

MARKSADR, LLC



JONATHAN B. MARKS

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Marital Status: Married December 18, 1971 to Nina Waglé
Two Children -- Joshua Benegal Marks and Natasha
Marks Sardella -- Seven Grandchildren



SUMMARY OF EDUCATION

Harvard College (B.A.) 1966, *cum laude*
Harvard Law School (J.D.) 1972, *cum laude*
Editor, *Harvard Law Review*, Volume 84 (1970-71)
President, *Harvard Law Review*, Volume 85 (1971-72)

SUMMARY OF PROFESSIONAL EXPERIENCE

September, 1999 – Present: Mediator and Arbitrator, MARKSADR, LLC
August, 1994 – September, 1999: Vice-Chairman J·A·M·S/ENDISPUTE
• Chairman - Corporate Executive Committee
(Professional Practices and Procedures)
• Mediator and Arbitrator

1981-August 1994:
Chairman -- ENDISPUTE, Incorporated
Mediator and Arbitrator
1980-81 General Counsel -- United States International Development
Cooperation Agency
1979-80 Counsel and Associate Director for Planning and Evaluation --
Peace Corps
1976-79 Associate and Partner -- Munger, Tolles & Olson; Los Angeles
1973-76 Assistant United States Attorney for the District of Columbia;
Washington, DC
1973 Research Fellow -- Yale Law School

DETAILS OF EDUCATION

September, 1969
to June, 1972 Harvard Law School
J.D. *cum laude*
Harvard Law Review
Vol. 84 (1970-71);
Vol. 85 (1971-72)
President, Vol. 85

September, 1961 to June, 1966	Harvard College B.A. <i>cum laude</i> Field of Concentration: Biology Editor, <i>The Harvard Crimson</i> (1964-66)
September, 1957 to June 1961	Deerfield Academy

DETAILS OF LEGAL AND PROFESSIONAL EXPERIENCE

1982 to Present	ENDISPUTE, Incorporated J·A·M·S/ENDISPUTE MARKSADR, LLC
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Co-founder and Chairman of ENDISPUTE, Incorporated, the nation's first provider of a full range of dispute resolution and management services. After merger of Judicial Arbitration and Mediation Services and ENDISPUTE, in August 1994, Vice-Chairman of

J·A·M·S/ENDISPUTE, and Chairman of the firm's Executive Committee, which set professional practice policies for the firm's nationwide panel of former judges and attorney-neutrals. From September, 1999 to present, practice as Mediator/Arbitrator with MARKSADR, LLC.

Mediation and Arbitration. Over the past 40 years, mediated and arbitrated more than 1,500 major disputes, such as the following:

- Disputes involving the sale and acquisition of businesses.
- Disputes involving a wide range of commercial activities, including product development, production and technology transfer.
- Disputes concerning alleged attorney, accountant and other professional malpractice, as well as disputes involving claims against corporate officers and directors.
- Securities, consumer and antitrust class actions.
- Disputes involving government contract claims.
- Disputes involving insurance and reinsurance coverage.
- Disputes involving financial institutions and mortgage insurers.
- Disputes involving all aspects of construction.
- Disputes involving environmental claims.
- Enterprise computer software disputes.
- Real estate disputes.
- Antitrust disputes.
- Disputes involving patents and other forms of intellectual property.
- High stakes personal injury and product liability claims and lawsuits.

Examples of specific mediations and arbitrations include:

- A multi-party international commercial bankruptcy dispute.
- Dispute between major energy company and trustee of litigation trust relating to claims of creditors of bankrupt subsidiary.
- Disputes involving consumer claims arising from purchase of credit-related and insurance products.
- Multiple disputes involving branded and generic pharmaceutical

- companies, including antitrust, intellectual property and licensing claims.
- Dispute between foreign government's investment authority and U.S. financial institution arising out of equity investment.
 - A lawsuit between the seller and buyer of a major business and a major accounting firm, arising out of alleged breaches of the warranties in the sales agreement.
 - A controversy involving a major textile manufacturer and a smaller company over a technology development agreement.
 - A partnership dissolution, involving allocation of assets and resolution of differences of view over partnership agreement.
 - A dispute between the seller and buyer of a business over responsibility for certain customer claims, plus a follow-up dispute with the customer with the largest such claim.
 - Dispute between entities in broadcast industry relating to international joint venture.
 - Dispute between biotechnology company and joint venture partner and licensee.
 - Dispute between transportation company and contractors with regard to construction of transportation infrastructure.
 - Dispute between overseas company and U.S. supplier with regard to contract to export of a forest-related product.
 - Dispute between public companies relating to supply agreement involving the steel industry.
 - Dispute between chemical companies arising out of the sale of manufacturing facilities and assets.
 - A joint venture to recycle municipal waste.
 - A patent/antitrust lawsuit in the chemical industry.
 - A patent lawsuit in a high technology industry.
 - Antitrust dispute between U.S. Department of Justice and Microsoft.
 - Multiple disputes involving providers of computer hardware and enterprise software and their customers.
 - A dispute arising out of the dissolution of a real estate investment partnership.
 - A dispute arising out of the construction of a toll road.
 - A multi-party construction lawsuit arising out of major municipal water diversion project.
 - Construction disputes involving power plants, a performing arts center, a waste treatment plant and a host of other projects and buildings.
 - A post-judgment pollution dispute involving adjacent landowners, a developer and a major bank.
 - Various disputes between manufacturing companies and insurers over environmental insurance coverage for a large number of sites nationwide.
 - Various disputes between insurers and reinsurers over allocation of environmental and toxic tort liabilities.
 - Various class actions involving pre- and post-Reform Act securities disputes, and well as various other subject matters, such as defective products and health care insurance.
 - A multi-party dispute among membership electric cooperatives over governance issues.
 - A dispute involving a group medical practice over governance issues.
 - A dispute arising out of the termination of a subcontractor by a

- government contractor in a major defense project.
- Various disputes between government contractors and government subcontractors over military equipment and equipment to be used in space exploration.
- Alleged attorney malpractice in connection with leasing transactions.
- Dispute between competitors in the electronic video game industry involving claims of copyright infringement, patent infringement, unfair competition and false advertising.
- Multiple attorney and accountant malpractice lawsuits in connection with failures of banks and thrift institutions.
- Several different disputes between public pharmaceutical companies arising out of licensing agreements.
- Numerous claims and lawsuits by the FDIC and RTC involving claims against financial institution officers and directors, often also including claims against attorneys, appraisers and others arising out of a bank failure, with related insurance coverage issues.
- Lawsuits involving alleged attorney malpractice, with associated coverage litigation between law firms and insurers.
- A securities lawsuit involving a failed bank, a major investment house and over 100 individual plaintiffs.
- A multi-party antitrust lawsuit in the retail food industry.
- A non-personal injury product liability coverage dispute between a group of reinsurers and a manufacturer.
- A multi-party dispute arising out of an allegedly malfunctioning plant.
- Multi-party product liability lawsuits.
- Automobile crash worthiness cases involving deaths, life threatening burns and paralysis.
- Wrongful death actions arising out of claims of product defects in electrical and in manufacturing equipment.
- Injury and wrongful death claims arising out of the use of prescription drugs.
- Various disputes involving claims of sexual abuse.
- Various ERISA-related disputes.

Workshops and Training. Develop and participate in workshops, training programs and conferences on negotiation, legal decision-making and risk analysis, dispute resolution, mediation, litigation and legal management.

Over the past thirty years, have had a primary role in design and as a faculty member in more than 100 such workshops and other programs for corporations, government agencies, law firms, bar associations and judicial conferences.

**September, 1980
to March, 1981**

**General Counsel
International Development Cooperation Agency**

Senior IDCA Attorney. Provided general legal advice on areas of IDCA responsibility, which encompassed U.S. economic relations with the Third World, including bilateral and multilateral development assistance; served as counselor to IDCA Director on significant policy issues; took primary responsibility for matters involving role and structure of IDCA, including relations with the Agency for International Development, other IDCA components and other government entities, such as Office of Management and Budget; served as agency representative on "Christopher

Committee," which coordinated foreign policy decision-making on human rights matters; served as agency "Transition Officer," coordinating change of administration of agency with members of President-elect Reagan's Transition Team.

**July, 1979
to August, 1980**

**Counsel and Associate Director
for Planning and Evaluation; Peace Corps**

Senior Peace Corps Attorney. Provided general legal advice on all Peace Corps matters; served as senior counselor to Peace Corps Director on significant legal and policy issues; coordinated relations with ACTION General Counsel's office; took primary responsibility for reorganization of Peace Corps as autonomous agency within ACTION, including development of legal structure and implementation of new agency organization; led agency efforts on various legislative matters, such as Foreign Service Act of 1980.

Director of Peace Corps Office of Planning and Evaluation. Established and managed new Peace Corps Office of Planning and Evaluation, with responsibility for setting and monitoring organizational goals and objectives and for evaluating program performance; with Peace Corps budget officer, supervised development of integrated Peace Corps planning and budgeting system; supervised design and implementation of various program evaluations, including reviews of Peace Corps selection and training efforts and of Peace Corps education programs; participated in design and review of changes in other Peace Corps systems, such as that for requesting, recruiting and placing Volunteers.

**August, 1976
June, 1979**

**Partner and Associate
Munger, Tolles & Olson
Los Angeles, California**

Attorney in General Practice Law Firm. Practice primarily involved corporate and commercial litigation. Was fully or partially responsible for wide variety of cases, ranging from employment, construction and other contract disputes to federal and state antitrust cases, as well as matters involving state and local administrative and regulatory law. Significant involvement in two large patent validity, infringement and licensing cases with major antitrust components. Also involved in development and implementation of alternate dispute resolution mechanisms for large-scale litigation. Extensive pro bono work as Legal Counsel, member of Executive Committee and of the Board of Directors for Planned Parenthood/World Population of Los Angeles -- included corporate and administrative law matters, as well as participation in organization management and policy-making.

**September, 1973
July, 1976**

**Assistant United States Attorney for
the District of Columbia**

Federal Prosecutor. Extensive jury and non-jury criminal trial litigation; primary trial experience was with common law offenses, such as larceny, burglary and robbery; for six months was co-chief of "major violators unit," which reviewed new cases to identify repeat offenders and improve quality of trial preparation for these and other cases; spent fifteen months as appellate litigator, handling civil and criminal appeals both in United States Court of Appeals for the District of Columbia and the District of Columbia Court of Appeals; significant appellate cases included appeal of lower court decisions upholding constitutionality of President Nixon's conditional commutation of

Jimmy Hoffa's prison term and upholding constitutionality of procedures used in President Ford's amnesty program, as well as cases seeking changes in applicable insanity and diminished capacity standards in the District of Columbia.

OTHER ACTIVITIES

Peace Corps Volunteer -- Served in Maharashtra State, India, from 1966-68, in Peace Corps' first Family Planning project.

Military Service:

In August, 1974, completed six-year term of service as enlisted man and officer in Florida and Massachusetts National Guards and United States Army Reserve.

Served as S-2 (Security and Intelligence) Battalion Headquarters
1st Battalion, 241st Arms (Nike-Hercules Missile)
Natick, Massachusetts (July, 1970 to September, 1972)

Military Training:

October, 1968 to February, 1969	Basic and Advanced Individual Training at Fort Bliss, El Paso, Texas
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June, 1969 to June, 1970	Officer Candidate School Massachusetts Military Academy (two one-week camps Massachusetts National Guard and one weekend/month) Boston, Massachusetts.
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