



**Hon. Rebecca Westerfield (Ret.)**

**Hon. Rebecca Westerfield (Ret.)** has settled and arbitrated over 2,500 cases throughout the United States as well as internationally. A full-time JAMS panelist since 1992, Judge Westerfield is widely perceived as a tenacious mediator and has an extremely high settlement rate. She is known for her ability to grasp legal and factual issues quickly, as well as reading the personalities involved. She is particularly adept at dealing with matters that involve cross-cultural dynamics and high emotional content. Judge Westerfield manages the ADR process efficiently and fairly.

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*Recognized as a Top California Neutral, Daily Journal, 2003, 2004, 2006, 2007, 2008, 2009, and 2010*

*Recognized as a Best Lawyer, Alternative Dispute Resolution Category, Best Lawyers in America, 2008-2011*

*Recognized as One of the Top Three Best Neutrals in the Bay Area, The Recorder, 2007*

*Recognized as One of the 500 Leading Judges in America, by Lawdragon Magazine, 2006*

*Distinguished Mediator of the Year, San Francisco Trial Lawyers Association, 2003*

**Case Manager**

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**ADR Experience and Qualifications**

- Extensive mediation experience in a large variety of complex cases: accounting, financial markets, banking, business/commercial, civil rights, class action/mass tort, employment, entertainment, estates/probate/trusts, franchise, government public agency, healthcare, insurance, personal injury, professional liability, real property, securities
- Noted for effectiveness in settling litigation with high emotional content, such as reorganization of closely-held businesses, dissolution of professional practices, serious personal injury and wrongful death claims, and family estate disputes
- Settled appellate cases in both state and federal court
- Arbitrated numerous medical and legal malpractice, construction, commercial, environmental and healthcare cases, as well as disputes regarding significant attorneys fees

**Representative Matters**

- **Arbitration:** Claims relating to valuations in stock purchase agreements; disputes involving breach of contract with a video distribution company; real estate matters involving breach of fiduciary duties by board of directors of homeowners association; professional fees disputes; investment banking firm contract dispute
- **Business Disputes:** Complex, multi party, high value disputes, including multi-million dollar disputes arising out of casino developments on tribal lands; accounting, fraud and breach of contract; franchise disputes;
- **Class Actions/Mass Tort:** Wage and hour class actions; consumer complaints against banks; nutra-pharmaceutical products liability; shareholder class actions; \$1720 claims involving tenants' utility bills for over 30 apartment complexes; consumer personal injuries resulting from consuming tainted food products
- **Employment:** Variety of employment matters including sexual harassment claims against high profile corporate executives, celebrities, well-known professional athletes and public officials; wrongful termination disputes; discrimination claims against foreign owned companies; disputes involving violation of non-compete clauses with allegations of theft of trade secrets
- **Environmental:** \$40 million dispute regarding allocation of remedial costs for groundwater contamination
- **Estates and Probates:** Contentious division of family estate valued in excess of \$20 million (complex tax and valuation issues); matters involving disputes over value of real estate and stock in the trust; buyouts of ongoing business
- **Healthcare:** Arbitrated contract disputes between healthcare providers and insurers; wrongful death medical malpractice; birth injury medical malpractice
- **Insurance:** Insurance coverage allegations relating to bad faith, wrongful denial of coverage and lack of payment; director and officer disputes; cases involving subrogation issues; coverage disputes involving multi-shared risk; D&O claims; property casualty; disputes arising under disability policies
- **International:** Mediations involving international laws including Turkey and Dubai, and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards; multiple contract disputes with various European manufacturers; claims over Central American energy sources; disputes among Asian partnerships
- **Personal Injury/Torts:** Multiple wrongful death and permanent personal injuries arising out of maritime accidents; catastrophic injury at an amusement park; violation of civil rights claims including cases involving alleged use of excessive force in policing actions; machine product

liability claims involving wrongful death; elder abuse claims

- **Professional Liability:** Accounting malpractice claims; legal malpractice cases involving issues such as corporate refinancing and antitrust
- **Real Estate:** Cases involving non-performance claims in real estate contracts between developers, owners, and contractors with complex insurance coverage issues; landlord/tenant disputes involving complex cultural dynamics
- **Securities/Banking:** Numerous class actions, including securities and fraud claims for alleged misrepresentation by executives of public companies; numerous claims by individual investors against their broker/dealers and others alleging suitability, churning, lack of authorization, and breach of fiduciary obligation with respect to trading in equities, options, and derivative products; and financial elder abuse
- **Sports and Entertainment:** Entertainment contracts and product distribution cases; Sexual harassment claims involving entertainers and athletes

#### **Honors, Memberships, and Professional Activities**

- Active member, State Bar of California
- Top California Neutral, *Daily Journal*, 2003-2010 (since the inception of the recognition)
- Best Lawyer, Alternative Dispute Resolution Category, *Best Lawyers in America*, 2008-2011, and *California Super Lawyer*, 2008-2010
- Best Lawyer in the Bay Area, *San Francisco Business Times*, 2009
- One of the Top Three Best Neutrals in the Bay Area, *The Recorder*, 2007
- One of the 500 Leading Judges in America, by *Lawdragon Magazine*, 2006
- Distinguished Mediator of the Year, San Francisco Trial Lawyers Association, 2003
- One of the Top 10 Mediators in the Bay Area, *The Recorder*, 2002
- One of California's Most Effective Mediators, *Daily Journal*, 2002
- President and Co-Founder of RockRose Institute
- Member, National Association of Women Judges, International Association of Women Judges, International Academy of Trial Judges, Northern California International Arbitration Committee
- Adjunct Professor, International Summer School on Business Mediation, Admont, Austria
- Chair of the Bar Association of San Francisco's International Human Rights Committee
- Participant, International Human Rights Summer School, Oxford University-New College 2004
- Advisory Board for Facing History and Ourselves and U.C. Berkeley School of Law, International Human Rights Center
- Member, American Bar Association House of Delegates, 1987-1991, 1996-2008
- Board of Directors, Bar Association of San Francisco, 1994-1997
- Chair, American Bar Association Section on Individual Rights and Responsibilities, 1994-1995
- ABA Commission on Women in the Profession, 1989-1993
- Co-authored the ADR chapter of CEB's *Wrongful Termination Practice* 2ed. (1997) and 3ed. (2004)

#### **Background and Education**

- Serves on ADR panel for the U.S. District Court of the Northern District of California
- Appointed Judge, Circuit Court of Jefferson Co., Kentucky (court of general jurisdiction), 1987-1992
- Admitted to Bar of United States Supreme Court, 6th and 9th Circuit Courts of Appeals
- MLA, Stanford University, 2008
- J.D., University of Kentucky, 1975 (Law Journal, National Moot Court Team)
- B.A., University of Kentucky *with distinction*, 1972