



EXPERIENCE AS ARBITRATOR AND MEDIATOR

Tom Klitgaard is a highly experienced domestic and international arbitrator and mediator. He has been serving in these capacities for over twenty five years.

He is a member of the panels of arbitrators and mediators of the American Arbitration Association and of the panel of arbitrators of the Beijing Arbitration Commission.

He is a member of the College of Commercial Arbitrators in the United States and has been certified as a mediator by the International Mediation Institute in the Hague, The Netherlands.



Tom's primary expertise is in complex commercial, financial, and intellectual property (including patent) disputes. He brings to arbitrations and mediations a combination of extensive legal experience in antitrust, corporate, directors' and officers' insurance, patent, securities, tax, and employment law, as well as in product distribution, corporate governance, trade secrets, and intellectual property licensing.

He also brings a business perspective and an understanding of commercial practices. He at one time was in-house general counsel and corporate secretary of a company listed on the New York Stock Exchange (Tandem Computers Incorporated) and the general counsel of the American subsidiary and distribution arm of a major Japanese corporation (Sega of America, Inc.). These companies had operations in Canada and Mexico (Sega) and in over 40 countries in Asia, Europe, and South America (Tandem).

Tom has expertise in international law and international business practices, particularly in Asia. He is an Adjunct Professor of Asian Law at the University of San Francisco School of Law. For many years he coordinated the operations of a business manager training program with the Shanghai Municipal Government and later with the State-Owned Assets Supervision and Administration Commission, Pudong Branch, for mid-level Chinese managers in Shanghai government agencies and government owned companies. He is particularly knowledgeable about modern China and Chinese-law, and understands the cultural differences between China and other countries.

Tom has arbitrated or mediated a number of international commercial disputes arising from Asia involving Australian, Chinese, Hong Kong, Japanese, and Taiwanese entities.

In arbitrations, Tom is aware of possible abuses and costs of discovery and works with the parties to provide cost efficient and fair proceedings. He provides reasoned written opinions on orders and awards unless waived by the parties. He provides detailed hearing and pre-hearing procedures based on the applicable arbitration rules and the schedules and input of the parties. He pays attention to detail. He works as the chair of panels, as well as sole arbitrator.

In arbitrations, as in mediations, Tom is scrupulous as to confidentiality of the proceedings and the privacy of the parties.

In mediations, which are all different, his usual practice is to meet with the parties separately, and collectively, if needed, and to assist the parties in reaching a practical, pragmatic, and

acceptable resolution which meets their needs. In both mediations and arbitrations, he pays great attention to the facts and to unique issues. He takes the time needed to provide a careful and thoughtful result.

Tom emphasizes civility and respect for the parties and thoroughness and timeliness of outcomes.

In mediation, Tom is particularly effective because of his ability to relate to the parties and to see the possible solution from diverse perspectives, including national differences. Parties have commented:

“Mr. Klitgaard is a great mediator. He went beyond most mediators I have dealt with.”

“He is able to work with diverse parties and issues.”

“He maintained the respect of both parties and successfully used various methods to reduce tension and maintain civil discourse.”

Tom Klitgaard

Tom graduated summa cum laude from the University of San Francisco in 1956.

Tom received his LL.B. from the University of California at Berkeley Law School (Boalt Hall) in 1961, where he was first in his class and Editor-in-Chief of the California Law Review. He began his legal career as the Law Clerk for United States Supreme Court Justice William O. Douglas.

Tom practiced for many years as a litigator with then Pillsbury, Madison & Sutro in San Francisco (now Pillsbury Winthrop Shaw Pittman). Along the way he handled both civil and criminal cases. In civil cases, he represented both plaintiffs and defendants.

Tom currently is in active practice with a 20 person law firm in San Francisco (Dillingham & Murphy), where he concentrates on commercial (including patent) litigation and arbitrations and a wide range of commercial agreements.

He is a director and chair of the finance committee of the San Francisco Bay Area Council of the Boy Scouts of America and a director of the Chinese Culture Foundation of San Francisco.

Tom is a graduate of the basic computer and electronics course at the United States Army Guided Missile School at Fort Bliss, Texas, the basic Chinese language Training for Service Abroad Course at the Monterey Institute of International Studies, and the Executive Management Program at Dartmouth College.

A list of his writings and lectures and other background information may be found on his website, www.thomasjklitgaard.com

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www.dillinghammurphy.com

Dillingham & Murphy, LLP
225 Bush Street, 6th Floor
San Francisco, CA 94104

Phone (415) 397-2700 Fax (415) 397-3300