

# Mark LeHocky

Mediator - Arbitrator

## *Curriculum Vitae*

### ***Summary:***

Mark LeHocky is a former litigator specializing in intellectual property, antitrust, and other business disputes, the former general counsel to two public companies managing hundreds of litigation matters of all types, and a full-time mediator and arbitrator with Judicate West. Mark has been mediating for two decades, first at the request of the Northern District of California federal court, and since 2012 as a full-time neutral. Mark earned his law degree at the University of California Berkeley School of Law and his undergraduate degree at U.C.L.A.

Named among the Best Lawyers in America for Mediation repeatedly by U.S. News-Best Lawyers®, Mark has also taught Mediation Advocacy at the University of California, Davis' School of Law. During his tenure as general counsel, he also crafted and installed company-wide early dispute resolution programs. Mark builds upon all his experiences to help parties assess and craft the most appropriate settlements for a broad array of disputes. Based in the San Francisco Bay Area, Mark mediates throughout California, and for larger matters, nationwide.

### ***Relevant Work History:***

#### ❖ **Mediator - Arbitrator | Judicate West (2012 to present)**

First appointed as a mediator by the federal courts in 1999, Mark began his full-time mediation practice in 2012. Initially working independently, Mark joined Judicate West in 2015, and today also serves as its Director of Commercial Arbitration. Cases mediated and arbitrated include intellectual property and antitrust cases, individual and class employment and consumer actions, commercial and contract matters, insurance coverage and indemnification disputes, mass tort and individual tort actions, real estate disputes, bankruptcy, business acquisition and dissolution matters.

#### ❖ **Senior Vice President, General Counsel & Secretary, Ross Stores, Inc. (2007--2012)**

Ross is an S&P 500 and NASDAQ 100 company and the U.S.'s second-largest off-price retailer, with over \$10 billion in annual sales and over 70,000 employees. As Ross' general counsel, Mark managed its major litigation and government investigations from their onset through resolution, creating a company-wide dispute resolution program to accelerate the disposition of all cases. As well, Mark operated as the company's board advisor as to all litigation and legal risks, created intellectual property protection and enforcement initiatives, and oversaw its compliance programs covering its workforce, product safety, and regulatory obligations.

❖ **Vice President & Corporate Secretary, Dreyer's Grand Ice Cream, Inc.** (2000 – 2007)

Dreyer's, now a subsidiary of Nestlé, S.A., is the largest U.S. manufacturer--distributor of ice cream products. Prior to merging with Nestlé, Dreyer's was a Fortune 1000 public company. As its general counsel, Mark managed all of Dreyer's employment, contract, intellectual property, tort and commercial litigation. As well, he helped design, negotiate and execute Dreyer's two-stage merger transaction with Nestlé, and managed the resolution of the Federal Trade Commission's antitrust challenge to that merger. Mark also negotiated the acquisition of brand, manufacturing and franchise businesses, as well as patents, trademarks and other intellectual property assets, and trained Nestlé's international legal team on litigation management and dispute resolution.

❖ **Principal, Freeland, Cooper, LeHocky & Hamburg** (1987 – 2000)

Mark managed the complex litigation practice of this boutique law firm, prosecuting and defending intellectual property, employment, antitrust, commercial and class action disputes, representing clients such as Apple, AT&T, Dreyer's and Met Life, and producing a series of trial and appellate court victories. Prior to the Freeland law firm, Mark honed his litigation skills at two other San Francisco law firms: Wilson, Ryan & Campilongo, and Khourie, Crew & Jaeger.

*Awards / Appointments / ADR Affiliations:*

- Appointed Mediator - U.S. District Court, Northern District of California (1999-- )
- Judge Pro Tem - San Francisco Superior Court (2016-- )
- Co-chair, Mediation Committee, ABA Dispute Resolution Section (2017-- )
- Director of Commercial Litigation - Judicate West (2015-- )
- Adjunct Professor, Mediation Advocacy, University of California, Davis School of Law (2015 – 2016)
- Lecturer, University of California, Berkeley Haas School of Business and School of Law (2011-- )
- Named among the Best Lawyers in America for Mediation for successive years by U.S. News – Best Lawyers©
- Voted a Distinguished Fellow, International Academy of Mediators (2016)

*Representative Mediations / Testimonials:*

See [www.marklehocky.com](http://www.marklehocky.com) for representative mediation matters and testimonials. Please also contact Mark to discuss any potential matter.

## *References:*

Mark LeHocky has mediated cases with attorneys from the following firms, among others. Individual references available upon request:

- Arnold & Porter
- Buchalter Nemer
- Call & Jensen
- Carlson, Calladine & Peterson
- Carr McClellan
- Condo Rocchia Koptiw
- Cooley
- Cooper White & Cooper
- Cotchett, Pitre & McCarthy
- Da Vega / Fisher / Mechtenberg
- Donahue Fitzgerald
- Duane Morris
- Durie Tangri
- Farella Braun & Martel
- Feinberg, Day, Alberti & Thompson
- Ferber Law
- Finnegan, Henderson
- Fisher & Kong
- Fisher & Phillips
- Freeman Mathis & Gary
- GCA Law Partners
- Gordon Rees
- Greenberg Traurig
- Hanson Bridgett
- Hinshaw & Culbertson
- Jackson, Jenkins, Renstrom
- Jeffer Mangels
- Jonak Law Group
- Jones Day
- Kerr & Wagstaffe
- Kilpatrick Townsend
- Kirkland & Ellis
- Knobbe Martens
- Latham & Watkins
- Lee, Hong, Degerman
- Liebert Cassidy Whitmore
- Little Reid & Karzai
- Littler
- Lowenstein Sandler
- Mahoney Law Group
- Makarem & Associates
- The Maloney Law Firm
- Mayer Brown
- McKool Smith
- McGuinn, Hillsman & Palefsky
- Morrison & Foerster
- Ni Wang & Associates
- Ogletree Deakins
- O'Melveny & Myers
- Pachulski Stang Ziehl & Jones
- Payne & Fears
- Pillsbury, Winthrop & Shaw
- Quinn Emanuel
- Reed Smith
- Ropers Majeski Kohn & Bentley
- Schiff Hardin
- Seyfarth Shaw
- Shannon Jones Law Group
- Shartsis Friese
- Sheppard Mullin
- Sideman & Bancroft
- Sidley & Austin
- SSL Law Firm
- Stalwart Law Group
- Squire Patton Boggs
- Taylor, Dunham & Rodrigues
- Thompson Hine
- Turner Boyd
- Weintraub / Tobin
- Wilson Sonsini
- Winston & Strawn

### **ADR Articles (partial list):**

- *Overcoming Mediation Anxiety*, California Lawyer (May 24, 2016):  
<http://www.callawyer.com/2016/05/overcoming-mediation-anxiety/#>
- *Navigating the Litigation Conversation: Confessions of a Litigator Turned General Counsel Turned Mediator*: Best Law Firms 2016 (6<sup>th</sup> Edition), pp. 50-51: U.S. News & World Report – Best Lawyers© <https://issuu.com/bestlawyers/docs/blf2016-cover-elements>
- *Negotiating in Mediation: Why Did We Stop Talking? Practical advice for engaging your adversary to ensure a productive session*, California Lawyer (July 25, 2016)  
<http://www.callawyer.com/2016/07/negotiating-in-mediation-why-did-we-stop-talking/>
- *Early Dispute Resolution Programs that Deliver: Seven Keys to Success*: Best Law Firms 2017 (7<sup>th</sup> Edition), pp. 32-35: U.S. News & World Report – Best Lawyers©  
<https://issuu.com/bestlawyers/docs/best-law-firms-2017/34>
- *Rethinking Mediation Assumptions*, California Lawyer (January 25, 2017):  
<http://www.callawyer.com/2017/01/rethinking-mediation-assumptions-part-3/>
- *Civility in the Mediation Process*, Contra Costa Lawyer (April 1, 2017):  
<http://cclawyer.cccba.org/2017/04/civility-and-the-mediation-process/>
- *Rethinking Mediation with Behavioral Science Data*, California Consumer Attorneys of Southern California Advocate Magazine (August 1, 2017)

### **Presentations (partial list):**

- *Practical Mediation Strategies: Lessons from the behavioral sciences*, Plenary Speaker, FDCC Annual Meeting, Montreux, Switzerland (July 26, 2017)
- *The Best Defense Can Be a Great Offense*, Speaker, 2017 Patent Dispute Forum North, Menlo Park, CA (April 18, 2017)
- *How to Make Your Mediation Advocacy More Effective*, Speaker, ABA Dispute Resolution Section Spring Meeting, San Francisco, CA (April 21, 2017)
- *Shaping the Future of Dispute Resolution*, Speaker, Global Pound Conference, San Francisco, CA (February 24, 2017)
- *Employment Arbitration: New Realities & Practical Strategies*, Speaker, Bar Association of San Francisco, CA (October 4, 2016)
- *The General Counsel as Strategic Advisor and Reality Check: Managing the Reality Distortion Field*, Speaker, Chief Legal Officers Leadership Forum, San Francisco, CA (May 2012)