

## Mediator/Arbitrator/Special Master Profile – Phil Cutler

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**Law Practice History** Experience since 1973 in complex commercial and business dispute resolution, including litigation, mediation and arbitration, appeals. Substantial experience in business, corporate and commercial law; business-government relations; licensing, trade secret and intellectual property matters; product distribution, antitrust and franchising; employment termination and discrimination; securities.

**Dispute Resolution Experience** Experience since 1982 in dispute resolution in private and court-annexed ADR programs involving a wide variety of substantive law areas in business and commerce. Over 500 mediations or arbitrations privately or as member of: American Arbitration Assn National Commercial Panel and Large Complex Case Panel, Northwest Mediator Panel; NASD/FINRA Public Arbitrator Panel; King County Superior Court Mandatory Arbitration; U.S. District Court/Western District of Washington CR 39.1 Roster of Mediators & Arbitrators; AAA Prudential Policyholder Remediation Plan Appeals Committee (1998-1999); *Louisiana-Pacific Inner-Seal Siding Class Action Settlement* (U.S. District Court/District of Oregon, 1997-1998). Numerous bench trials as King County Superior Court judge *pro tem* (mid-1990s). Special master assignments for King Co. Superior Court (discovery), San Francisco Co. Superior Court (administration of class action settlement, 2000-11). Arbitrator for *AERT/Weyerhaeuser Class Action Settlement* (ChoiceDek decking product) (Seattle WA federal court, ongoing). Member of arbitration panel for Bering Sea and Alaska Crab Processors arbitration organizations.

**Bar Admissions** Washington State; U.S. District Court, Western and Eastern Districts of Washington; 9<sup>th</sup> Circuit Court of Appeals; U.S. Supreme Court.

**Professional Associations** Fellow, College of Commercial Arbitrators ([www.thecca.net](http://www.thecca.net)); ADR Roundtable ([www.adrroundtable.com](http://www.adrroundtable.com)); WSBA, ABA and KCBA; Federal Bar Assn/Western District of Washington; ABA Sections on Litigation and Dispute Resolution; WSBA Sections on Litigation; Dispute Resolution; KCBA ADR Section.

**Peer Recognition** ADR All Star (WSBA DR Section); SuperLawyer (Washington Law & Politics), 1999-2013; AVVO 10.0 rating; AV Preëminent rating (Martindale-Hubbell).

**Compensation** *Special Master assignments and private and AAA-administered mediations, negotiations and arbitrations:* \$450/hr, including study and preparation, plus costs and expenses. *FINRA-administered arbitrations:* per FINRA rules. *King Co. Superior Court MAR arbitrations:* pre-hearing and first day, court-paid; each succeeding day, \$450/hr. *Per diem* and fixed fee options available. Reduced or no charge for travel time within Pacific Northwest.

**Further Information or scheduling** Call or email Amylyn Riedling at [amylyn@cnhlaw.com](mailto:amylyn@cnhlaw.com) or 206-340-4600.

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## AVAILABLE FOR:

- Mediation of commercial, business and securities disputes – pre-filing, in litigation or in arbitration – privately, through AAA or under Western District Local Rule 39.1
- Deal mediation
- Facilitation/mediation of business disputes between shareholders, partners, LLC members, family members
- Early neutral evaluation
- *Pro tem* and private judge assignments, referee assignments under RCW Chapter 4.48
- Arbitration of commercial, business and securities disputes – privately and through AAA, FINRA and King County MAR Department
- Mock and summary trials and arbitrations
- Special master assignments regarding discovery or administration of class action settlements

## REPRESENTATIVE ARBITRATIONS, MEDIATIONS & SPECIAL MASTER ASSIGNMENTS:

**Representative Arbitrations** Protracted 9-figure series of disputes between agricultural industry joint venturers/agricultural coop members (contracts, misrepresentations, trademarks); 6-, 7- and 8 -figure customer/broker securities disputes; 7-figure employment termination dispute between senior executive and public-company employer; 8-figure breach of contract dispute between aircraft owner and VIP aircraft interior modifying company; 8-figure securities dispute between Indian tribe and financial advisors; 7-figure international franchise encroachment and wrongful termination dispute; 6- and 7-figure franchise disputes involving state-law franchise investment protection claims; 6-figure breach of contract dispute involving interior outfitting of yacht; 8-figure dispute between aircraft parts manufacturer and distributor; 7-figure dispute over professional fees; 6-figure construction disputes (residential and commercial); 7-figure agricultural equipment breach of warranty dispute; athletes' challenges of U.S. Olympic Committee rulings under Ted Stevens Olympics & Amateur Sports Act; 6-figure dispute between agricultural cooperative and joint venture partner over interpretation of commodity purchase contract and LLC agreement; 6- and 7-figure disputes involving the communications industry (wireless and broadcast media).

**Representative Special Master Assignments** *Pelletz-Jamruk v. Weyerhaeuser/AERT/Lowes Settlement* (USDC, WD WA, 2009-2012); *Weyerhaeuser Hardboard Siding Class Action Settlement* (San Francisco Superior Court, 2000-2011); *Kirlan Venture Capital v. Regis* (King Co. Superior Court, Judge Suzanne Barnett, 2001 (discovery master)).

**Representative Mediations and Negotiations** Five- to 8-figure disputes involving unfair business practices; commercial leasing; contracts; construction (residential and commercial); corporate, partnership and LLC reorganization and dissolution; business strategic alliances; distributor termination; employment termination and discrimination; franchising; professional fees (legal, architecture); fishing rights; patents, copyrights and trademarks; labor/collective bargaining; real estate; securities (customer and industry disputes); and software counterfeiting/piracy.

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