

## **MEDIATOR PROFILE – Russell D. Cook**

### **EDUCATION**

California State University, Fresno (BS 1976)

San Joaquin College of Law (JD 1980)

### **PROFESSIONAL EXPERIENCE**

Over 41 years, has tried in excess of 100 civil cases to verdict or decision. During that same time, has resolved or settled over 3,000 cases while representing one of the parties to the dispute. Has participated in over 1,500 mediations on behalf of a party to the dispute, and has participated in arbitrator in over 20 matters on behalf of clients. Experience in construction claims on behalf of owners, general contractors, subcontractors, material suppliers and lenders.

Experience in both heavy road construction, as well as buildings (commercial, residential, governmental, hospitals and schools). Construction claims have dealt with construction defect, prevailing wage issues, and government contracts. Experience in real estate matters, including boundary disputes, easements, title disputes, real estate purchase and sale claims. Experienced representing buyers, sellers, brokers, agents, surveyors and developers.

Tried and litigated matters involving interference with contract claims, fraud claims, business interruption claims and elder abuse claims.

Represented over 1,000 litigants involved in personal injury claims (both plaintiff and defense). These include wrongful death and serious personal injury claims.

Represented both plaintiff and defense in the following types of employment claims: Wage and hour, including prevailing wage claims, age discrimination, sexual harassment and sexual discrimination claims.

Represented plaintiffs in a class action claims. One was on behalf of 2,000 pensioners, wherein the matter was resolved at mediation for over \$5,000,000.00.

### **ADR Experience**

Has conducted an excess of 50 arbitrations. All arbitrations in 2020 and 2021 have been by Zoom. Conducted a 6 day arbitration involving real estate fraud, real estate financing, appraisal issues, broker liability, duty to disclose. Conducted a 5 day arbitration between builder and owner involving a construction of condominiums. Conducted an arbitration matter involving trade libel, interference with contract with a claim in excess of \$5,000,000 which was resolved before the hearing but involved over 20 discovery disputes. Conducted in excess of 20 uninsured motorist arbitrations. Conducted multiple non-binding arbitrations as part of the Fresno Superior Court ADR process.

As an advocate, has arbitrated over 20 arbitrations, the value of which is between \$10,000 and \$5,000,000. Represented a respondent in a 10 day AAA arbitration involving a partnership dissolution.

Has conducted in excess of 800 mediations involving all aspects of civil litigation, including construction, business disputes, personal injury, medical malpractice and other claims.

Has conducted in excess of 30 mediations by Zoom.

Example of claims mediated over the past 20 years include:

**Construction Claims:** construction defects, construction claims associated with subcontractors seeking additional funds for extra work, delay claims, cost overrun claims, liquidated damage claims, prompt payment claims, unlicensed contractor claims, prevailing wage and hour claims and others.

**Real Estate Claims:** real estate broker negligence, real estate easement disputes, real estate boundary disputes, leasehold claims involving leasing airport facilities.

**Employment Claims:** sexual harassment, sexual discrimination, defamation, invasion of privacy, age discrimination, and wage and hour claims.

**Personal Injury:** Wrongful death, serious personal injury injuries, indemnity, insurance and joint tortfeasor claims.

#### **AFFILIATIONS**

California Bar Association, American Bar Association, Association of General Contractors, Southern California Mediation Association, Fresno County Bar Association, Eastern Madera Bar Association, and Mariposa Bar Association, Academy Member, National Academy of Distinguished Neutrals.

#### **STATEMENT**

There are two different philosophies to negotiation. Mr. Cook is familiar with and uses both. The first is the competitive approach that most people in litigation possess inherently. This is the approach wherein parties to the mediation take the position that they are correct and the other side is wrong. The second is an interest based approach wherein the settlement process is driven to meet the interests and needs of the parties in the dispute. This approach addresses the interests of the parties and how to achieve it.

Most people come into the mediation with the competitive approach. Mr. Cook's approach is to take these individuals and over time address the interests of each party. Once the parties are addressing their own interests, as well as the interests of the other party to the mediation, a settlement is more likely to be achieved.

Mr. Cook has a 90% success rate for case resolution.

#### **FEES:**

\$400.00/hour

#### **SERVICE AREAS**

Will not charge for travel to Fresno, Madera, Merced, Mariposa, Kings and Tulare Counties. Travel fees for all other counties.

#### **OFFICE LOCATION**

Fresno, CA

**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.**