



Barbara A. Reeves, Esq., CEDS

Mediator, Arbitrator, Referee/Special Master, Neutral
Evaluator, Hearing Officer, Temporary Judge/Judge Pro
Tem

Contact Information

Joshua Kroll

1925 Century Park East 14th Floor
Los Angeles, CA 90067
T: 310-309-6206
F: 310-396-7576

Barbara A. Reeves, Esq. serves as a mediator and arbitrator in complex business and employment litigation pending throughout the United States, including antitrust and employment class actions, litigation involving mergers and acquisitions and partnerships, healthcare industry claims, including claims arising under the False Claims Act, intellectual property disputes including patents, copyrights and trade secrets, consumer class actions, cybersecurity and cyberbreach matters, environmental coverage cases, and other commercial disputes.

In mediations, she has developed and implemented a pre-mediation protocol of joint and separate conferences with representatives of all parties, facilitating the exchange of information and mediation statements in advance, and preparing an agreed agenda for the mediation session. She carefully reviews all materials and speaks with the parties' counsel in advance of in-person sessions to understand the interests of each party. She is strong, good at listening and reading people, and a tenacious closer. She quickly establishes rapport with parties and counsel and enables them to

recognize their legal risks. She connects and communicates with clients emotionally involved with their positions and works to find mutually acceptable solutions. As a former corporate counsel and litigator, she is also able to establish the trust and confidence of both in-house lawyers and litigation counsel.

Ms. Reeves is ranked on the exclusive "Nationwide Mediators" List, Chambers USA (2016-2023), where she is recognized as "knowledgeable, well prepared and effective" who "combines very strong subject matter expertise across a variety of topics with a deft ability to handle numerous and strong-willed counsel."

As an arbitrator, Ms. Reeves is known to be fair, practical, and not afraid to make tough decisions. She is also methodical in her preparation for arbitrations. She encourages combining other ADR techniques with the arbitration process to conserve time and resources. Ms. Reeves carefully analyzes parties' briefs and cited authorities, gives parties ample time to present oral argument on motions, and writes rulings and awards that explain her factual findings and legal analysis. She provides objective evaluations of the legal and factual strengths and weaknesses of each case in order to assist parties in resolving their disputes in an economic and rational manner.

Ms. Reeves has experience conducting domestic and international arbitrations under various institutional rules, including JAMS, JAMS International, ICC, ICDR, AAA, CPR, and the Court of Arbitration for Sport (CAS). She was a member of the AAA Complex Case Panel, prior to joining JAMS.

Before becoming a full-time neutral, Ms. Reeves had an extensive and varied litigation and business counseling practice, clerking with the Ninth Circuit Court of Appeals (Hon. Alfred T. Goodwin), as a trial attorney with the United States Department of Justice, Antitrust Division in Washington, D.C. and as Chief of the Los Angeles Office, a partner at national law firms, and as Associate General Counsel and Vice President for Southern California Edison and Edison International with responsibility for litigation and regulatory matters, as well as Procurement/Supply Chain, Real Estate and Transportation.

She is a Fellow of the Chartered Institute of Arbitrators and the College of Commercial Arbitrators (President-elect 2022-23), and a certified mediator with the International Mediation Institute. She is also a certified e-discovery specialist. She received her J.D. *cum laude* from Harvard Law School.

Representative Matters

- **Antitrust**

Ms. Reeves has handled antitrust matters since beginning her career with the Antitrust Division of the US Department of Justice, continuing into her years in private practice, and into her work as an arbitrator and mediator.

- Served as an arbitrator in international cases involving Standard Development Organizations, Standard Essential Patents (SEPs) and FRAND licensing
- Mediated antitrust cases involving patent disputes in the pharmaceutical industry
- Served as a mediator in antitrust class actions including "no poach" class actions in a range of industries from technology to trucking to fast food franchises, and in price fixing consumer class actions. Mediated indirect purchaser class actions involving computer components, pharmaceuticals, life insurance and telecommunications industries
- Arbitrated and mediated cases in the developing field of competing digital platforms; mediated cases involving competition in the entertainment industry as impacting employees and distribution arrangements; distribution joint ventures in the recording industry

- Mediated civil damages actions arising from distribution arrangements, including refusals to deal, boycotting and tying arrangements
 - Arbitrated and mediated disputes involving joint ventures in the healthcare and biotech industries
 - Arbitrated and mediated numerous cases involving California's Unfair Competition Act and False Advertising Act.
 - Served as a mediator in a dispute arising out of an alleged anticompetitive joint venture and distribution arrangement in the recording industry
 - Provided antitrust counseling on mergers and acquisitions while in private practice
- **Business/Commercial**
 - Mediated broad range of business interruption commercial disputes including procurement and supply chain problems arising out of COVID-19 and geo-political disruption
 - Mediated partnership and corporate governance disputes involving professional business, legal and medical corporations and partnerships, and valuation of the businesses
 - Mediated disputes involving investment fraud, investment advisors and breach of contract
 - Mediated qui tam and False Claims Act cases involving a diverse array of industries, including supplies to military bases, aerospace and healthcare
 - Arbitrated disputes involving Standby Letters of Credit and alleged securities fraud
 - Arbitrated and mediated disputes arising out of mergers and acquisitions, including alleged fraud and corporate disclosure issues
 - Mediated partnership and closely-held corporate dissolution cases, including professional corporations and partnerships, involving payments and ownership, removal of general partner, fiduciary duties, accounting, mismanagement and misappropriation
 - Arbitrated and mediated disputes involving ownership of cannabis businesses
 - Mediated disputes involving violations of state and federal consumer protection acts, including unauthorized collection and use of a consumer's personal information, Unfair Competition Law, false advertising, and the Telephone Consumer Protection Act (TCPA)
 - Served as a mediator in several *qui tam* and False Claims Act cases involving parallel civil and criminal proceedings against government contractors in diverse industries, including health care, aerospace, and food and beverage concessions
- **Construction and Engineering**
 - Mediated an engineering dispute involving the construction of highway bridges
 - Mediated international cases involving construction of wind turbines for electricity generating units
 - Mediated disputes arising out of qualified facility power plant construction
- **Employment**
 - Arbitrated and mediated numerous employment discrimination matters involving wrongful termination, disability discrimination, whistle blower claims, retaliation, constructive discharge, and sexual harassment, including class actions and mass actions
 - Arbitrated and mediated labor code violations, including wage and hour class actions.
 - Mediated claims by senior executives of alleged breaches of employment contract

- Mediated US Equal Employment Opportunity Commission (EEOC) complaints (pre- and post filing) and assisted in structuring consent decrees
 - Mediated class actions alleging “no poach” agreements
- **Energy**
 - Practiced for many years handling litigation and regulatory matters for electric public utility, alternative energy providers and co-generators
 - As Associate General Counsel at a utility company, handled disputes in energy industry involving public utility matters, natural gas pricing disputes, cogeneration construction disputes, environmental issues, and construction contracts
 - Mediated dispute involving construction of a wind farm
 - Mediated and was in-house counsel handling claims of breach of Power Purchase Agreement between a power company and a renewable power project developer
- **Entertainment and Sports**
 - Arbitrated and mediated claims between film producers, investors and insurance companies, both domestic and international, arising from production and distribution of independent films, including international tax incentives, and post-production services
 - Arbitrated and mediated claims for copyright infringement and breach of contract involving non-fungible tokens (NFTs), e-sports, video games, film, music, and music catalogues
 - Mediated business disputes, including partnership disputes, personnel and talent disputes, profit participation, and stock options
 - Mediated trade secret and employment disputes between studios, new media, and streaming platforms
 - Arbitrated and mediated employment disputes in the entertainment industry
 - Serves as an arbitrator on the Court of Arbitrations for Sports (CAS), handling a range of cases including cases involving sports federation governance, doping and interpretation of rules, Olympic qualification disputes, involving equestrian, track and field, ice skating, swimming, and weightlifting
- **Environmental**
 - Mediated environmental coverage/pollution exclusion matters involving Superfund sites throughout the U.S.
 - Mediated Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/Superfund cost recovery actions
 - Mediated a private CERCLA action, and cross-claims, between owners and neighboring owners of an industrial site
- **Health Care**
 - Mediated contract disputes between and among biotech companies and drug manufacturers over various issues, including failure to use proper marketing efforts, wrongful termination of development agreement, and supply chain disruption
 - Mediated insurance reimbursement cases alleging fraud, RICO and False Claims Act violations on the part of out-of-network providers
 - Arbitrated and mediated health care joint venture, mergers and post-acquisition disputes, and dissolution of practice groups
 - Arbitrated and mediated major reimbursement disputes between hospitals and health care plans and insurance companies involving issues of reasonable value, the “usual, customary and reasonable” rate (UCR), Medicare coverage, managed care, use of leased networks, stability determinations and alleged inappropriate

coding, risk sharing, ERISA preemption, and administrative issues complex payor/provider disputes involving reimbursement for past claims, and future contract terms

- Mediated and arbitrated employment disputes in the healthcare sector involving physicians, medical groups and hospitals (including covenants not to compete and whistleblower complaints)
- Mediated disputes relating to Mental Health Parity Act, including a major out-of-network class action
- Arbitrated disputes arising out of private equity buyouts of health care systems
- Mediated qui tam fraud and abuse cases under federal and state False Claims Act (FCA) statutes, both with and without government intervention
- Mediated reimbursement and fraud disputes involving substance use disorder clinics and healthcare plans alleging unfair and illegal practices

- **Insurance**

- When in private practice, and more recently as a mediator, handled international and domestic insurance coverage disputes involving environmental contamination
- When in private practice, and more recently as a mediator, handled breach of contract and bad faith action by officers and directors and insurance company in connection with losses arising from a leveraged buyout
- Mediated cyber breach case involving issues of insurance coverage
- Mediated mass action employment sexual harassment case and allocation of indemnification and defense costs.

- **Intellectual Property**

- See Antitrust above for a description of recent Antitrust and Intellectual Property matters
- Arbitrated and mediated trade secrets disputes involving alleged theft of technology, strategic plans, confidential information, and customer information by former employees and by former joint venture partners, in industries including entertainment, autonomous vehicles, cloud computing, pharmaceuticals, medical equipment, electrical equipment, computer chips, sports agency, performance supplements and cannabis
- Arbitrated and mediated patent and technology disputes involving a wide variety of industries and fields, including voice recognition patented technology, licensing of technology used in flat screen panels, SEP and FRAND licensing in several industries, biosimilars, traffic control technology, diagnostic treatment methods, Global Positioning System (GPS) applications, development and marketing of a point-of-care screening test
- Mediated copyright disputes involving music sampling, screen play submissions, fashion design, artificial intelligence, and original art works
- Arbitrated disputes involving licensing or validity of software, hardware, semiconductor, switching, internet tool, and interface patents

- **Real Property**

- Mediated disputes involving leases of commercial real estate and difficulties arising out of COVID-19 and related business interruptions
- Mediated, arbitrated and served as court-appointed referee in disputes arising out of commercial real estate purchase and sale agreements

- **Securities and Finance**

- Mediated securities actions alleging misrepresentations in financial documents,

- restatements, and generally accepted accounting principles (GAAP) violations
- Arbitrated disputes involving financial advisors and investors, including breach of fiduciary duties and violations of Investment Adviser Act and regulations
- Mediated claims arising out of leveraged buy-out
- Mediated disputes arising out of post-closing adjustment claims
- **Special Master Discovery Referee**
 - Served as court-appointed discovery referee and special master in cases involving sale of commercial real estate with multiple owners (sellers) with divergent interests
 - Court appointed Referee in partnership dissolution matter involving publication and sale of copyrighted art at theme parks
 - Court-appointed Discovery Referee in two cases involving disputes regarding predictive coding process and protocol for e-discovery disputes, also involving competition and trade secret issues

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

Honors and Memberships

- Fellow, Chartered Institute of Arbitrators
- Fellow and current Board Member and incoming President-Elect, College of Commercial Arbitrators
- Fellow, Academy of Court Appointed Masters
- Arbitrator, Court of Arbitration for Sport
- Certified Mediator with the International Mediation Institute
- Certified E-Discovery Specialist
- Board Member, California International Arbitration Council
- Recognized, Global Arbitration Review, "Who's Who Legal: Arbitration 2023"
- "Nationwide Mediators" List, Chambers USA (2016-2023)
- Recognized, Silicon Valley Arbitration & Mediation Center (SVAMC)'s List of the World's Leading Technology Neutrals
- Former President, Association of Business Trial Lawyers (Los Angeles Chapter)
- Former board member or chair: Antitrust Sections of the State Bar of California and Los Angeles County Bar Association; ADR Committee, LACBA; Trustee, LACBA, Women Lawyers of Los Angeles
- Current and/or former board member of numerous public interest organizations, including Public Counsel, Western Center on Law and Poverty, and a Founder of the Alliance for Children's Rights
- Member, California State Bar and the Bar of the District of Columbia

Recent Publications and Speaking Engagements

- 2022 - Speaker at ABA Dispute Resolution Section Spring Meeting; speaker at California International Arbitration Week; speaker at various programs on E-discovery; speaker on European webinar on Using Mediation to Resolve Business Interruption Disputes.
- 2020 and 2021 – Speaker on webinars presented by the ABA, Los Angeles County Bar

Association, Intellectual Property Law groups (WIPL, LAIPL).

- Speaker at the Emerging Issues Conference of the ABA Health Law Section (2016-2019); California Society of Health Attorneys Annual Meeting (2016, 2017); ABA Insurance Coverage Litigation Committee Conference (2017-2019)
- "Uprooting the Decision Tree," Advocate Magazine, CAALA, September 2018
- "How Third-Party Funders change the Chemistry of Settlements," Advocate Magazine, CAALA, September 2017
- "A Special Master's Role in Hospital Merger Cases," LAW360 (2016)
- Author, Updates to Rutter Group Employment Law Treatise, ADR chapter, 2012-2016
- "Whose Arbitration is This, Anyway?," JAMS Global Engineering and Construction Newsletter, Fall 2013
- "Litigation Solutions: Referees and Special Masters," Daily Journal, June 13, 2012
- "It's Time to Fix Arbitration Discovery," Los Angeles Lawyer, January 2010
- "Ordered to arbitration? Take advantage!" Advocate Magazine, CAALA, September 2010
- "As the Economy Stumbles, Employment Discrimination Claims Climb," Employment Law Strategist, Law Journal Newsletters, December 2008
- Author or co-author of leading articles of ADR, international and domestic commercial arbitration and mediation, and managing costs in ADR; frequent trainer and lecturer on arbitration, mediation and e-discovery

ADR Profiles

- "People Person," *Daily Journal*, ADR Profile, March 2, 2018
- "Well Rounded," *Daily Journal*, ADR Profile, March 26, 2010

Background and Education

- JAMS, 2006-Present
- Associate General Counsel and Vice President, Southern California Edison and Edison International, 1999-2005
- Partner at major international law firms (Morrison & Foerster; Paul Hastings; Fried Frank), 1981-1999
- United States Department of Justice, Antitrust Division: various positions including Chief of the Los Angeles office, Trial Attorney, and Special Assistant to the Assistant Attorney General
- Law Clerk to Judge Alfred T. Goodwin, United States Court of Appeals for the Ninth Circuit
- J.D., *cum laude*, Harvard Law School
 - Editor, Harvard Journal on Legislation
- BA, Economics and Mathematics, New College

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