

## **David H. Gibbs**

### **EDUCATION**

**University of California School of Law**, Berkeley, California  
J.D. 1978

**Tufts University**, Medford, Massachusetts  
B.A. 1974

History and Psychology, Magna Cum Laude

### **PROFESSIONAL EXPERIENCE**

#### **Law Instruction**

**2013-Present** Chapman University, Dale E. Fowler School of Law  
Associate Professor of Practice

Courses: Transactions, Negotiations and Mediation.  
Design and implement an introductory transactions course based on simulations that will be mandatory for second year students and taught in small sections primarily by adjuncts. Focus on teaching problem solving and integrating law, skills and ethics in situations that lawyers encounter in practice to develop students' professional identities and judgment.

**2002-2013** Suffolk University of Law School  
Practitioner in Residence (2010-2013)  
Adjunct Faculty (2002-2008)

Courses: Investor Advocacy Clinic, Negotiations, Litigating Technology and Intellectual Property Disputes. Established the first Investor Advocacy Clinic in New England representing small investors in FINRA and court proceedings. Developed course materials with emphasis on practical skills, effective advocacy, ethical practice and development of professional identity. Obtained cases, recruited a panel of volunteer practitioners and experts created simulations and program of audiovisual recording of students.

2002- 2004 Babson College, Master of Business Administration Program  
Adjunct Faculty

Courses: Negotiations

### **Legal Experience**

2004-2013 Bowditch & Dewey, LLP  
Partner

Focused on business law for emerging, closely held and family-owned businesses, educational institutions, non-profit organizations and professional service organizations on matters involving leadership, governance, succession, growth and exit strategies. Continued practice as a trial lawyer with more than 70 trials in courts, arbitrations and administrative hearings. Active practice in dispute resolution serving as a mediator or arbitrator on more than 250 matters, aiding clients in preventing, managing and resolving conflicts and designing dispute resolution programs for companies, non-profit organizations and courts.

1985-2003 Nixon Peabody, LLP (following merger with Peabody & Brown)  
Partner

Trial, alternative dispute resolution and business law, including intellectual property, emerging start-up and high tech businesses and dispute resolution, including dispute resolution systems. Served in law firm leadership including Compensation, Business Development, Non-Equity Partnership and Technology Committees.

1978-1984 Peabody & Brown  
Associate 1978-1984

Litigation, corporate and real estate.

### **ADMISSIONS**

Supreme Judicial Court of Massachusetts  
United States Court of Appeals for the First Circuit  
United States District Court for the District of Massachusetts

## **RECOGNITION**

Listed in *The Best Lawyers in America*. AV rated by Martindale-Hubbell. Recognized as a "*Super Lawyer*" in Massachusetts and New England.

## **SELECTED ACTIVITIES**

Member of American Bar Association, Orange County Bar Association, Association of Business Trial Lawyers, Orange County Chapter and Clinical Legal Education Association (present).

Member, Massachusetts Trial Court Standing Committee on Dispute Resolution: Committee of judges, court administrators and lawyers established by the Supreme Judicial Court to develop court rules for alternative dispute resolution (2012-2103).

Founding Chair, Broker-Dealer Committee, Boston Bar Association (2012-2013)

Co-Chair, Alternative Dispute Resolution Committee, Boston Bar Association (2010-2012).

Member, Leadership Council, Financial Services Section, Boston Bar Association (2012-2013).

Founding Director and Chair of Nominating Committee, Massachusetts Innovation and Technology Exchange (1996-2002).

Founder and Chair, ADR Network: A mediation program certified by the Massachusetts Superior Court (2000 - present).

Member, Board of Directors (1989-2001) and Executive Committee (1997-2001), Boston Lawyers Committee for Civil Rights and Economic Justice.

Volunteer Mediator, Community Dispute Settlement Center (1990-present).

## **SELECTED SPEECHES AND PRESENTATIONS**

“Let’s Work Together: Collaboration and Simulations for Teaching Transactional Practice,” Co-presenter, Emory University School of Law 4<sup>th</sup> Biennial Conference on the Teaching of Transactional Law and Skills (June 7, 2014).

“The Role of Clinicians in Curriculum Reform,” Chair and Co-presenter, American Association of Law Schools Annual Conference on Clinical Education (April 29, 2014).

“Teaching: Opportunity, Hobby or Transition from Law Practice,” Panelist, American Bar Association Corporate Section Mid-year Meeting (April 9, 2014).

"If I Knew in Law School What I Know Now: Insight from Lawyers and Judges on What 'Business Litigation' Really Means," Moderator, Association of Business Trial Lawyers (March 27, 2014).

"Beyond Getting to Yes: What Works," Family Firm Institute, New England Chapter (2012).

"The Business Litigation Session of the Massachusetts Superior Court: Perspectives on Effectively Resolving Business Cases," Central Massachusetts Financial Executives Organization (2012).

"Moving Beyond Traditional ADR: New Approaches to Understanding, Managing, and Resolving Legal Conflicts," Moderator, Boston Bar Association (2012).

"The Function and Future of Alternative Dispute Resolution in the Courts," Boston Bar Association (2012).

“Breaking Impasse and Achieving Closure,” 10<sup>th</sup> Annual American Bar Association Advanced Mediation Skills Institute (2012).

"Views From the Bench From The Judges of The Massachusetts Appeals Court," Moderator, Boston Bar Association (2011-2012).

"Effective Advocacy in Mediation," Boston Bar Association (2012).

"Using An Advisory Board to Enhance the Effectiveness of Your Company," Business Essentials Boot Camp (2011).

"Dealing with Impasse," Massachusetts Continuing Legal Education, Inc., Civil Mediation Training Workshop (2009-2011).

"The Supreme Court and Supreme Judicial Court: Are Their Decisions Harmony or Discord?" Moderator, Boston Bar Association (2011).

"Hanging Out Your Shingle as a Mediator or Arbitrator," Moderator, Boston Bar Association (2011).

"Has Commercial Arbitration Gone Astray? Reclaiming the Benefits of Binding Alternatives to Litigation," Moderator, Boston Bar Association (2011).

"Preserving Documents, Protecting Communications and Doing Business in the Digital Age," Breakfast at Bowditch Seminar (2011).

"Pathways to ADR: Determining the Who, What, When, Where, Why and How of Arbitration and Mediation," Boston Bar Association (2011).

"Mediation Confidentiality: Does It Have Limits?" Moderator, Boston Bar Association (2010).

"Choosing Your Mediator: A Lynchpin in Successful Mediation," Moderator, Boston Bar Association (2010).

"Mediation and Decision Analysis," Massachusetts Continuing Legal Education, Inc., First Annual Alternative Dispute Resolution Conference (2009).

"Managing Conflict in a Family Business - Perspectives and Collaborative Opportunities for Mediators, Lawyers and Consultants," Boston Bar Association (2009).

"Achieving Closure," Massachusetts Continuing Legal Education, Inc., Civil Mediation Workshop (2008).

"Managing the Process: Difficult Issues and Dirty Tricks," Massachusetts Continuing Legal Education, Inc., Civil Mediation Workshop (2007).

"Eleven Angry Parties and Two Mediators: Does Co-Mediation Work in Multi-Sided Commercial Disputes?" Co-presenter, Boston Bar Association (2007).

## **PUBLICATIONS**

*Supreme Judicial Court of Massachusetts Rules That Arbitration Clauses Must Be Specific*, Human Resource Management Association Perspectives (September 2009) (Co- Authored).

*Triple Damages Law Will Hurt Mass. Economic Growth*, The Journal of New England Technology (June 2008).

*Ten Steps to Measuring the Effectiveness of ADR*, 22 Alternatives to the High Cost of Litigation 2, International Institute for Conflict Prevention and Resolution (February 2004).

*Mandatory Employment Arbitration Plans Are No Longer Prohibited in the Ninth Circuit -The Court Concludes Duffield Was Wrongly Decided, ADR Alert* (September 2003) (Co-Authored).

*Divided Supreme Court Decides Bazze v. Green Tree: Lack of Clarity Requires Caution in Dealing With Arbitration and Class Actions*, FindLaw.com (2003).

*After Waffle House, Arbitration Gets a 'New Trilogy' of Employment Law*, 20 Alternatives to the High Cost of Litigation<sup>17</sup>, International Institute for Conflict Prevention and Resolution (February 2002).

*The Use of ADR in Patent Litigation: Untapped Opportunities*, Paper presented at Sixth Annual High Technology Conference, Suffolk University Center for Advanced Legal Studies (March 2002).

*The Development and Viability of the Federal Dilution Statute*, Paper presented at International Trademark Association Annual Meeting (May 2002).