

David H. Gibbs
Director of Corporate Programs
and Corporate Counsel Externships
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EDUCATION

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

Tufts University, Medford, Massachusetts, B.A., History and Psychology,
Magna Cum Laude

ACADEMIC EXPERIENCE

Director of Corporate Programs and Corporate Counsel Externship (current)

- Coordinator of curricular and co-curricular of programs to serve law students who are interested in a transactional or business-oriented legal practice, workshops and presentations, advising students on courses selections, career path, placement and outreach to practitioners.
- Direct the corporate counsel clinical externship program placing students with in-house counsel, recruiting, orienting and monitoring in-house counsel offices, placement of students and teaching a seminar for participating students.
- Mentor students by assisting them in their job searches, helping with networking and inviting them to bar functions and conferences.

Associate Professor Fowler School of Law, Chapman University (2013-2017)

- Teach develop and assist other faculty in developing courses involving simulation of problems and situations lawyers encounter in practice with emphasis on careful analysis of the substantive law, practical skills, effective advocacy, ethical practice and development of professional identity.
- Developed and implemented an innovative introductory course on transactional practice, Practice Foundations: Transactions which is a required course taken in the second year and taught by practitioners in small sections. By working on simulated transactions and problems students learn to integrate their knowledge of law, skills and ethics. Students work to accomplish client goals, apply the law, draft documents, advise clients and negotiate in the context of a deal. I created a comprehensive set of materials for the course including lesson plans, exercises, readings, PowerPoints, simulated transactions and videos, recruited, trained and supervised adjuncts for 12 sections each year.

- Taught Mediation, Negotiations and Leadership for Lawyers.
- Active member of bar associations in California and Massachusetts.

Practitioner in Residence Suffolk University Law School (Full-time January 2010-2013)

- Courses Investor Advocacy Clinic and Negotiations
- Established the first Investor Advocacy Clinic in New England representing small investors in FINRA and court proceedings. obtained cases, developed course materials including simulations, a video and recruited a panel of volunteer practitioners and experts.

Adjunct Professor Suffolk Law School (2004- 2009) taught Negotiations and Litigating Intellectual Property Disputes

PRACTICE BACKGROUND

Partner Bowditch & Dewey, LLP, Boston Office (2004-2013)

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 numerous trials in courts, arbitrations and administrative hearings. National 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 public, privately held and non-profit organizations.

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

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

Associate Peabody & Brown, Boston Office (1978-1984 Litigation, corporate and real estate law.

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

Selected by peers for listing in The Best Lawyers in America. AV rated by Martindale-Hubbell. Recognized as a "Super Lawyer" in Massachusetts and New England. Best Lawyers' 2016 "Arbitration "Lawyer of the Year" for Orange County, California.

SELECTED ACTIVITIES

Member of American Bar Association, Massachusetts Bar Association, Orange County California Bar Association, Association of Business Trial Lawyers, Orange County Chapter and Clinical Legal Education Association.

Member of Advisory Committee of Dispute Resolution Section of the Massachusetts Bar Associate.

Massachusetts Trial Court Standing Committee on Dispute Resolution: A 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 and Member of Leader Council of the Financial Service Section, Boston Bar Association (2012-2013).

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

Founder and Chair, ADR Network, a mediation program certified by the Massachusetts Superior Court (2000–2015).

Founding Director, Massachusetts Innovation and Technology Exchange (1996-2002).

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

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

SELECTED SPEECHES AND PRESENTATIONS

"The Vanishing Joint Session" with Dwight Golann, Professor of Law Suffolk University Law School, Massachusetts Bar Association First Annual Dispute Resolution Symposium (May 19, 2017).

“The Changing Legal Market Place; Looking Back and Ahead 20 Years and What It Means for Law Schools” Leading Edge Conference on the Future of Legal Education (July 13, 2016).

“Reflections from the Successful Implementation of A Transactional Program”, Emory University School of Law Center for Transactional Law and Practice Biennial Conference on the Teaching of Transactional Law and Skills (June 7, 2016).

“Let’s Work Together: Collaboration and Simulations for Teaching Transactional Practice” with Jay Finkelstein, DLA Piper and Adjunct Professor of Law, Emory University School of Law Center for Transactional Law and Practice Biennial Conference on the Teaching of Transactional Law and Skills (June 7, 2014).

“The Role of Clinicians in Curriculum Reform” with Nancy Maurer, Professor of Law, Albany Law School and Michael Vastine, Associate Professor of Law, St. Thomas U. School of Law, American Association of Law Schools Annual Conference on Clinical Education (April 29, 2014)

“Teaching: Opportunity, Hobby or Transition from Law Practice “with Jay Finkelstein, DLA Piper and Adjunct Professor, Valerie Barreiro, Adjunct Professor University of California Law at Los Angeles Law School, 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 with Richard D. Fybel, Associate Justice, California Court, Sean P. O’Connor, Orange County Managing Partner, Sheppard Mullin, Maria Z. Stearns, Partner, Rutan & Tucker sponsored by the 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: Moderator, New Approaches to Understanding, Managing, and Resolving Legal Conflicts," Boston Bar Association, Alternative Dispute Resolution Committee (2012).

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

“Breaking Impasse and Achieving Closure,” 10th 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, Alternative Dispute Resolution Committee (2011-2012).

"Effective Advocacy in Mediation," Boston Bar Association, Alternative Dispute Resolution Committee (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, Alternative Dispute Resolution Committee (2011).

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

"Has Commercial Arbitration Gone Astray? Moderator, Reclaiming the Benefits of Binding Alternatives to Litigation," 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, Alternative Dispute Resolution Committee (2011).

"Playing Three-Dimensional Chess: Moderator, Choice of Law in International IP Arbitration," Boston Bar Association, Alternative Dispute Resolution Committee (2011).

"Using Game Theory to Manage and Resolve Legal Disputes," Moderator, Boston Bar Association, Alternative Dispute Resolution Committee (2010).

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

"Choosing Your Mediator: A Lynchpin in Successful Mediation," Moderator, Boston Bar Association, Alternative Dispute Resolution Committee (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, Alternative Dispute Resolution Committee, Business Law Section, and Trust and Estates Planning Section (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 (2008).

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

PUBLICATIONS

Practice Foundations: Transaction—Lessons Learned from Implementing An Introductory Transactions Course, 18 The Tennessee Journal of Business Transactions 492 (2016).

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

Triple Damages Law Will Hurt Mass. Economic Growth, published in 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 published by the 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 Bazzle 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 Litigation¹⁷ published by the International Institute for Conflict Prevention and Resolution (February 2002).

The Use of ADR in Patent Litigation: Untapped Opportunities, Paper presented at Resolving Patent Litigation, 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)