Treating parties with dignity and respect, validating their cultural diversity, and hearing their points of view, empowers them to fashion their own “win-win” solutions. Flexible about process, I am willing to be “evaluative” if requested, to explore “what ifs,” ask probing questions, provide “reality checks” and identify risks and benefits, while creatively exploring settlement options. I am comfortable using Zoom for on-line mediations and arbitrations.

FEES

\$350 per hour. Deposit of \$4,000 split between parties. Unused fees are promptly refunded. Additional fees are invoiced and paid within ten days of invoicing. \$100 travel charge for mediations and arbitrations more than 75 miles round trip from San Ramon.

SERVICE AREAS

Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, San Joaquin, Solano and Sonoma Counties

OFFICE LOCATION

Office space available in all Service Areas

DO NOT CONTACT MEDIATOR DIRECTLY. All mediations must be filed directly with our Center and questions for mediators pre-assignment should be arranged with our Center.