



Paul E. Burns, Esq.
Los Angeles, California

Current Employer-Title Paul E. Burns, P.C. dba Burns Legal - Managing Attorney

Profession Attorney, Arbitrator and Mediator

Work History Managing Attorney/Arbitrator/Mediator, Paul E. Burns, P.C. dba Burns Legal, 2023-Present; Partner/Attorney/Arbitrator/Mediator, Procopio, Cory, Hargreaves & Savitch LLP (AMLAW200), 2010-2023; 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 Over 30 years of legal experience and 15 years of arbitration experience in:
COMMERCIAL CONTRACT AND FRANCHISE: Counsel or Arbitrator in hundreds of contract disputes involving software, manufacturing, supply, distribution, purchasing, sales, product development, marketing, services, corporations, limited liability companies, partnerships, insurance, indemnity. Arbitrator in 20+ franchise disputes in restaurants, beverage, retail, and fashion.
HEALTHCARE: Arbitrator or mediator in 20+ healthcare-related disputes including as emergency arbitrator. Advised on HIPAA data security and privacy obligations. Handled litigation involving healthcare computer software, health IT systems, and HIPAA for pharmacy benefit management (PBM) company. Drafted numerous manufacturing, research and development, licensing, purchase and sale agreements and provider agreements for digital healthcare companies, medical device manufacturers and biotechnology/life sciences clients. Received AAA training in credentialing/peer review/medical staff and provider contract disputes.
TECHNOLOGY, INTELLECTUAL PROPERTY, LICENSING: Counsel or Arbitrator in many technology and IP disputes involving patent infringement, copyright infringement, trademark infringement, trade secret misappropriation, and licensing in computers, software, information technology, gaming, artificial intelligence (AI), blockchain, bitcoin, semiconductors, fintech, electrical, mechanical, chemicals, fashion and music.
LIFE SCIENCES: Arbitrator in complex pharmaceutical license dispute. Negotiated life sciences license, manufacturing, R&D and clinical data agreements. Advised life sciences clients on intellectual property rights, manufacturing, sourcing, supply, distribution, regulatory compliance, HIPAA, cybersecurity, privacy. Represented clients in litigation and counseling on disputes regarding pharmaceuticals, biotechnology, genomics, biologics, medical and dental devices

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Neutral ID : 152472

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and clinical data. Designed and taught Biotechnology Licensing & Litigation at top-25 ranked law school.

ENTERTAINMENT/MEDIA: Many arbitrations involving music, video, film, and TV, film distribution, theatrical and publishing rights disputes. Represented online entertainment company negotiating agreements with production companies, talent, and SAG/AFTRA. Handled video game development/IP disputes. Speaker at San Diego Comic-Con.

INTERNET/DATA PRIVACY: 20+ years as thought leader in Internet Law including drafting Internet Terms of Use and Privacy Policies for Internet start-ups, social media companies and established companies, and counseled them on cybersecurity and data privacy obligations under state and federal law, Federal Trade Commission guidelines, HIPAA, FERPA and GDPR. Data breach investigations.

CORPORATION/LLC/PARTNERSHIP/INVESTMENT/SECURITIES: Arbitrator in 15+ disputes involving claims of breach of fiduciary duty, bondholders' claims, broker-dealer conduct, breach of investment advisor agreements, unsuitable investments, and securities fraud. Advised clients on business entity creation.

FINANCIAL/CREDITORS' RIGHTS: Counsel in 100+ disputes involving financing agreements, loan agreements, collections, and creditor/debtor rights.

PROFESSIONAL SERVICES: Arbitrator or mediator in several professional malpractice 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: 14+ years of experience as thought leader in E-Discovery. Appointed as Special E-Discovery Master in court and arbitration proceedings.

Alternative Dispute Resolution Experience

Served as Arbitrator in 250+ arbitrations (including as Panel Chair in large, complex cases, international arbitrations and emergency arbitrations) with claims ranging from \$100,000 to over \$100 million. Fellow of the College of Commercial Arbitrators, an invitation-only organization with only 280+ nationally recognized commercial arbitrators. Adjunct Professor of Law at Pepperdine's Straus Institute for Dispute Resolution teaching Arbitration Theory and Practice and Ethical and Practical Challenges in Arbitration. A representative sample of arbitrations include the following:

COMMERCIAL CONTRACT AND FRANCHISE

- Electronics distribution agreement, breaches of fiduciary duty, dissolution and excessive executive compensation with claims of \$100 million+.
- Insurance claims processing agreement dispute.
- Franchise expiration dispute involving national retail franchise.
- Franchise agreement dispute involving beverage industry franchise.

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- Numerous franchise expansion disputes involving Fortune 500 restaurant franchisor with 7000+ stores.
- Breach of emissions equipment supply agreement.
- Breach of e-discovery provider agreement with biotechnology company.
- Several franchise disputes in the fashion industry.
- Breach of debenture agreements.

HEALTHCARE

- Numerous managed healthcare disputes including claims underpayment and denial, excessive billing, and whether services were reasonable and necessary.
- Emergency arbitration involving insurance company's termination of large multidisciplinary medical practice.
- Emergency arbitration involving pharmacy benefit management company's termination of a pharmacy.
- Long-term care provider and insurance company participation agreement dispute.
- Multiple health insurance coverage disputes.
- Multimillion dollar fraudulent claims dispute between major health insurer and hospital provider .
- Payment dispute between home health care provider and Medicaid payment administrator.
- Orthopedic surgical practice dispute.
- Dispute between robotic surgical device provider and India licensee.

TECHNOLOGY, INTELLECTUAL PROPERTY, LICENSING, INTERNET/E-COMMERCE

- Patent infringement dispute with claims totaling in excess of \$40 million between U.S. and China manufacturers.
- Multiple software development and servicing disputes.
- Multiple software licensing disputes involving claims of copyright infringement.
- Multiple disputes between Internet/E-Commerce web services company and retailers.
- Breach of Internet Terms of Use and misappropriation of customers between social media companies.
- Alleged legal malpractice in a patent infringement case.
- Breach of a bitcoin mining equipment purchase agreement.
- Breach of license agreements involving surgical implants.
- Dispute involving acquisition of bitcoin mining computers and software.
- 80+ copyright infringement music, video, 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.

LIFE SCIENCES

- International pharmaceutical licensing dispute.

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- Multiple medical treatment disputes.

ENTERTAINMENT/MEDIA

- Dispute between animated TV show owners and exclusive licensee for manufacturing toys depicting its characters.
- Dispute between the a world-famous novelist's estate and licensee of theatrical rights.
- Dispute regarding breaches of film distribution agreements.

OTHER

- Breach of forensic accounting services agreement.
- Several attorneys fee collection and/or alleged professional malpractice arbitrations including involving trade secret litigation and patent litigation.
- Several arbitrations and court cases acting as Special E-Discovery Master deciding complex electronic discovery disputes.

Education

Boston College (BS, magna cum laude, 1981; JD, magna cum laude, 1984)

Professional Licenses

Admitted to the Bar: California (2000), Arizona (1997), Texas (2000), New York (1991), District of Columbia (1991), Massachusetts (1986), Connecticut (1984); 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).

Recent Publications & 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

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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 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.

Locations Where Parties Will Not be Charged for Travel Expenses

Los Angeles, San Francisco, San Diego, Orange County, Phoenix, anywhere in California, Arizona and the United States, including New York, Washington, DC, Boston, Philadelphia, Atlanta, Miami, Chicago, Dallas, Houston, Austin, Denver, Salt Lake City, Portland and Seattle.

Citizenship

United States of America

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Languages

English

Compensation

Hearing: \$595.00/Hr

Study: \$595.00/Hr

Cancellation: \$3500.00/Day

Cancellation Period: 30 Days

Comment: Hourly fee discounted to \$550.00 for cases with monetary claims only that total less than \$500,000.00. No hourly rate for travel anywhere in U.S. No travel expenses anywhere in California or Arizona. Hourly rate for preparation, study and hearings (minimum 8 hours for hearing days). Offices in Los Angeles, San Diego, Orange County, San Francisco and Scottsdale/Phoenix, AZ. In the Arbitrator's discretion, a cancellation fee of \$3,500.00 may apply for each hearing day cancelled less than 30 days prior to the scheduled date of the hearing day.

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