

Resume and Conditions of Appointment of John Kagel

EMPLOYER:

Law Offices of John Kagel, P.O. Box 50787, Palo Alto, CA, 94303, USA, Phone: 650 325-0389, Fax 650 325-4394, e-mail: jk@johnkagel.net USA citizen

PROFESSION:

Arbitrator, mediator, attorney

WORK HISTORY:

Kagel & Kagel, attorneys, 1968-97; Miller, McCarthy, Evans & Cassidy attorneys, Washington, D.C., 1966-67; US Army Judge Advocate General Corps, Defense Appellate Division, 1965-67; *San Francisco Examiner*, Sports Reporter 1958-1962, Library Commissioner, City of Palo Alto, California 1999-2004

EXPERIENCE:

Arbitrator-mediator 1968-present

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE:

- ◆Coast Arbitrator, International Longshore and Warehouse Union and Pacific Maritime Association, 2003- (includes Heath & Welfare and Pension Trusts, and Alaska)
- ◆President, National Academy of Arbitrators, 2000-2001
- ◆Member, Arbitration Panel for Settlement of Jurisdictional Disputes in the Construction Industry, 2009-
- ◆ Appointed by Chief Justice of California to “Blue Ribbon Panel of Experts” with respect to establishing arbitrator ethical rules for statewide application, 2001-2002
- ◆Labor, employment, discrimination, securities, commercial, international, public and private sectors: In excess of 9000 arbitration cases; 500 mediations; numerous fact findings and other ADR neutral functions in United States, Canada and UK
- ◆American Arbitration Association Labor, Employment, Commercial, Large and Complex Case (LCCP), and International Arbitration and Mediation panels
- ◆California State Conciliation Service, California Public Employee Relations Board, Federal Mediation and Conciliation Service, National Mediation Board arbitration panels
- ◆Have been or on permanent arbitration panels or named arbitrator in numerous employer-union relationships in airlines, education, higher education, paper and pulp manufacturing, construction, horse racing, hospitals and health care, symphony orchestra, transit, parcel delivery, grocery, office employees, scientific and technical employees, aerospace, hospitality and many others.
- ◆California Tribal Labor Panel
- ◆Court appointed Special Master in labor, employment and commercial matters, federal and state courts
- ◆Federal court appointed expert witness in class action sex discrimination case

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- ◆ Other specialized experience includes Major League baseball salary arbitration, ERISA, pension trust, race and sex discrimination mediation and arbitration, multimillion dollar securities and contract claims; interest arbitrator in public and private sector cases, bankruptcy trustee appointed by federal court; arbitration and mediation of international commercial disputes; panel member national sex discrimination settlement arbitrations in securities industry; class action arbitration, election supervision, authorization card checks, professional sports arbitration -
- ◆ AAA: Former member national advisory panel on labor-management arbitration. Northern California advisory panel, advisory committee on employment arbitration
- ◆ Co-recipient SPIDR Abner Award for research into mediation-arbitration; AAA Distinguished Service Award, 1989, Friend of Education award, Palo Alto, Ca. Teachers and Board of Education for mediation of teacher-school board disputes -
- ◆ Federal court appointed Co-Trustee in successful bankruptcy reorganization SFO Helicopter Airlines, serving, among other things, as CEO of FAA certified airline -
- ◆ Peer-selected Northern California “Super Lawyer”

ALTERNATIVE DISPUTE RESOLUTION TRAINING PRESENTATIONS:

Lecturer, Stanford University School of Law 1982-84, 1986-87, arbitration and mediation advocacy; lecturer, numerous presentations on arbitration and mediation including in Honolulu, San Francisco, Seattle, Las Vegas, Los Angeles, Boston; attendee and speaker National Academy of Arbitrators, American Bar Association, AAA, bar association training, co-author, materials author and trainer for AAA Employment and Labor Arbitration advanced training programs, AAA webinar on mediation-arbitration

PROFESSIONAL LICENSES:

California Bar, 1965, U.S. Supreme Court, U.S. Court of Appeals 9th Circuit, U.S. District Court, Northern District of California

PROFESSIONAL ASSOCIATIONS:

National Academy of Arbitrators, American Arbitration Association, Labor and Employment Law Sections: SF Bar Assn., Calif. Bar Assn., Amer. Bar Assn., Chair, California State Bar Committee on Arbitration, 1974; Board of Governors, Bar Association of San Francisco, 1973-5, Board of Directors and VP, Juvenile Diabetes Foundation International (now JDRF), Greater Bay Area Chapter, 1991-1999, International Society for Labor Law and Social Security, U.S. National Executive Board, 2001-2006, Fellow, College of Commercial Arbitrators, Fellow, College of Labor and Employment Lawyers

EDUCATION:

BA, University of California, Berkeley 1961, with honors. Phi Beta Kappa, varsity crew
LLB, University of California, Berkeley, 1964, Order of the Coif, *California Law Review*

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PUBLICATIONS:

Author, Chapter 1, "Practice and Procedure", *The Common Law of the Workplace*, National Academy of Arbitrators, BNA (2005 (2nd ed.) and 1998 (1st ed.)). Author Chapter 8, "Pre-Hearing Stage: Process Issues" *ADR in Employment Law* (2015) and supplement (2017), Author, Chapter 34, "How Arbitrators Run a Hearing, an Arbitrator's View", *How ADR Works*, ABA Section of Labor & Employment Law, BNA (2002), Contributor, *Discipline and Discharge in Arbitration*, BNA (1998), Contributor, Elkouri and Elkouri, *How Arbitration Works* {5th and 6th eds.) and supplements. Chapter co-author of treatises *California Alternative Dispute Resolution* and *Labor and Employment Arbitration*: articles on arbitration, mediation and mediation-arbitration in American Arbitration Assn., American Bar Association and National Academy of Arbitrators publications and proceedings *Monthly Labor Review* and *Journal of the California Historical Society*, *Employee Rights and Employment Policy Journal* *Guide to Best Practices in Commercial Arbitration*, College of Commercial Arbitrators

CONDITIONS OF APPOINTMENT:

ETHICS STANDARDS FOR NEUTRAL ARBITRATORS, DIVISION VI APPENDIX TO CALIFORNIA RULES OF COURT (effective 7/1/02, amended 12/13/02)

In the event any arbitration to which it is contemplated that I will be appointed as a neutral arbitrator is not to be conducted under or arising out of public or private sector labor-relations laws, regulations, charter provisions, ordinances, statutes or agreements (Standard 3, hereafter "labor relations case"), the parties are notified that I will entertain and may accept offers of employment as an arbitrator, mediator or other dispute resolution neutral while the arbitration is pending pursuant to Standard 12(b). The parties are also advised that I disclose pertinent information as required by the Standards to best of my remembrance and the required inquiries. If any party or any lawyer in an arbitration is aware of any omitted or incorrect information, they have an obligation to notify myself and the other parties and lawyers in the case of such omission or error so that I can supplement or correct my disclosures.

PROFESSIONAL REQUIREMENTS:

In the event a party desires, or the parties agree, to a reasoned opinion, a transcript of the proceedings will be required.

Decisions will be sent by email unless otherwise specified by the parties.

COMPENSATION: (subject to adjustment on notice)

Daily Rate: (7 hours):

\$2800 for first day, \$2400 for subsequent days for grievance arbitration under a collective bargaining agreement including travel days for cases confirmed after April 1, 2017; \$3400 all other arbitration, mediation or neutral dispute resolution services, including travel days.

Hourly Rate (study time and time in excess of 7 hours per day):

\$370 per hour for grievance arbitration under a collective bargaining agreement; \$485 per hour for all other neutral dispute resolution services.

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Cancellation fees:

\$3000 per scheduled hearing day, plus travel days, for grievance arbitration under a collective bargaining agreement, \$3400 per day for all other neutral dispute resolution services, for cancellations of 35 working days (excluding Saturdays, Sundays and holidays) for cases confirmed after April 1, 2017, including travel days, or less before the first schedule day of hearing, mediation or travel day, and five additional working days per additional scheduled hearing, mediation or travel day thereafter. For example, 40 working days for scheduled hearing, mediation or travel two days, including travel days, 45 working days for three such days, etc.

Reasonable expenses: To be reimbursed as incurred.

3/28/17