

ADR/MEDIATOR/ARBITRATOR RESUME



Mark E. Lassiter

Direct: 480-218-4455

e-Fax: 480-718-8484

E-mail: mlassiter@lassiterlawfirm.com

PROFESSION

Attorney – Practicing exclusively in the areas of business, real estate and construction litigation, transactions and alternative dispute resolution.

WORK HISTORY

‘Managing Member’ – THE LASSITER LAW FIRM, P.L.C. (and predecessor law firms), 1998-Present; Attorney, Roberts & Rowley, 1995-97; Special Counsel/Vice President of Special Projects, inVzn (Software) Development Corporation, 1994-95; Attorney, Ivanjack & Lambirth, 1992-94; Attorney, Kerry, Garcia & Lewis, 1991-92; Attorney, Mark Lassiter & Associates, 1987-91; Attorney, Spierer, Woodward, et al, 1984-87; In-house Counsel, Ryan-McFarland (Software) Corporation, 1983-84.

LEGAL EXPERIENCE

Mr. Lassiter has over 25 years of experience as a civil trial attorney specializing in business, real estate and construction litigation (80%) and transactions (20%). He has handled a wide variety of matters, including business disputes arising from: **commercial** breach of contract claims; **construction** contract claims; **securities** law violations; **employment**

compensation and covenant not to compete disputes; breach of fiduciary duty, misappropriation of **trade secrets, unfair competition** and other **business torts**; business buy-sell and sale of **business** disputes; dissolutions of **corporations, partnerships, and limited liability companies**; disputes among partners, shareholders, members and other business principals; **business insurance** coverage disputes; **real estate** and construction disputes arising from private commercial, industrial, retail and residential construction projects; disputes arising from **real estate purchase and sale contracts, commercial real estate leases**, tax deferred exchanges, escrows, and the co-ownership of real property. Mr. Lassiter has considerable experience in provisional remedies and relief (e.g., **injunctions, receivers and pre-judgment asset seizure**), in **computer technology** and/or **software disputes** and in **electronic evidence discovery (“EED”)** matters. In 2005 Mr. Lassiter was appointed as a receiver by the Maricopa County (Phoenix) Superior Court to take over the affairs of a law firm embroiled in a dispute amongst its partners. In 2006 Mr. Lassiter was appointed as a special master in a limited liability company dissolution matter.

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

Mr. Lassiter became an arbitrator for the *American Arbitration Association*¹ (the “AAA”) in 1992, and serves as a member of its Commercial, Construction Industry and Large and Complex Case Panels. Mr.

¹ For more information on the American Arbitration Association go to www.adr.org.

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE (CONT.)

Lassiter has extensive experience in arbitrations administered by the AAA as both an arbitrator and counsel for various parties, including arbitrator appointments in AAA matters in California, Arizona, Colorado, Texas and Nevada in dozens of disputes relating to:

Construction Matters. Mr. Lassiter has served as an arbitrator in numerous disputes arising from construction contracts and construction defect matters in private works of improvement, including service on three arbitrator AAA panels appointed to hear a \$25,000,000 claim arising from the construction of a skilled nursing care facility in Texas; a \$19,000,000 claim arising from the construction of a Nevada “slots only” gambling casino; a multi-million dollar claim arising from the construction of a gaming facility for an Arizona Indian Tribe; the arbitration panel chair in a multi-million dollar dispute surrounding a mixed use (resort, retail, residential) planned unit development in Lake Havasu City, Arizona and a \$1,000,000 claim arising from construction delays in the building of a Colorado ski lodge. Mr. Lassiter also served as sole AAA arbitrator in various construction payment and defect matters, including claims arising from new home construction, the construction of commercial tenant improvements, home remodeling work, landscaping construction, swimming pool construction; and other private works of improvement.

Business & Employment Matters. Mr. Lassiter has served as an arbitrator in various business, commercial and employment disputes

for claims ranging from \$25,000 to \$5,000,000, including service as: sole arbitrator in a limited liability dissolution pertaining to the business and real estate of an inert land fill in Maricopa County valued at approximately \$5,000,000; the arbitration panel chair in a three arbitrator AAA hearing in a \$4,000,000 dispute between a grocery wholesaler and a retailer arising from the opening and operation of a grocery store; the arbitration panel chair in three arbitrator AAA panel in \$1,000,000 dispute over the sale of a Nevada gambling (“slots”) business; and the arbitration panel chair in three arbitrator hearing concerning the compensation due a psychiatrist upon his withdrawal from a psychiatric medical practice. Served as sole arbitrator in various AAA and other business and employment disputes relating to the breach of commercial loan, finance and ‘credit’ agreements, service contracts, consulting agreements, compensation due under employment contracts, agreements for the sale and lease of goods under the Uniform Commercial Code (“UCC”), business brokerage agreements, vehicle auction agreements, sale of business agreements, business buy-sell agreements, technology sale and integration agreements, partnership agreements, and other business contracts.

Computer Technology and e-Commerce Matters. Mr. Lassiter has served as an arbitrator in various technology disputes for claims from \$25,000 to \$6,000,000, including a \$6,000,000 dispute arising out of a computer programming contract to assure an insurance company’s compliance with the Health Insurance Portability and Accountability Act (“HIPPA”), a

\$5,000,000 web site development dispute for the alleged breach of a web site development agreement for a custom web site (with e-commerce capabilities), a \$1,500,000 claim relating to software development and licensing agreements for automated insurance claims processing and a \$750,000 claim for the sale, installation and integration of software and hardware in 35 retail stores nationwide, and various disputes relating to software development and service agreements, and the alleged breach of various web site development and/or licensing agreements. Mr. Lassiter also mediated a dispute arising out of development and marketing matters pertaining to a web site that ranks in the top 1% of all sites on the Internet, with over two million visitors monthly.

Real Estate Matters. Mr. Lassiter has served as a sole arbitrator in various real estate disputes, including those concerning: a multi-party dispute between a dozen homebuilders over a “Joint Development Agreement” to construct a \$22,000,000 waste water treatment plant to service multiple residential developments within a ten (10) square mile area in Maricopa County, Arizona; a real estate subdivision class action case relating to developer’s alleged failure to disclose material information in Public (Subdivision) Report; commercial lease dispute between landlord and tenant arising from breach of operating covenants and wrongful eviction; dispute between homeowner and homeowners’ association (“HOA”) arising from HOA’s breach of conditions, covenants and restrictions (“CC&Rs”); breach of real estate marketing contracts between homebuilders and buyers, and various other real property purchase and sale agreements and escrow matters.

Other ADR Experience/Matters. Mr. Lassiter has served as a private arbitrator in various private arbitration proceedings in Arizona and has also been appointed as an arbitrator by the Los Angeles County and Maricopa County Superior Courts in various personal injury and premises liability cases. He has also mediated various commercial real estate, business and web technology matters in Arizona. He has served as an attorney for various clients in numerous AAA commercial and construction arbitrations, including a \$5,000,000 dispute over the purchase and sale of a Phoenix area hotel, a \$1,500,000 accounting and dissolution dispute in the liquidation of a real estate development company, and in various business and construction disputes and matters.

ALTERNATIVE DISPUTE RESOLUTION TRAINING & CONTINUING LEGAL EDUCATION

Mr. Lassiter has extensive and advanced level training in alternative dispute resolution, including the following training and education: AAA Arbitrator Continuing Education (“ACE”) program ACE002 *Managing Cases with Self-Represented Parties*, Miami, 3/06; *Motions to Vacate: What They Tell Us About Arbitration Awards*, Miami, 3/06; *Discovery & Evidence in Arbitration*, Miami, 3/06; *Impasse Strategies for Complex Mediation*, Miami, 3/06; AAA’s *Basic* (i.e., “40 Hour”) *Mediation Training*, Phoenix, 10/05; Peacemaker Ministries’ *Certification (Arbitration) Practicum* and its *Reconciler (Conflict Coaching) Training Program*, Dallas, 9/05; AAA’s *Arbitrator Update 2005*, Palm Springs, 3/05; AAA’s *Innovations in Presenting Evidence in*

Construction Arbitration, Palm Springs, 3/05; AAA's *Best Practices for Arbitrating Large and Complex Cases*, Palm Springs, 3/05; AAA's *Topical Issues in Construction Arbitration*, Palm Springs, 3/05; Facilitator, AAA ACE004 program *Dealing with Delay Tactics*, Phoenix, 2/05; AAA's *Arbitrator Update 2004*, San Antonio, 3/04; ACE003 - *Arbitrator Ethics and Disclosure*, San Antonio, 3/04; AAA's ACE001 – *Arbitration Awards: Safeguarding, Deciding & Writing Awards*, Scottsdale, 1/03; AAA's *Arbitrator Update 2003*, Scottsdale, 1/03; AAA's *Practical Aspects of Mediating Multi-Party Disputes*, Scottsdale, 1/03; AAA's *Working with the AAA's Case Management Center Staff*, Scottsdale, 1/03; Peacemaker Ministries' *Reconciler (Mediation) Training Program*, Scottsdale, 10/02; AAA's *Commercial/Construction Arbitrator II Training on Advanced Case Management Issues*, Phoenix, 11/01; AAA's *e-Commerce Group Supplementary Training for Online Procedures*, Los Angeles, 7/01; AAA's *Effective Construction Conflict Management Member Training*, Phoenix, 3/00; AAA's *Commercial Arbitrator Training*, Orlando, 10/98; AAA *Construction Arbitrator Training*, Orlando, 10/98; State Bar of Arizona, *Becoming a Skillful Arbitrator*, Phoenix, 12/96; Pepperdine Institute for Dispute Resolution/California Continuing Education of the Bar, *Resolving Commercial Disputes Without Trial*, Los Angeles, 9/92; AAA *Basic and Advanced Arbitrator Training*, Los Angeles, 4/92; California Continuing Education of the Bar, *Contractual Arbitration*, Los Angeles, 3/92; AAA *Hearing Chair Training*, Los Angeles, 3/92.

PROFESSIONAL ACTIVITIES

- ♦ State Bar of Arizona, Alternative Dispute Resolution Law Section (Executive Committee, 2007-2009; Member [former Co-Chair], Legislative Affairs Subcommittee; Chair, Continuing Legal Education Subcommittee)
- ♦ State Bar of Arizona, Business Law Section
- ♦ State Bar of Arizona, Construction Law Section
- ♦ State Bar of Arizona, Real Estate Law Section
- ♦ Member, e-Courtroom Committee of the Maricopa County Superior Court, 2000-2001

PROFESSIONAL LICENSES, COURT AND BAR ADMISSIONS

- ♦ State Bar of California, 1983 (presently inactive)
- ♦ State Bar of Arizona, 1995
- ♦ Central District of California, 1983
- ♦ District of Arizona, 1995
- ♦ U.S. Court of Appeals, Ninth Circuit, 1983

PUBLICATIONS, SPEAKING ENGAGEMENTS, SEMINARS & ARTICLES

Mr. Lassiter has chaired and/or given numerous Continuing Legal Education ("CLE") presentations in over 20 major U.S. cities, including CLE programs sponsored by the Seventh, Eighth and Ninth Circuit Judicial Conferences, the American Bar Association, the Federal Bar Association, the National Institute for Trial Advocacy ("NITA") and other state and county bar associations and legal groups. Since 1998 Mr. Lassiter has served as the program Chairperson for the annual State

Bar of Arizona CLE program *Private Arbitration Update* and its predecessor arbitration CLE programs. He has also been a CLE Panelist and/or CLE materials Author for the following CLE programs produced or sponsored by the State Bar of Arizona, its various sections and/or other bar associations: *Arbitration 101 – What Every Advocate Should Know* (first AAA on-line Internet CLE Video Program); *Arizona Law and Private Arbitrations (including NASD and NYSE Arbitrations)*; *Arbitration versus Litigation: Is Arbitration Really Less Expensive?*; *AAA Arbitration*; *What Every Business Lawyer Should Know about Business Insurance*; *Locating and Seizing Debtors' Assets Before Judgment*; *How to Handle a Commercial Arbitration Case*; *Arbitration Strategies and Techniques*; *Private Arbitration in Arizona*; *The 21st Century Trial Lawyer*; *The 21st Century Law Office*; *The Use of Technology in Construction Litigation*; *Advanced Current Topics In Real Estate And Real Estate Finance*; and *Locating Assets During Litigation and After Judgment*. In 1997 and 1998 Mr. Lassiter served on the faculty of the National Institute

for Trial Advocacy's advanced level program on *Computer Aided Evidence Presentation*; He was also a Member of the e-Courtroom Committee of the Maricopa County Superior Court in Phoenix, Arizona in 2000-2001.

EDUCATION

- ♦ Loyola Law School, J.D., 1983
- ♦ University of California at Los Angeles, *cum laude*, B.A., 1980

COMPENSATION

\$350.00 per hour. Hourly rate applies to preliminary hearings, conference calls, and correspondence with counsel & AAA, ICR and/or other case administrative staff, reading time, travel time & writing awards. Will serve for \$850/day on AAA construction fast track and AAA commercial expedited cases in Maricopa County and \$1600/day outside of Maricopa County. Willing to serve throughout the U.S. Will bill for out-of-pocket expenses, but not out of state travel time.

BIRTHPLACE

- ♦ Boston, Massachusetts