



September 2011

Professional Profile - Klitgaard, Thomas J. – Partner (AV Rated).

Professional Profile

Law Clerk, United States Supreme Court Justice
William O. Douglas, 1961-1962

Associate, Gibson, Dunn & Crutcher, Los Angeles, 1963-1964

Associate, Pillsbury, Madison & Sutro, San Francisco, 1964-1971

Partner, Pillsbury, Madison & Sutro, San Francisco, 1971-1985

Vice President, Senior Vice President, General Counsel and Corporate
Secretary, Tandem Computers Incorporated, Cupertino, California, 1985-
1992

Senior Vice President and General Counsel, Sega of America, Inc., Redwood City,
California, 1992-1996

Partner, Dillingham & Murphy, LLP, San Francisco 1997-present

Visiting Professor, Real Property Secured Transactions, Uniform Commercial Code,
University of California at Berkeley Law School (Boalt Hall), 1967-1968

Adjunct Professor, Corporate Law and Partnerships, University of California at Berkeley
Law School (Boalt Hall) 1997

Adjunct Professor, Asian Legal Systems, University of San Francisco School of Law, 2002-
present



Experience as Litigator

- Litigator at law firms: antitrust, commercial, engineering, financial, intellectual property, legal malpractice, and securities regulation disputes, trials, appeals, arbitrations, mediations, and public agency hearings, 1967-1985, 1997-present
- Litigator at corporations: commercial, employment, financial, intellectual property, international distributorships, licensing, and securities law disputes, including mini-trials before senior executives, 1985-1996

Experience as Arbitrator, Mediator, and as Special Master

- Arbitrations and mediations involving commercial, distributorship, employment, intellectual property, investment, licensing, securities, and technology disputes, 1987-present
- Special Master: Attorney's Fees, Discovery, Complex Private Investment, and Public Interest School Desegregation Plan Disputes, United States District Court, Northern District of California, 1997-present (by appointment of Court)
- Member of the Panel of Arbitrators and Mediators, American Arbitration Association (domestic, complex case panels)

- Member of the Panel of Arbitrators and Mediators, International Centre for Dispute Resolution, New York
- Member of the Panel of International Arbitrators, Beijing Arbitration Commission
- Member of the Panel of Appellate Mediators, California Court of Appeal, First Appellate District, San Francisco
- Member of Panel of Civilian Mediators, San Francisco Police Department Office of Citizen Complaints
- Certified Mediator, International Mediation Institute, The Hague, The Netherlands

Pacific Rim Experience

- Commercial contracts, distribution agreements, joint venture agreements, technology transfer agreements involving China, Japan, and other countries on the Pacific Rim, 1979-present
- Chair intermittently for twenty-five years of business management training program for mid-level managers jointly conducted with the Shanghai Municipal Government Foreign Affairs Office and later with the Shanghai Economic Management College and China's State Owned Assets Supervision and Administration Commission Pudong Branch, 1984-2009
- Arbitrations, litigation, mediation, and business negotiations involving Asian and Pacific Rim business entities, 1985-present

Business, Corporate Experience

- Acquisitions and mergers, commercial contracts, employment agreements, international product distribution and representation agreements, joint venture agreements, real property acquisition and financing, domestic and international taxation and tax accounting, technology acquisition and development (patent and software licenses, original equipment manufacturing agreements), ERISA, international ocean freight agreements, levee construction and engineering agreements, and publishing agreements, 1963-present
- Compliance with Federal, State and Foreign antitrust laws, Foreign Corrupt Practices Act, corporate record keeping and reporting requirements under the Federal Securities laws; internal investigations of alleged wrongdoing by corporations; coverage under directors' and officers' liability insurance policies; supervision of corporate security programs; evaluation and resolution of patent, copyright, trademark, and trade secret claims by and against corporations and individuals, 1985-present

Current Academic Experience

- Adjunct Professor of Asian Law, University of San Francisco (legal systems of Cambodia, China, Hong Kong SAR, Indonesia, Japan, North Korea, South Korea, Laos, Malaysia, Myanmar, The Philippines, Singapore, Taiwan, Vietnam), 2002-present

Past Academic Experience

- Visiting Lecturer, East China University of Politics and Law, Shanghai, Protection of Chinese Businesses as They Expand into the United States, 2011; Patent Damages, 2010
- Visiting Lecturer, San Francisco State Graduate School of Business Administration, Foreign Corrupt Practices Act, 2009
- Guest Professor, Shanghai Economic Management College, Legal Considerations for Chinese Companies when Expanding into the United States through acquisitions or sales, 2007

Education

- Graduate, The Amos Tuck School of Business Administration Executive Program, Dartmouth College, 1990
- Graduate, Monterey Institute of International Studies, Training for Service Abroad, Basic Mandarin Chinese Language Program, 1979
- LL.B., University of California at Berkeley Law School (Boalt Hall), 1961; Editor-in-Chief, California Law Review
- Graduate, United States Army Guided Missile School, Computers, Electronics, Antiaircraft Guided Missile Systems, Fort Bliss, Texas, 1956-1957
- A.B., Summa Cum Laude, University of San Francisco, 1956

Publications

- Asian Legal Systems, 7th Edition (four volumes); Cambodia, China, Hong Kong SAR, Indonesia, Japan, North Korea, South Korea, Laos, Malaysia, The Philippines, Singapore, Taiwan, and Vietnam, University of San Francisco School of Law Instructional Materials and Constitutions (2011)
- Updated Insights on Arbitrating Disputes With Chinese Business Entities, US Law (Fall/Winter 2010)
- The Context for Innovation in Japan: Comparative Competitive Aspects and Some Practical Comments, 21 Canada-United States Law Journal 55 (1995)
- Arbitration Laws and Dispute Resolution in The People's Republic of China: Recent Developments, Symposium on Private Investments Abroad -- Problems and Solutions in International Business, Matthew Bender & Company (1992)
- Remembrances of William O. Douglas on the 50th Anniversary of his Appointment to the Supreme Court, Journal of Supreme Court History (1992) (contributor)
- High Technology Disputes: The Minitrial as the Emerging Solution, 8 Santa Clara Computer and High Technology Law Journal 1 (1992) (co-author)
- Preferential Treatment for Foreign Investment in The People's Republic of China: Special Economic Zones and Industrial Development Districts, 7 The Hastings International and Comparative Law Review 377 (co-author) (1984)
- People's Republic of China Joint Venture Dispute Resolution Procedures, 1 UCLA Pacific Basin Law Journal 1 (1982)

- The Civil Rights Act and Mr. Monroe, 49 Cal. L. Rev. 145 (1961), reprinted in Selected Essays on Constitutional Law, Association of American Law Schools, West Publishing Co. (1963)
- Criminal Law: Doubt as to Defendant's Sanity at Time of Trial, 48 Cal. L. Rev. 318 (1960)
- Constitutional Law: Power of Legislative Committees to Compel a Witness to Reveal Communist Affiliations, 47 Cal. L. Rev. 930 (1959)

Lectures

- How Chinese Business Entities Can Protect Themselves as they Expand into the United States (Choice of Law), East China University of Politics and Law (2011)
- A Few of the Basics of Islam, Golden Gate Breakfast Club (2011)
- Some Information that You May Need to Have to Help Put Emerging China into Perspective for You and Your Grandchildren, San Francisco Committee on Foreign Relations (2010)
- The Mediation of International Commercial Disputes, Successful Techniques, Northern California International Arbitration Club (2009)
- The Foreign Corrupt Practices Act, Dealing with Corruption or Attempts to Corrupt in International Business Transactions, Graduate School of Business Administration, San Francisco State University (2009)
- The Arbitration of International Business Disputes, Effective Practices under Differing Rules of Procedure, Graduate School of Business Administration, San Francisco State University (2008)
- How Chinese State Owned Companies Can Identify and Manage Cost Effective Legal Services Which Are Necessary for Their Expansion into the United States Through Sales or Mergers, Shanghai Economic Management College (2007)
- Arbitration in the People's Republic of China, Northern California International Arbitration Club (2005)
- How to Obtain the Best Results In International Arbitration, Association for Transportation Law, Logistics and Policy (2001)
- How to Succeed in the Practice of International Law in the New Millennium, Institute for International and Comparative Law, Dallas, Texas (2001)
- Litigation, Indemnification, and D&O Policy Coverage, Directors College, Stanford Law School (1997, 1996, 1995)
- Drafting Arbitration Clauses for International Contracts, American Bar Association (1997)
- What is a Fair Use of Copyright and Trademark?, Symposium on Antitrust/Intellectual Property Claims in High Technology Markets, Third Annual Advanced ALI-ABA Course of Study for Plaintiffs' and Defendants' Bars and In-house Counsel (1997)
- Personal Jurisdiction and Choice of Law in Disputes Over Real Interactions in Cyberspace, The Computer Law Association (1996)

- The Transnational Arbitration of High-Tech Disputes, The Institute for Transnational Arbitration (1996)
- Transferring International Technology - Modern Methods of Negotiating Technology Transfer Agreements with Chinese Organizations, San Francisco Global Trade Council (1996)
- Resolving Trade and Investment Disputes with China, Institute for International Law & Business (1994)
- ADR Provisions - Agreeing Upon and Drafting Pre-Dispute and Post-Dispute, American Intellectual Property Law Association (1993)
- Circumstances Where ADR Is Appropriate and Not Appropriate, American Intellectual Property Law Association (1993)
- Intellectual Property and Technology Issues, The Conference Board (1992)
- High Technology Dispute Resolution, The Bar Association of the City of New York (1989)
- Doing Business with the People's Republic of China, Commonwealth Club of California Business Economics Section (1986)
- Negotiating with Chinese Entities, Skills and Challenges, The Chinese Culture Foundation of San Francisco (1984)
- Subject Matter Jurisdiction, 17th Annual Advanced Antitrust Law Seminar, International Trade and the Antitrust Laws, Practising Law Institute (1977)
- Trade Secret Litigation, California Continuing Education of the Bar (1975)

Current Professional Activities

- Member, College of Commercial Arbitrators
- Member, American Bar Association, Antitrust, Dispute Resolution, and Intellectual Property Sections
- Member, American Intellectual Property Law Association
- Member, Northern California International Arbitration Club
- Co-Chair, Northern California Membership Committee, United States Supreme Court Historical Society

Prior Professional Activities

- Chair, California State Bar Committee on the Maintenance of Professional Competence
- Chair, Advisory Board, Institute for Law and Technology, Plano, Texas
- Director, American Arbitration Association

Current Community Service

- Member of the Board of Directors, Chair of Investment Committee, San Francisco Bay Area Council, Boy Scouts of America
- Member of the Board of Directors, Chinese Culture Foundation, San Francisco
- Member of Graduate Business School Advisory Council, San Francisco State University

Prior Community Service

- Trustee, University of San Francisco
- Trustee, Asian Art Museum, San Francisco
- Director, San Francisco-Shanghai Friendship City Committee
- Legal Counsel, Little Sisters of the Poor of Oakland, California
- Legal Counsel, The Junior League of San Francisco, Inc.

Seminars Attended in Last Three Years

- NERA Update: China Draft Rules for use of economic analysis and economic experts in Private Antitrust Litigation, 2011
- Annual Meeting, American Intellectual Property Law Association, 2011
- 10th Annual Meeting, College of Commercial Arbitrators, 2010
- 20th Annual Institute for Transnational Arbitration Workshop: Confronting Ethical Issues in International Arbitration, 2009
- Hong Kong International Arbitration Centre Adjudication Training and Assessment Update, 2009
- 7th Annual Miami Arbitration Conference: Increasing the Corporate Counsel Role in International Dispute Resolution, 2009
- Fast Forward: Uncertainties, Risks and Opportunities of Rapid Aging in China, Japan, and Korea, Stanford Asia Pacific Research Center and the Center for Longevity, 2009
- Presenting and Examining Financial Experts, Lorman Seminars, 2008
- Damages in International Arbitration, Strategies, Techniques & Presentation, 19th Annual Workshop of the Institute for Transnational Arbitration, 2008
- International Mergers and Acquisitions-Strategies and Trends, The Center for American and International Law, 2008
- New Mediation Practices and Techniques, 10th Annual American Bar Association Section of Dispute Resolution Spring Conference, 2008
- Applicability of the Foreign Corrupt Practices Act to International Business Transactions, University of California, Berkeley Law School (Boalt Hall), 2008
- Seminar on Outstanding Trial Work, Best Practices as Seen from The Bench, San Francisco Bar Association, 2008

Military Service

- Lieutenant, United States Army Artillery, Active Duty 1956-1958
- Lieutenant, Captain, United States Army Infantry, Reserves 1958-1964

Prior Federal Certificate and Licenses

- Merchant Seaman's Certificate, United States Coast Guard, ordinary seaman and wiper, 1956
- Private Pilot's License, Civil Aviation Administration, Single Engine Land, 1957, Single Engine Seaplane, 1959

Recent Awards

- Magnolia Silver Award, Shanghai Municipal Government (2011)
- Silver Beaver Award, San Francisco Bay Area Council, Boy Scouts of America (2011)

Foreign Language

- Conversational Mandarin Chinese

* * *

Rated AV in Martindale-Hubbell's 2011 Directory of California Lawyers.

www.dillinghammurphy.com

Dillingham & Murphy, LLP
225 Bush Street, 6th Floor
San Francisco, CA 94104
Phone (415) 397-2700 Fax (415) 397-3300