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BIOGRAPHICAL DATA

David Everett WAGONER
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Date of Birth: May 16, 1928

Nationality: American

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

B.A., Yale University, 1950;
LL.B., University of Pennsylvania, 1953.

Admitted to Bar:

State of Washington – 1958;

District of Columbia – 1953;

United States Supreme Court – 1957;

Several United States District Courts and Courts of Appeals.

December 3, 2004

LANGUAGES

English

PRESENT POSITION

Arbitrator/mediator, International Arbitration Chambers, since 1996.

PROFESSIONAL BACKGROUND BEFORE PRESENT POSITION

Law Clerk to Hon. Justice Harold H. Burton, Jr., U.S. Supreme Court, 1956-57;
Law Clerk to Hon. Herbert F. Goodrich, U.S. Court of Appeals, Third Circuit, 1955-56;
Partner, Perkins Coie, Seattle, Washington, 1965-96 (joined Perkins Coie in 1957).

MEMBERSHIP IN PROFESSIONAL BODIES

Fellow, The Chartered Institute of Arbitrators, London
Member, North American Branch (Executive Committee);
Fellow, The Singapore Institute of Arbitrators;
Member, Swiss Arbitration Association (ASA);
Associate, Practising Category, Academy of Experts;
Honorary Overseas Member, The Commercial Bar Association, London;
Member, London Court of International Arbitration, North American Council;
The Institute for Transnational Arbitration, Advisory Board;
Fellow, American College of Trial Lawyers; Legal Ethics and Professionalism Committees;
Commission on Judicial Independence and Separation of Powers;
Chairman, American Bar Association (ABA), Standing Committee on Federal Judicial
Improvements;
International Law and Practice Section, International Commercial Arbitration Committee;
Torts and Insurance Section, Appellate Advocacy Committee, Past Chairman;
International Bar Association (London) (IBA), Committees on Procedures for Settling Disputes and
International Litigation, Asia Pacific Forum;
Inter-Pacific Bar Association, Dispute Resolution and Arbitration Committee;
Washington State Bar Association, Alternate Dispute Resolution Section;
Contributing Author, Washington Civil Procedure Before Trial Deskbook;
National Institute for Trial Advocacy, Faculty;
Associate Member, Society of Professionals in Dispute Resolution (SPIDR);
Member, Corporate Counsel Committee, AAA.

AREAS OF SPECIALIZATION

International and domestic dispute resolution;

Thirty-six years of experience in commercial and complex litigation, including international, securities and antitrust litigation, world-wide investigation of overseas sales and business practices of a major American manufacturer, and arbitration and mediation of commercial disputes.

EXPERIENCE IN INTELLECTUAL PROPERTY

Handled for The Boeing Company a major piece of litigation involving an employee's rights in ideas submitted to the Company. The issues included interpretation of an employee invention agreement, patent rights, intellectual property rights generally, shop rights and other equitable defenses, and waiver of rights. The case was heard at both the trial and appellate court levels.

MAJOR PUBLICATIONS

Speaking and Teaching Engagements:

Prepared and presented a paper entitled "Practical Aspects of Dispute Resolution Provisions in International Business Agreements" at a joint seminar co-sponsored by Perkins Coie and Judicial Arbitration & Mediation Services, Inc., November 1992;

Prepared and presented a paper on "Russian Insurance Law and Arbitration" at the London Colloquium sponsored by the British Insurance Law Association, July 1993;

Panelist: "Assuring Neutrality In The Face of International and Regional Differences: Legal, Political, Business and Cultural Considerations," Third Annual Northwest Alternative Dispute Resolution Conference, University of Washington School of Law, September 1993;

Presenter: "International Dispute Resolution," Symposium, University of Puget Sound School of Law, 1994;

Prepared and Presented Paper on "A Call for Mediation and Other Forms of ADR to Resolve International Business Disputes" at Eleventh International Congress of Maritime Arbitrators, Hong Kong, May 1994;

Conference document, ICCA/ China International Economic & Trade Arbitration Commission (CIETAC), Beijing, June 1994;

Prepared and Presented Paper on "An Analysis of the Advantages of Agreeing to Use CIETAC Dispute Resolution in an International Transaction With a Chinese Business," Seminar, Beijing, September 1994;

Speaker: International Practitioners' Workshop Series: How to Conduct Pretrial Proceedings in International Arbitration, Spring Meeting, ABA Section of International Law and Practice, New York, April 1995;

Faculty: International Commercial Arbitration Training, The Chartered Institute of Arbitrators (North American Branch) and The Centre for Conciliation and Arbitration (St. Mary's University School of Law), San Antonio, Texas, May 1995;

Speaker: American Arbitration Association (AAA) Corporate Counsel Committee, "Arbitrating with Chinese Parties," New York, May 1995;
Faculty: Entry Level Course and Special Fellowship Course, The Chartered Institute of Arbitrators, Vail Colorado, August 1995;
Speaker: Globalization and Harmonization of Basic Notions in International Arbitration: Arbitration Procedures, Arbitration Conference of International Federation of Commercial Arbitration Institutions, Hong Kong, November 1995;
Faculty: International Arbitration, Entry Level Training Workshop, AAA/The Chartered Institute of Arbitrators, Vancouver, B.C., May 1996;
Prepared and presented a paper: "Harmonization of Procedures in International Arbitration," 11th Commonwealth Law Conference and Canadian Bar Association, Vancouver, B.C., August 1996;
Faculty: International Arbitration, Entry Level Training Workshop, American Arbitration Association/Chartered Institute of Arbitrators, Boston, September 1996;
Faculty: International Arbitration Workshop, WIPO, Geneva, November 1996;
Faculty: International Arbitration, Entry Level Training Workshop, American Arbitration Association/The Chartered Institute of Arbitrators, Stanford University, March 1997.

Articles

"Tailoring the ADR Clause in International Contracts," *Arbitration Journal*, June 1993;
"The New Russian Insurance Law and Arbitration Agreement will help Western companies resolve commercial disputes in Russia and Eastern Europe," *International Business Lawyer*, Section on Business Law, International Bar Association, January 1994;
"David Wagoner Recommends Using a Neutral Expert in International Disputes," *Lawyers' Magazine*, London, April 1994, reprinted, *Singapore Institute of Arbitrators Newsletter*, November 1994;
"Interim Relief in International Arbitration," *Arbitration*, 1996, 62, JCI Arb. 2, pp. 131-136;
Dispute Resolution Journal, October 1996, vol. 51, No 4, pp. 68-73.

EXPERIENCE IN COURT LITIGATION

Representation of Algerian National, residing in Geneva, arising out of his attachment of assets and bringing of criminal proceedings in Switzerland, claimed to be wrongful in suit in California;
Claim by Swiss resident against London resident for fraud in connection with sale of land in Washington (negotiated in Europe);
Defense of action by foreign airline against American manufacturing company in connection with foreign sales and overseas payments, related litigation and grand jury investigation;
Action by trustee of bond holders to reallocate common costs in twin nuclear projects;
Suits by utility against manufacturer of nuclear reload fuel for breach of supply contract and fraud;
Defense of American League in suit by governmental authorities alleging wrongful transfer of baseball franchise;
Suit by owner of coal silo against silo designer arising out of collapse of silo;

Valuation of minority interest in closely held potato processing corporation;
Representation of oil company in dispute with state over shipment of oil in supertankers;
Suit against insurance company which denied property loss coverage following destruction of a dam;
Dispute over coal mine royalties and alleged breach of lease of coal lands; defense of minority shareholder's suit alleging oppressive conduct by majority and for an accounting;
Representation of a bank as trustee in suit by beneficiary claiming breaches of fiduciary duty;
Defense of proxy fight and takeover litigation; proceedings to partition and dissolve a real estate development partnership;
Representation of railroad in action to determine the meaning of mineral reservations in land deeds;
Defense of suit by State Attorney General claiming price fixing in violation of antitrust laws in bidding on procurement by state agency;
Representation of government agency against a brokerage house trading in futures, options and GNMA's (mediated settlement).

PROFESSIONAL TRAINING IN MEDIATION

"Mediation Training & Conflict Resolution Skills Course and a Comprehensive Skill Building Program in Principles of Mediation," sponsored by the Institute for Conflict Management, Inc. and the AAA, April 1992;
Conference, "Resolving International Business Disputes, A Business Perspective on Negotiations, Conciliation and Arbitration in the Asian-Pacific Region," The Center for International Commercial Dispute Resolution and the AAA (Asia/Pacific Center), Honolulu, October 1993;
Master Mediation Seminar, Track Two Advanced Mediator Training, CPR Institute for Dispute Resolution, Inc., June 1994.

PROFESSIONAL TRAINING IN ARBITRATION

"A Comprehensive Skill Building Program on the Principles of Arbitration," sponsored by the AAA, November 1992;
Advance Training in Commercial Arbitration by video, sponsored by the AAA, December 1992;
Securities Arbitrator Training by video, sponsored by the N.Y.S.E. and the AAA, December 1992;
Arbitrator Training, Large, Complex Case Program, sponsored by the AAA, June 1993;
Arbitrator Training, Disciplinary Referrals as an extension of the Arbitration Process, NASD, August 1993;
Advanced Arbitrator Training Course, sponsored by Singapore International Arbitration Centre, Asian Pacific Center of the AAA and Singapore Institute of Arbitrators, Singapore, November 1993;
NASD Advanced Arbitrator Training, "The Role of the Chairperson/Managing the Large Complex Case," Seattle, February 1994;

Special Fellowship Course, Chartered Institute of Arbitrators (CIA), Hong Kong, May 1994.

EXPERIENCE IN MEDIATION

Appointed by the AAA as mediator in two cases to date;
Chosen to mediate a dispute between a major restaurant chain and the holder of multiple franchises under the CPR Procedure for Resolution of Franchise Disputes;
Appointed as Mediator from the panel of Arbitrators/ Mediators of the U.S. District Court, Western District of Washington, in one case to date;
Some years ago as a member of the Seattle School Board, mediated several disputes between teachers' organizations and school boards over wages and other terms of conditions of employment;
Counsel for a government agency against a brokerage house involving trading in futures, options and GNMA's with a claim of over \$38 million which was settled in mediation;
Counsel for a public utility in the mediation of a dispute over the sharing of common costs of twin nuclear projects in excess of \$100 million;
Counsel for a company with a long-term contract to purchase a by-product of a plant owned by an oil company in the mediation of a \$30 million claim arising out of the closure of the plant.

EXPERIENCE IN ARBITRATION

Representation on Arbitration Panels

Asia/Pacific Center for the Resolution of International Business Disputes, International Panel of Arbitrators;
The Commercial Arbitration Association of the Republic of China, Panel of Arbitrators for International Disputes;
Hong Kong International Arbitration Centre;
British Columbia International Commercial Arbitration Centre, International Arbitrator, Panel for Commercial Disputes;
ASA;
Dubai Chamber of Commerce & Industry;
G.C.C. Commercial Arbitration Centre, Bahrain;
Center for International Dispute Resolution for the Asian/Pacific Region, Panel of Arbitrators;
AAA International Task Force on NAFTA;
AAA, large, complex case panel of arbitrators;
AAA, Beijing-United States of America Conciliation Center Advisory Committee;
CPR Institute for Dispute Resolution, Inc., At Large Panel of Distinguished Neutrals;
New York Stock Exchange, Panel of Arbitrators;
NASD Board of Arbitrators;
National Futures Association (NFA), Panel of Arbitrators;
AAA, National Panel of Securities Arbitrators;

King County Superior Court, Washington, Mandatory Arbitration Program, Panel of Arbitrators;

United States District Court, Western District of Washington, Panel of Arbitrators/Mediators;
CIETAC Panel of Arbitrators.

Arbitrations

Selected by the British Columbia International Commercial Arbitration Centre as a “party” arbitrator in a dispute between Canadian and Netherlands companies and appointed as the sole arbitrator in a franchise dispute between Canadian and Korean companies subject to UNCITRAL Arbitration Rules and British Columbia Law. Issued a 54-page Final Award in the Korean/Canadian case;

Appointed by the International Court of Arbitration of the ICC in Paris as the sole arbitrator in a licensing/royalty dispute between Canadian and Korean companies subject to ICC rules. Issued a 66-page Final Award;

Appointed by the American Arbitration Association as (a) Sole Arbitrator of a dispute concerning the supplying of commemorative books for the Barcelona and Albertville Olympic Games, (b) Co-Arbitrator of a panel for a large, complex commercial case, (c) Sole Arbitrator of a major multi-million dollar commercial dispute over the purchase of electrical power. Issued a 76-page Final Award in the power purchase case;

Nominated by the CPR Institute for Dispute Resolution, Inc. as Neutral Chair of an arbitration panel and asked to serve by the other arbitrators in a major dispute involving the construction of a yacht;

Appointed as sole arbitrator under the Mandatory Arbitration Program on the King County Superior Court, Washington, in seven cases to date;

Appointed as presiding arbitrator in eight securities disputes by the NASD;

Some years ago as a member of the Seattle School Board, he arbitrated a number of disputes concerning the termination of school employees;

Counsel for American company in a dispute with a Chinese firm in CIETAC arbitration in Shenzhen, China, with three arbitrators, in both Mandarin and English languages;

Counsel for an Indonesian company in a joint venture dispute with European companies being arbitrated in Singapore before the Singapore International Arbitration Centre;

Counsel for American company in an ICC arbitration proceeding against a German company, the arbitration being held in Geneva, before an Austrian arbitrator, in both the English and German languages;

Counsel for an aircraft manufacturer in an arbitration to determine fair rental under lease of county land (over \$50 million-at issue);

Counsel for the same aircraft manufacturer in a subsequent arbitration to determine fair rental under the lease;

Counsel for a law firm in an arbitration to determine a claim by a lawyer following his termination;

Counsel for a private school in an arbitration instituted by parents who claimed that the school did not have the special education programs which were allegedly promised;

Counsel for a partner in arbitration proceedings to dissolve a complex partnership involving a large

number of business.

ARBITRATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA	3		3		
	ICC	4		1	2	1
	Ad Hoc	1			1	
	BCICAC	2		1	1	
	CIETAC	1				1
	SIAC	1				1
Number of cases: sub-total		12		5	4	3
Domestic Arbitrations	AAA	4	1	1	2	
	CPR	1	1			
	NASD	9	7		2	
	Court	7	7			
	School Board	5	5			
	Ad Hoc	5	1			5
Number of cases: sub-total		31	22	1	4	5
TOTAL		44	22	6	8	8

MEDIATION EXPERIENCE

SUMMARY TABLE

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations	CIETAC	1		1
	Ad Hoc			
Number of cases: sub-total		1		1
Domestic Mediations	AAA	2	2	
	CPR	1	1	
	Court	4	1	3
	School Board	3	3	
Number of cases: sub-total		10	7	3
TOTAL		11	7	4