



Mark Mazzarella – Extended Biograph

Of Counsel/Mediator/Arbitrator/Referee
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SUMMARY

I have been a trial lawyer practicing in San Diego for nearly 50 years. I began my career at Luce, Forward, Hamilton & Scripps in 1978 and became chair of its 60-member trial department and its six-member Management Committee in 1986. In 1990, I left Luce Forward to establish the trial department at the San Diego office of Allen, Matkins, Leck, Gamble & Mallory. In July 1991, I left Allen Matkins to open my own firm. I joined Duckor Metzger & Wynne, APLC in May 2024, where I continue my trial practice and conduct mediations, arbitrations and serve as a referee.

I am an active member in many legal associations, including having served in leadership positions for some of the State's most pivotal professional organizations for lawyers. I teach, lead seminars and am a prolific writer, having co-authored the *New York Times* and international bestseller, "Reading People" (Random House 1998) and "Put Your Best Foot Forward," (Simon & Schuster 2000) with jury consultant Jo-Ellan Dimitrius.

PEER REVIEW RECOGNITION

- *The San Diego Daily Transcript*, San Diego's Top Attorneys, Corporate Litigation
- America's Top 100 Best of the Company Litigators
- America's Top 100 High Stakes Litigators
- Best Lawyers in the United States, Real Estate Litigation
- San Diego Super Lawyers
- *San Diego Business Journal*, Best Attorneys
- *San Diego Magazine*, Best Attorneys
- *New York Times*, Best Attorneys
- *Los Angeles Magazine*, Best Attorneys
- Martindale Hubbell AV-Preeminent Rated

EDUCATIONAL BACKGROUND

- United States International University, California Western College, San Diego, California, 1975: Graduated first in my class while working 36 hours per week during the school year and full time during the summers managing a retail nursery.
- University of California, Los Angeles School of Law, 1978: Member of the *UCLA Law Review*, Moot Court Honors Program, Standards Committee and Admissions Committee, and received the honor of addressing my graduating class at the 1978 commencement ceremonies of the UCLA School of Law. I also worked as a law clerk 30 hours per week during the school year and full-time during the summers while in law school.

LAW FIRM EXPERIENCE

Luce, Forward, Hamilton & Scripps

- Associate (1978 – 1984)
- Partner (1984 – 1990)
- Member of the firm’s Management Committee
- Chairperson of the firm’s Trial Department of 60 attorneys and 40 paralegals and document clerks (1986 – 1990)

Allen, Matkins, Leck, Gamble & Mallory

- Partner and Chair of the Trial Department of the San Diego office of the firm (1990 - 1991)

Mazzarella Dunwoody LLP – Mazzarella Law APC

- Founding, Managing and Senior Member of Mazzarella Law APC and its predecessor firms (July 1991 – May 2024)

Duckor Metzger & Wynne PLC

- Of Counsel and Mediator/Arbitrator/Referee (May 2024-present)

BAR ASSOCIATION RELATED ACTIVITIES

The Litigation Section of the California State Bar

From 1988 through 2000, I was an advisor (6 years), member (3 years) or officer (secretary, vice-chair and chair) of the Litigation Section of the State Bar of California.

San Diego County Bar Association

I have been both a delegate to (1984) and a floor leader of (1985) the San Diego County Bar Association’s Delegation to the Annual Conference of Delegates at the State Bar of California’s

Annual Meeting. I have also spoken at dozens of San Diego County Bar Association MCLE programs on many topics over the years.

The Association of Business Trial Lawyers - San Diego

When the original chapter of The Association of Business Trial Lawyers in Los Angeles decided to expand to San Diego in 1992, after starting a Bay Area Chapter a year earlier, I was approached by the ABTL - Los Angeles Board to choose the Board of ABTL - San Diego Board and to serve as its first president. I served two, one-year terms.

The Guidelines for Ethics, Professionalism and Civility.

I was the principal draftsman of the "Guidelines for Ethics, Professionalism and Civility" to which, in 1993, 50 of San Diego County's largest law firms pledged to adhere. In drafting the Guidelines, I worked closely with representatives from the courts and each of the local bar organizations that had promulgated similar guidelines, or were interested in doing so, to build a consensus among the local bar organizations for adoption of the Guidelines.

The San Diego County Committee on Bench/Bar Relations.

In the wake of the bribery indictments, and ultimately the convictions, of three San Diego County Superior Court judges and a San Diego attorney in the mid-1990s, I was asked to chair an *ad hoc* Committee on Bench/Bar Relations, consisting of a judge representing the San Diego Municipal Court, the San Diego Superior Court, the U.S. District Court for the Southern District of California, the U.S. Bankruptcy Court for the Southern District of California and the California Court of Appeal for the Fourth District. The Committee examined the Rules of Professional and Judicial Conduct and related legislation and regulations to determine acceptable levels of interaction between the bench and the bar.

American Bar Association

I have been a member of the American Bar Association Advisory Panel.

U.S. District Court for the Southern District of California and the U.S. Court of Appeals for the Ninth District

In 2007 I was appointed by the Chief Judge of the U.S. District Court of the Southern District of California to a three-year term as a lawyer representative to the U.S. Court of Appeals for the Ninth Circuit Judicial Conference.

BAR ADMISSIONS

I am licensed to practice law in all California state courts and before the U.S. District Courts for the Southern, Central, Northern and Eastern districts of California. I have also been admitted pro hoc vice in other jurisdictions.

REAL ESTATE EXPERIENCE

I am licensed as a real estate broker by the California Department of Real Estate. I have been a principal in the development or rehabilitation of over 800 residential units in California and Texas.

REQUESTS TO COMMENT UPON LEGISLATION, REGULATIONS AND RULES

I have been asked to comment upon legislation, regulations and rules by, among others:

- The Judicial Council of The State of California
- The California Judges Association
- The California State Senate
- The California State Assembly
- The United States Department of Justice
- The Superior Courts of the State of California, for the Counties of San Diego, Orange and Los Angeles

TEACHING AND TRAINING EXPERIENCE

I have made hundreds of presentations for CLE or other educational purposes in 18 states and three countries for the following organizations, among others:

Academic Institutions

- California Western School of Law
- Thomas Jefferson School of Law
- CEB, a joint venture of the University of California and the State Bar of California
- San Diego State University
- The University of San Diego, School of Business
- UCLA School of Law

State and Federal Bar Associations and Sections

- The American Bar Association
- The Criminal Law Section of the State Bar of California
- The Litigation Section of the State Bar of California
- The Los Angeles County Bar Association
- The Ontario Bar Association, Toronto, Canada
- The Orange County Bar Association
- The San Diego County Bar Association
- The State Bar of California

Private Bar Associations

- The Association of Business Trial Lawyers - Central Valley/Fresno
- The Association of Business Trial Lawyers - Los Angeles

- The Association of Business Trial Lawyers - Orange County
- The Association of Business Trial Lawyers - San Diego
- The California Young Lawyers Association
- The Consumer Lawyers of California, formerly The California Trial Lawyers Association
- The Consumer Lawyers of San Diego, formerly The San Diego Trial Lawyers Association
- The Federal Bar Association
- The Federation of Insurance and Corporate Counsel
- The Lawyers Club of San Diego
- The Barrister's Club

Inns of Court

- The American Inns of Court (In which I became a Master in 1993)
- The San Diego Inns of Court

Trade Associations

- The American Trucking Association
- The California Association of Certified Public Accountants
- The Forensic Expert Witness Association
- The International Association of Hospitality Consultants
- The National Association of Certified Public Accountants
- The North American Riding for the Handicapped Association
- The UCLA Hotel Industry Investment Conference
- The National Association of Unemployment Appeals Board Judges

Law Firms

- The Law Firm of Cozen & O'Connor
- The Law Firm of Duckor, Spradling, Metzger & Wynne
- The Law Firm of Gordon & Rees
- The Law Firm of Higgs, Fletcher & Mack
- The Law Firm of Luce, Forward, Hamilton & Scripps
- The Law Firm of McKenna, Connor & Cuneo
- The Law Firm of Pillsbury, Madison & Sutro
- The Law Firm of Post, Kirby, Noonan & Sweat
- The Law Firm of Procopio, Cory, Hargreaves & Savitch
- The Law Firm of Sheppard, Mullin, Richter & Hampton

Private Contractor Education Providers

- Law Seminars International
- Pincus Seminars
- Richmond Events, Human Resources Forum
- Richmond Events, Marketing Forum
- The Learning Annex, San Diego

- The Learning Annex, Los Angeles
- The Learning Annex, New York City
- The National Institute for Trial Advocacy

Criminal Law Organizations

- The California Association of District Attorneys
- The National College of District Attorneys
- The Office of the District Attorney of the County of San Diego
- The Office of the District Attorney of the County of Los Angeles
- The Office of the Public Defender for the County of San Diego

LEGAL COMMENTARY

I have been interviewed regarding legal issues or the impressions people make on one another for over 200 television and radio programs, including:

- “CBS This Morning”
- “The O’Reilly Factor” with Bill O’Reilly
- “Larry King Live”
- Dozens of interviews on national broadcasts on CNBC, MSNBC, NBC, CBS, ABC, FOX, CNN and COURT TV and many more on local and regional television
- “Extension 720” with Chuck Rosenberg, WGN Radio, Chicago, IL
- “Hardball” with Chris Mathews
- Home & Family, The Lifetime Network
- Judith Regan, FOX News
- National Public Radio,
- “Saturday Morning” with Tony Snow
- “Something You Should Know” with Mike Caruthers, Washington D.C.
- “The Dan Abrams Report”
- “The David Brudnoy Show,” WBZ Radio, Boston, MA
- “The Edge” with Paula Zahn
- “The Kathleen Crier Report”
- “The John Walsh Show”
- “The Wayne La Piere Show,” CBS Radio, Washington D.C.
- EXTRA

CONSULTATION AND TESTIMONY AS AN EXPERT ON LEGAL AND ETHICAL ISSUES

I have been a consultant and expert witness on numerous occasions, for both plaintiffs and defendants, and have testified in deposition and/or in trial on approximately 15 occasions.

I also have worked with senior executives from over 30 Fortune 500 companies, as well politicians, attorneys and witnesses throughout the United States to help them enhance the impression they make upon the public, the media, judges and juries.

REPRESENTATION OF CLIENTS IN LITIGATION INVOLVING ETHICS AND THE RULES OF PROFESSIONAL RESPONSIBILITY

I have been counsel of record in several cases that have led to leading published appellate court decisions pertaining to the professional responsibility of attorneys, including: *Johnson v. Sheppard Mullin* and *Buehler v. Sbardellati*.

REPRESENTATION OF CLIENTS IN HIGH-PROFILE CASES

I have represented clients in many high-profile cases, including:

- I was trial counsel for Jason Daubert and Eric Schuller in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, which was selected by *The American Lawyer Magazine* as one of the 10 most important cases of the 20th century.
- I represented the Peregrine Litigation Trust in *PLT v. Moores*, in which the Trust recovered \$123,367,000 from the Peregrine officers and directors, the most ever recovered in an insider trading case in the U.S.
- I successfully represented Ady Gil in an International Arbitration before the AAA in Washington, D.C., recovering damages for the sinking of the ship Ady Gil by a Japanese whaling vessel in the Southern Ocean, as filmed on Animal Planet's "Whale Wars" television show.
- I served as a trial consultant for the Los Angeles County District Attorney in the prosecutions of four LAPD Rampart Division officers who were charged with framing suspects.
- I represented the family of Judy Resnik, who was killed in the Space Shuttle Challenger explosion.
- I represented actor Edward James Olmos in a dispute relating to a series of Hispanic Festivals in San Diego and elsewhere.

TRIAL EXPERIENCE

I have tried almost 100 cases before judges, arbitrators and juries, the vast majority to verdict before juries.