



Paul E. Burns, Esq.
Procopio, Cory, Hargreaves & Savitch, LLP

Current Employer-Title	Procopio, Cory, Hargreaves & Savitch LLP - Partner
Profession	Attorney, Arbitrator and Mediator
Work History	Partner/Attorney/Arbitrator/Mediator, Procopio, Cory, Hargreaves & Savitch LLP (AMLAW 200 firm with offices in Los Angeles, San Diego, San Francisco Bay Area-Silicon Valley and Phoenix/Scottsdale), 2010-present; Adjunct Professor of Law, Pepperdine University School of Law Straus Institute for Dispute Resolution, 2008-present; Attorney, AMLAW100 and regional firms (including Steptoe & Johnson and LeBoeuf, Lamb, Greene & MacRae), 1985-2010.
Experience	<p>30+ years of legal experience and 14+ years of arbitration experience including:</p> <p>COMMERCIAL CONTRACT AND FRANCHISE: Arbitrator in approximately 50+ commercial contract disputes including those seeking damages of over \$100 million. Arbitrator in 15+ franchise agreement disputes including several emergency arbitrations seeking emergency relief. Counsel in hundreds of commercial contract disputes, including those involving purchase and sales, manufacturing, distribution, supplier, sales/marketing consulting, services and other agreements.</p> <p>HEALTHCARE AND INSURANCE: Advise on HIPAA data security and privacy obligations drafting agreements with health care providers and patients. Litigation involving healthcare computer software, health IT systems, and HIPAA for pharmacy benefit management (PBM) company. Drafted numerous manufacturing, research and development, licensing and purchase and sale agreements for medical device manufacturers and biotechnology/life sciences clients. Received AAA training in credentialing/peer review/medical staff and provider contract disputes. Monitored insurance legislation for UK insurance underwriters.</p> <p>TECHNOLOGY, INTELLECTUAL PROPERTY, LICENSING: Arbitrator or counsel in hundreds of intellectual property disputes involving patent infringement, patent ownership, copyright infringement, trademark infringement, trade secret misappropriation, computers, software, information technology, life sciences (including biotechnology, medical devices and pharmaceuticals), semiconductors, electrical, mechanical, and chemical technology.</p> <p>ENTERTAINMENT AND MEDIA: Arbitrator in approximately 80+ online copyright infringement music, film and television show disputes. Counsel for Internet-based entertainment and media company negotiating agreements with production companies, talent, and SAG/AFTRA and other guilds. Speaker at San Diego Comic-Con. Developing an ADR program for #MeToo victims of sexual harassment and discrimination in the entertainment industry.</p> <p>INTERNET/CYBERSECURITY/DATA PRIVACY: 20+ years as thought leader in Internet Law including drafting Internet Terms of Use and Online Privacy Policies for Internet start-ups, social media companies and established companies, and provided advice regarding their cybersecurity and data privacy obligations</p>

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under state and federal law, Federal Trade Commission guidelines, HIPAA, FERPA and GDPR. Conducted data breach investigations and advised on data breach notice obligations and cybersecurity and data breach insurance coverage. CORPORATION/LLC/PARTNERSHIP/INVESTMENT/SECURITIES: Arbitrator in 15+ disputes involving claims of breach of fiduciary duty, excessive compensation and dissolution; a medical practice LLC breach of fiduciary duty dispute; and disputes involving bond holders' claims, improper broker-dealer conduct, breach of investment advisor agreements, unsuitable investments, and securities fraud.

BANKING AND FINANCIAL: Counsel in banking and financial disputes involving financing agreements, loan agreements, collections, and creditor and debtor rights.

ACCOUNTING AND LEGAL SERVICES: Arbitrator or mediator in several professional malpractice and nonpayment cases involving alleged accounting malpractice applicable to international taxation, forensic accounting experts, and allegations of legal malpractice and excessive fees in a patent infringement case.

EMPLOYMENT: Advised on Americans with Disabilities Act, Federal Medical Leave Act, sexual harassment and discrimination, and age discrimination. Handled litigation involving breach of employment agreements and trade secret misappropriation.

ELECTRONIC DISCOVERY: 12+ years of experience as thought leader in E-Discovery. Appointed as Special E-Discovery Master in court and arbitration proceeding.

Alternative Dispute Resolution Experience

Appointed arbitrator in 200+ arbitrations (including large, complex cases and appointment as Panel Chair, as well as several emergency arbitrations) with claims ranging from \$100,000 to over \$100 million. Served on several international arbitrations for ICDR involving parties in China, India and Japan. Elected as a Fellow of the College of Commercial Arbitrators, an invitation-only organization comprised of only approximately 280+ nationally and internationally recognized commercial arbitrators. Has extensive academic experience in alternative dispute resolution as an Adjunct Professor of Law at Pepperdine's Straus Institute for Dispute Resolution having taught 120+ students over the past 10 years. A representative list of arbitration matters in which I served as arbitrator is as follows:

LARGE, COMPLEX CASE AND REGULAR DOMESTIC ARBITRATIONS

- Electronics distributor agreement, breaches of fiduciary duty, LLC dissolution and excessive executive compensation with claims of \$100 million+.
- Ownership of patents on scanning technology between Fortune 1000 technology company and former employee.
- Breach of Internet website Terms of Use and unlawful misappropriation of customers between social media companies.
- Claim of excessive legal fees and legal malpractice in a patent infringement case.
- Dispute between religious Internet domain name owner and operator/licensee.
- Breach of debenture agreements between investor and medical device company.
- Breach of emissions equipment supply agreement and environmental waste processor.
- Claim of excessive fees between e-discovery provider and biotechnology

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The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

company.

- Breach of temporary technology staffing services agreement.
- Claim of excessive forensic accounting expert fees.
- Breach of software license agreement and nonpayment.
- Healthcare billing, collection/reimbursement, insurance coverage disputes.
- Dental services lender and dental practice.
- Breaches of fiduciary duty in a medical practice.
- Breach of license agreements involving surgical implants.
- Multiple franchisee expansion and development disputes for Fortune 250 franchisor.
- Multiple online copyright infringement music, film and television show copying disputes among the Motion Picture Association of America, the Record Industry Association of America, Internet Service Providers, and ISP subscribers.

INTERNATIONAL ARBITRATIONS

- Multiple patent infringement disputes between U.S. and China furniture manufacturers.
- License dispute between robotic surgical device provider and India-based licensee.
- Defective tablet computers from Japanese manufacturer and U.S. Distributor.

EMERGENCY ARBITRATIONS

- Dispute involving acquisition of bitcoin mining computers and software.
- Franchise expiration dispute involving national franchisor.
- Dispute between insurer and reinsurer over rights to claims processing seeking preliminary injunctive relief with respect to access to claims database.
- Franchise agreement dispute in which beverage industry franchisor sought to obtain a mandatory preliminary injunction to obtain transfer of the franchise and related assets.

HEALTHCARE AND INSURANCE ARBITRATIONS

Arbitrator in disputes involving coverage/reimbursement, medical practice governance, dental services finance, surgical implants, and emergency reinsurance claims processing.

Alternative Dispute Resolution Training

AAA/CCA Advocacy in Arbitration, 2017; California International Arbitration Summit, 2016; AAA Advanced Training in Healthcare Mediation, 2016; AAA Healthcare Dispute Resolution Innovation and Strategy Conference, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Dispositive Motions in Arbitration, 2015; AAA Sanctions in Arbitration: Everything You Might Not Know that You Should Know 2015; AAA Damages for Neutrals, 2014; AAA eDiscovery 2.0, 2014; Faculty, State Bar of Arizona Annual Convention ADR Section Presentation, 2012; Faculty, AAA/ICDR Neutrals Conference, 2012; Faculty, AAA Muscular Arbitration: Trimming the Fat out of Arbitration, 2011; Pepperdine University, Straus Institute for Dispute Resolution Annual Professional Skills Program, 2010, 2011 and 2012; Pepperdine University, Advanced

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Mediation, 2009; State Bar of Arizona ADR Section, Open Forum, 2009; State Bar of Arizona, Private Arbitration Update: Basic/Advanced Arbitration Practice, 2008; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2006; Pepperdine University Straus Institute for Dispute Resolution, Mediating the Litigated Case, 2005; AAA Issues of Discovery in Arbitration, 2005; AAA Drafting Scheduling & Procedures Orders, 2004; Intellectual Property Owners' Association, ADR in the IP Context, 2004; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2004; AAA Arbitrator I Training-Fundamentals of the Arbitration Process, 2003.

Professional Licenses

Admitted to the Bar: California; Arizona; Texas; New York; District of Columbia; Massachusetts; Connecticut; U.S. Patent and Trademark Office.

Professional Associations

College of Commercial Arbitrators (Fellow), California Dispute Resolution Council (Board Member); Federal Bar Association (Chapter Board Member and Past President); The Sedona Conference (Board Member and Member, E-Discovery Working Group, Patent Litigation Working Group, Data Security and Privacy Liability Working Group, Trade Secrets Working Group); American Bar Association (Fellow and Member of several sections); State Bar of California (Member of several sections); Licensing Executives Society (Chapter Chair); American Intellectual Property Law Association (Vice-Chair, Alternative Dispute Resolution Committee); Copyright Society of the USA (Past Chapter Chair); International Trademark Association (Panel of Trademark Mediators); State Bar of Arizona (Past Chair, Intellectual Property Law Section and member of several sections); Los Angeles County Bar Association (member of several sections); Beverly Hills Bar Association (member Entertainment Law and Intellectual Property, Internet and New Media sections).

Education

Boston College (BS, magna cum laude; JD, magna cum laude).

Publications and Speaking Engagements

PUBLICATIONS: (Past 5 Years): Author, Cutting Edge Issues in Mediation Ethics: Mediation Confidentiality and Privilege in Patent Cases, presented to the American Intellectual Property Law Association Annual Meeting (2017); Contributing Author, "Patent Mediation Best Practices," The Sedona Conference Working Group on Best Practices in Managing Patent Litigation (2016-17); Co-Author: "Technology-Assisted Review: The Judicial Pioneers," 15 Sedona Conf. J. (2014); Author, "E-Discovery in Arbitration" American Arbitration Association presentation "Using Technology to More Effectively Manage Arbitration," American Bar Association 15th Annual Section of Dispute Resolution Spring Conference, 2013. Contributing Author for The Sedona Conference, Electronic Discovery and Digital Evidence (West American Casebook Series).

SPEAKING ENGAGEMENTS: Numerous speaking engagements on Arbitration, Mediation, E-Discovery, Litigation, and Intellectual Property for the American Arbitration Association, the American Bar Association, the Federal Bar Association, the Association of Corporate Counsel, The Sedona Conference, the American Intellectual Property Law Association, the Copyright Society of the

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USA, the Licensing Executives Society, the LA County Bar Association, the Beverly Hills Bar Association, the State Bar of Arizona and San Diego Comic-Con. A representative list includes the following: "Trade Secrets in the Life Sciences: How to Protect and Enforce Them," Association of Corporate Counsel, San Diego Chapter, 2018; Mediation Ethics: Mediation Confidentiality and Privilege, American Intellectual Property Law Association Annual Meeting, 2017, Arbitration Provisions in Trademark/Brand Licenses, Licensing Executive Society Annual Meeting, 2017; "Legal and Ethical Issues, Intellectual Property and Artificial Intelligence in HBO's Westworld," San Diego Comic-Con, 2017; "Patent Mediation Best Practices," The Sedona Conference Annual Patent Working Group Meeting, 2016; "E-Discovery in Arbitration," Los Angeles County Bar Association Los Angeles, CA, 2016; "Technology Assisted Review (TAR): What, Why, When, and How," The Sedona Conference Institute's 7th Annual E-Discovery Program: Living on E-Discovery's Cutting Edge, 2013; "E-Discovery in Arbitration," American Arbitration Association Conference, 2012; "Strategies for Requesting & Producing ESI in the Cloud and Social Media," The Sedona Conference, 2012; "Muscular Arbitration: Trimming the Fat Out of Arbitration," American Arbitration Association, 2011; "Proportionality in Preservation & Discovery," The Sedona Conference, 2011. "The Ethical Minefields of Mediation and Arbitration," American Intellectual Property Association Mid-Winter Institute, 2010; "Social Networking and Fair Use," Copyright Society of the USA Mid-Winter Meeting, 2010; "Managing the Costs of Litigation," Federal Bar Association, 2009; "Settlement Conferences and Mediation in Federal Court," Federal Bar Association, 2009; Copyright Under Pressure, Copyright Society of the USA Mid-Winter Meeting, 2006; "Electronic Discovery Panel," American Bar Association Annual Meeting, 2006; "Technology-Related Transaction Tips for Corp. Counsel," Association of Corporate Counsel, 2005; "Alternative Dispute Resolution in Copyright Disputes," Copyright Society of the USA Mid-Winter Meeting, 2005; Red Lights & Green Flags: Rules of the Road for Advertisers, Federal Trade Commission, 2005; The Law of the Internet, National Business Institute, 1997.

Awards and Honors Listed in "The Best Lawyers in America," 2007-2018; Martingale-Hubbell AV Rating for 20 years; Selected for America's Top 100 High Stakes Litigators, 2018; Fellow, American Bar Association, 2008; Listed in Super Lawyers, 2007-2010; Elected as Fellow, College of Commercial Arbitrators, 2017-present.

Willing to serve without travel cost Los Angeles, San Francisco, San Diego, Orange County, Phoenix, anywhere in California, Arizona and the United States.

Citizenship United States of America
Languages English
Locale Los Angeles, California, United States of America

Compensation

Hearing:	\$495.00/Hr
Study:	\$495.00/Hr

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Travel:	\$0.00/Hr
Cancellation:	\$2500.00/Day
Cancellation Period:	30 Days
Comment:	HOURLY FEE DISCOUNTED TO \$450.00 FOR CLAIMS UNDER \$500,000. NO HOURLY RATE FOR TRAVEL OR TRAVEL FEES ANYWHERE IN CALIFORNIA OR ARIZONA. Hourly rate for preparation, study and hearings (minimum 8 hours for hearing days). Offices in Los Angeles, San Diego, San Francisco Area and Scottsdale/Phoenix, AZ. No hourly fee for travel time anywhere in the U.S. In the arbitrator's discretion, a cancellation fee of \$2500 may apply for each hearing day cancelled less than 30 days prior to the scheduled date of the hearing day.

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