

VIAC - Questionnaire for Arbitrators

Name: Carol A. Ludington

Citizenship: USA

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 LinkedIn: Carol Ludington

Current position: Ludington Ltd., President

Education and professional experience:

Working Experience (in reverse chronological order)

From	To	Name of Company/Organization	Job Function	Position
1987	Present	Ludington Ltd.	Expert, neutral, consultant	President
1983	1987	Peat Marwick (now KPMG)	Expert, neutral, consultant	Manager
1979	1983	Coopers & Lybrand (now PWC)	Auditor	Supervisor

Academic and Professional Qualifications (in reverse chronological order)

From	To	Issuing Authority	Academic/Professional Qualification	Date of Issue
2011	Present	CLP Board of Governors	Certified Licensing Professional	6/1/2011
2008	Present	American Institute of CPAs	Certified in Financial Forensics	10/31/2008
1982	Present	MN Board of Accountancy	Certified Public Accountant	6/8/1982
1979	N/A	Mankato State University	Bachelor of Science	June 1979
1979	Present	Various	Continuing Professional Education (Avg. 40+ hours per year)	Various

**Core area of current professional activity:**

Carol Ludington is a Certified Public Accountant, Certified in Financial Forensics, and a Certified Licensing Professional, with over thirty year's experience as a testifying expert, consultant and neutral related to hundreds of complex commercial and intellectual property disputes. She frequently serves as a testifying expert, and as a consultant regarding early analysis of damages and creative dispute resolution processes and strategies. She is trained as an arbitrator and as a mediator, and is actively involved with several domestic and international dispute resolution organizations. She has served as a sole arbitrator and as a member of three-member arbitral tribunals for AAA and NASD, and has been appointed as an advisor to neutrals.

Prior to forming her firm, Ludington Ltd., more than twenty years ago, she was employed by two well-known international CPA firms. She is a frequent speaker and author on dispute resolution topics, was a contributing editor to The Sedona Conference Commentary on Patent Litigation Best Practices: Patent Mediation Chapter, and is the author of a chapter on Initial Damages Assessments for an upcoming ABA book on ADR Strategies. She is a member of the Forum for International Conciliation and Arbitration ("FICA"), serves as a representative on its behalf at Working Group II of the United Nations Commission on International Trade ("UNCITRAL"), and participated in drafting an Observers' Position Paper regarding current UNCITRAL Working Group II efforts regarding conciliation.

**Accreditation and panels in the field of ADR:**

<u>From</u>	<u>To</u>	<u>Issuing Authority</u>	<u>Qualification</u>
2017	Present	Mainland-Hong Kong Joint Mediation Center	International Accredited Professional Mediator
2015	Present	Minnesota State Court Administration	ADR Rule 114 Neutral Roster - Hybrid Neutral; Mediator; Evaluative Neutral; Arbitrator; Consensual Special Magistrate
2015	Present	American Arbitration Association	Commercial Arbitration Roster of Neutrals
2012	Present	Chartered Institute of Arbitrators	Associate
Est. 2000	Est. 2004	NASD	Roster of Neutrals
Est. late 1990s	Est. late 2000s	American Arbitration Association	Roster of Neutrals

**Training in the field of dispute resolution since 2012:**

<u>From</u>	<u>To</u>	<u>Provider Organization</u>	<u>Program</u>
4/20/2017	4/21/2017	American Bar Association (ABA)	19th Annual Section of Dispute Resolution Spring Conference
3/9/2017	3/9/2017	American Arbitration Association (AAA)	Out of Sight, Out of Mind: What You Need to Know About Preventing and Arbitrating Business-to-Business ("B2B") Data Breaches
2/16/2017	2/16/2017	American Intellectual Property Law Association (AIPLA)	Patent Damages 2016: A Year in Review
12/7/2016	12/7/2016	American Arbitration Association (AAA)	What's In and What's Out: Recent Developments in Arbitral Jurisdiction
10/27/2016	10/29/2016	American Intellectual Property Law Association (AIPLA)	AIPLA 2016 Fall Annual Meeting
10/24/2016	10/25/2016	The Sedona Conference	16th Annual Sedona Conference on Patent Litigation
9/29/2016	9/29/2016	Expert Witness Institute (EWI)	2016 Annual Conference
9/9/2016	9/11/2016	London Court of International Arbitration European (LCIA) Users' Council	International Commercial Arbitration and ADR
9/6/2016	9/9/2016	Minnesota Judicial Council	MDJA-MDJF Annual Meeting and MDJF Fall Educational Conference
7/21/2016	7/21/2016	Minnesota Continuing Legal Education (MNCLE)	Best Practices for Conducting Arbitrations

6/2/2016	6/5/2016	Center for International Legal Studies (CILS)	International Arbitration Symposium
5/18/2016	5/20/2016	American Intellectual Property Law Association (AIPLA)	AIPLA 2016 Spring Meeting
5/11/2016	5/11/2016	Minnesota Continuing Legal Education (MNCLE)	Handling the Most Difficult Questions Arbitrators Face
5/10/2016	5/10/2016	Minnesota State Bar Association (MSBA)	Ethical Issues in Alternative Dispute Resolution
4/26/2016	4/26/2015	University of Minnesota	Fifth Annual U of M Law School Patent Symposium: Keeping Up With Patent Remedies
4/7/2016	4/9/2016	American Bar Association (ABA)	18th Annual ABA Section of Dispute Resolution Spring Conference
2/24/2016	2/24/2016	Minnesota Continuing Legal Education (MNCLE)	Eight Ways to Make the Most of Arbitration
2/11/2016	2/12/2016	The Sedona Conference	WG9 & WG10 Joint Midyear Meeting
11/18/1/5	11/18/2015	American Arbitration Association (AAA)	Convening the Mediation: What Can and Should Mediators Do When All Parties Haven't Yet Agreed to Mediate?
11/5/2015	11/6/2015	University of Texas School of Law	University of Texas Advanced Patent Law Institute
11/4/2015	11/4/2015	University of Texas School of Law	UT School of Law 2015 Patent Damages Roundtable
9/17/2015	9/18/2015	Minnesota Continuing Legal Education (MNCLE)	The 2015 Midwest Intellectual Property Institute
9/8/2015	9/8/2015	Minnesota State Bar Association (MSBA)	Big Changes for Rule 114?
6/3/2015	6/3/2015	Minnesota Continuing Legal Education (MNCLE)	Certified Civil Arbitration Skills Training
5/12/2015	5/12/2015	Minnesota State Bar Association (MSBA)	ADR Ethics in Practice CLE
4/16/2015	4/18/2016	American Bar Association (ABA)	ABA 17th Annual Section of Dispute Resolution Spring Conference
4/11/2015	4/15/2015	Minnesota Continuing Legal Education (MNCLE)	Certified Civil Mediation Skills Training
12/9/2014	12/9/2014	Minnesota State Bar Association (MSBA)	Brains on Conflict: How Stress, Emotions and Brain Science Affect our Work as Attorneys and Mediators
11/10/2014	11/11/2014	American Institute of Certified Public Accountants (AIPCA)	2014 AICPA Forensic & Valuation Conference
11/16/2014	11/17/2014	University of Texas School of Law	Advanced Patent Law Institute

11/5/2014	11/5/2014	University of Texas School of Law	UT School of Law 2014 Patent Damages Roundtable
10/14/2014	10/14/2014	Minnesota State Bar Association (MSBA)	Integrating ADR into your Legal Career
10/6/2014	10/6/2014	Juris Conferences LLC	Third Annual Damages in International Arbitration Conference
9/25/2014	9/25/2014	Expert Witness Institute (EWI)	2014 Expert Witness Institute Annual Conference
9/9/2014	9/9/2014	Minnesota State Bar Association (MSBA)	Transformative Mediation for EVERYTHING?
6/3/2014	6/4/2014	American Arbitration Association (AAA)	Arbitration Fundamental and Best Practices for New AAA Arbitrators
5/14/2014	5/14/2014	Minnesota State Bar Association (MSBA)	Ethical Dilemmas for Mediators: What Would You Do?
4/2/2014	4/4/2014	American Bar Association (ABA)	29th Annual Intellectual Property Law Conference
1/6/2014	1/6/2014	American Bar Association (ABA)	RAND and Beyond: The Evolution of Reasonable Royalty Frameworks
12/20/2013	12/20/2013	Minnesota Continuing Legal Education (MNCLE)	Supreme Court IP Decisions and Ethical Client Service
12/10/2013	12/10/2013	Minnesota State Bar Association (MSBA)	Wicked Problems: Lessons for Negotiators
11/18/2013	11/18/2013	Juris Conferences LLC	Second Annual Damages in International Arbitration Conference
11/10/2013	11/12/2013	American Institute of Certified Public Accountants (AICPA)	2013 AICPA Forensic & Valuation Services Conference
10/25/2013	10/25/2013	Minnesota Continuing Legal Education (MNCLE)	2013 ADR Institute
5/14/2013	5/14/2013	American Bar Association (ABA)	ADR Professional Development Tips for Women
3/25/2013	3/25/2013	Leading Arbitrators Symposium	Ninth Annual Leading Arbitrators' Symposium on the Conduct of International Arbitration
3/21/2013	3/22/2013	Vienna International Arbitral Center/JUNCITRAL/YAAP	VIAC/JUNCITRAL/YAAP Joint Conference
6/7/2012	6/7/2012	American Bar Association (ABA)	International Patent Litigation: A Compare & Contrast of Patent Litigation in Different Countries
4/15/2012	4/17/2012	Atlanta International Arbitration Society	The US and Its Place in the International Arbitration System of the 21st Century
4/14/2012	4/14/2012	Chartered Institute of Arbitrators (CIArb)	Introduction to International Arbitration

4/2/2012	4/2/2012	Leading Arbitrators Symposium	Conduct of International Arbitrators
4/1/2012	4/1/2012	ICDR Y & IYAF	Oral & Written Witness Testimony - The Decisive Evidence or Just the Icing on the Cake
3/30/2012	3/30/2012	CIETAC Symposium	An Introduction to the CIETAC Arbitration Rules
3/29/2012	3/30/2012	Joint Conference: UNCITRAL & Vienna International Arbitral Center	The UNCITRAL Digest of Case Law Enactments of the UNCITRAL Model Law

**Publications in dispute resolution related matters:**

<u>Publication</u>	<u>Forum</u>	<u>Date</u>
"Initial Damages Assessments: Focusing Early on Things That Count but Cannot Be Counted" Chapter for upcoming book on ADR Strategies	American Bar Association	Scheduled late 2017
"Med-Arb: if the Parties Agree"	Yearbook on International Arbitration and ADR, Volume V	Spring 2017
"Med-Arb: if the Parties Agree"	TDM 1 (2107)	January 2017
"The Sedona Conference Commentary on Patent Litigation Best Practices: Patent Mediation Chapter" (Contributing Editor)	The Sedona Conference	April 2017
"Eat the Frog First: Address Damages Early"	Dispute Resolution Section of the New York State Bar Association	Fall 2015
"Refocusing the Damages Analysis in Patent Suits: New Techniques & ADR Options for Litigants & Damage Experts"	American Bar Association Section of Intellectual Property Law 29th Annual Intellectual Property Law Conference	Spring 2014
"If We Ignore It Maybe It Will Go Away and Other Patent Damages Myths"	ABA Section of Dispute Resolution, Just Resolutions e-News	Spring 2014
"Patent Litigation - One Size Does Not Fit All"	ABA Section of Dispute Resolution, Just Resolutions e-News	May 2013

## Dispute Resolution Teaching (Presenter):

<u>Forum</u>	<u>Location</u>	<u>Program</u>	<u>Date</u>
American Bar Association 19th Annual Section of Dispute Resolution Spring Conference	San Francisco, CA	"Strange Bedfellow: Achieving Dispute Resolution Success with Hybrid Techniques"	2017
Minnesota Continuing Legal Education	Minneapolis, MN	"Eat the Frog First - Use Damages Effectively"	2017
Minnesota State Bar Association Section of ADR	Minneapolis, MN	"What US Dispute Resolution Specialists Can Learn From International Arbitration"	2017
The Sedona Conference WG9 and WG10 Joint Annual Meeting	Houston, TX	"Whether Damages-Focused Hearings Can Be Used Relatively Early in the Case to Focus the Litigation"	2017
American Intellectual Property Law Association 2016 Annual Meeting	Washington, DC	"Not All Things That Count Can Be Counted"	2016
Expert Witness Institute	London, England	"Eat the Frog First"	2016
Minnesota District Judges Association-Minnesota District Judges Foundation Annual Meeting & Minnesota District Judges Foundation Fall Educational Conference	Brainerd, MN	"When a Bank Book Makes Good Reading - Financial Issues in Civil Litigation"	2016
Center for International Legal Studies International Arbitration Symposium	Salzburg, Austria	"Ethics Panel"	2016
University of Minnesota Law School Patent Symposium	Minneapolis, MN	"Use of Damage Experts" and Panel Discussion	2016
American Bar Association Dispute Resolution Conference	New York, NY	"Eat the Frog First: Using Damages As An Effective Tool"	2016
Minnesota Continuing Legal Education	Minneapolis, MN	Business Law Series: "Eight Ways to Make the Most of Arbitration"	2016
The Sedona Conference WG9 and WG10 Joint Mid-Pasadena, CA Year Meeting	Pasadena, CA	"Patent Mediation - a continuing process to define and simplify the issues for helping resolve the dispute"	2016
University of Texas School of Law	Austin, TX	"Peeves, Process and Presentation of Damages" Patent Damages Roundtable, Panel Moderator	2015
Women in Dispute Resolution ("WIDR") Committee of the ABA		"Eat the Frog First: Address Damages Early"	2015



Minnesota Judicial Branch Judicial Education, the Minnesota District Judges Foundation and Hamline University School of Law	St. Paul, MN	"Financial Issues in the Courtroom - Damages, Valuations, Financial Statements and More - Traps and Tips for Judges" Managing the Challenging Civil Case	2015
Minnesota Continuing Legal Education	Minneapolis, MN	"Ten Ways Corporate Counsel Can Make the Most of Arbitration"	2015
Expert Witness Institute	London, England	"International Panel"	2014
University of Texas School of Law	Austin, TX	"Improving the Process - Track B and Beyond" Patent Damages Roundtable	2014
Willem C. Vis International Commercial Arbitration Moot	Vienna, Austria	"Damages in International Arbitration"	2014
American Bar Association Section of Intellectual Property 29th Annual Intellectual Property Law Conference	Arlington, VA	"Refocusing the Damages Analysis in Patent Suits: New Techniques & ADR Options for Litigants & Damages Experts"	2014
ABA Intellectual Property Committee, Dispute Resolution Section , Forum Call		"Patent Litigation - One Size Does Not Fit All"	2014
Minnesota Intellectual Property Law Association	Minneapolis, MN	"Patent Damages. . . Or Not"	2013
Licensing Executives Society Twin Cities Chapter	Minneapolis, MN	"IP Damages Update"	2011
California Society of Certified Public Accountants Education Foundation	Los Angeles, CA	"IP Damages Institute	2010
American Institute of Certified Public Accountants National Forensic Accounting Conference	Boston, MA	"Ethics: Will You Know It When You See It?"	2010
Minnesota Continuing Legal Education	Minneapolis, MN	"Expert Depositions"	2007, 2009, 2010
AICPA National Conference of Fraud and Litigation Services	San Diego, CA	"Intellectual Property Damages	2007

**Membership in mediation institutions/functions in mediation institutions/organizations:**

<u>From</u>	<u>To</u>	<u>Name of Organization</u>	<u>Membership Type</u>
2017	Present	International Council for Commercial Arbitration (ICCA)	Member
2014	2017	Willem C. Vis International Commercial Arbitration Moot, Vienna, Austria	Arbitrator for preliminary and elimination round oral hearings and written memorandums
2016	Present	Center for International Legal Studies (CILS)	Congress of CILS Fellows
2016	Present	London Court of International Arbitration (LCIA)	North American Users' Council
2015	Present	Forum for International Conciliation and Arbitration (FICA)	Management Committee (since 2016) and member
2015	Present	American Arbitration Association	Commercial Arbitration Roster of Neutrals
2015	2017	Participated in working sessions of UNCITRAL Working Group II on behalf of the Forum for International Conciliation and Arbitration (FICA)	Observer NGO representative
2015	2016	Foreign Direct Investment International Arbitration (FDI) Moot	Arbitrator for preliminary and elimination round oral hearings and written memorandums
2015	Present	The Sedona Conference	Member, The Sedona Conference Patent Damages and Remedies Working Group 9 and Patent Litigation Best Practices Working Group 10
2014	Present	American Intellectual Property Law Association (AIPLA)	IP Professional Affiliate and Patent Litigation Damages Subcommittee Member
2014	Present	Minnesota State Bar Association (MSBA) ADR Section	Member
2013	Present	American Bar Association Women in Dispute Resolution (WIDR)	Member and Past Chair of Regional Initiative
2012	Present	Chartered Institute of Arbitrators	Associate
2012	Present	Arbitral Women	Member
2001	Present	American Bar Association (ABA)	Individual Associate

Est. 2000	NASD		Roster of Neutrals
Est. late 1990s	American Arbitration Association		Roster of Neutrals
	American Institute of Certified Public Accountants (AICPA)		AICPA Conference on Fraud and Litigation Services Steering Committee - Past Member
	American Institute of Certified Public Accountants (AICPA)		AICPA Economic Damages Advisory Committee to the Litigation and Dispute Resolution Services Task Force - Past Member
	Minnesota Society of Certified Public Accountants (MNCIPA)		MNCIPA Ethics Committee - Past Chairperson and Member
	Minnesota Society of Certified Public Accountants (MNCIPA)		MNCIPA Committee for Cooperation with Lawyers - Past Vice Chairperson
1982	American Society of Certified Public Accountants (AICPA)	Present	Regular Member
Est. 1982	Minnesota Society of Certified Public Accountants (MNCIPA)	Present	Member

Languages:

Mother tongue: English

In which legal system have you trained? U.S.A.

What is your main jurisdiction of practice? U.S.A.

Special expertise or specialization (please list a maximum of three) in your ADR-practice:

- Damages
- Financial analysis
- Accounting

Date of birth: August 13, 1957

I have completed this questionnaire to the above to the best of my knowledge and believe it is accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons or may be put on VIAC's website.

Date:  Signature:

May 11, 2017 



**Carol Ludington, CPA, CFF, CLP, ACIArb**



Carol Ludington possesses over thirty years of varied experience as a damage expert in U.S. domestic litigation, U.S. arbitration and international arbitration; as an arbitrator; and as a consultant in hundreds of matters involving a wide variety of industries and parties ranging from Fortune 500 companies to small companies and individuals.

**Experience**

**Testifying Expert**

Retained as a testifying expert regarding damages, financial, and business issues in hundreds of complex commercial and intellectual property disputes. Analyzed financial, business, and marketing information, assisted discovery, prepared written reports, and testified in numerous depositions and trials in Courts throughout the United States.

**Consultant**

Frequently retained as a consulting expert prior to and during litigation to perform initial damages assessments, identify issues, assist discovery, provide input regarding litigation strategy, and assist development of settlement positions.

**Alternative Dispute Resolution**

Involved in arbitration and alternative dispute resolution over the past thirty years as an arbitrator, as an expert witness in international and U.S. arbitrations, and as a consultant.

**Licensing**

Frequently addresses licensing considerations, including royalty rates, licensing terms, and other intellectual property transfer considerations in litigation and non-litigation situations.

**Certifications and Professional Affiliations**

Certified Public Accountant, licensed in Minnesota and Texas

Certified in Financial Forensics – American Institute of CPAs

Certified Licensing Professional – CLP Board of Governors

AAA Roster of Neutrals, American Arbitration Association

Qualified neutral under Rule 114 of the Minnesota General Rules of Practice

Mainland-Hong Kong Joint Mediation Center – International Accredited Professional Mediator

LCIA Database of Neutrals

International Council for Commercial Arbitration (ICCA) – Member

Past Arbitrator, NASD

Associate, Chartered Institute of Arbitrators

Congress of CILS Fellows

LCIA North American Users' Council

Participated in working sessions of UNCITRAL Working Group II on behalf of the Forum for International Conciliation and Arbitration (FICA), 2015, 2016 and 2017.

Member, Sedona Conference Patent Damages and Remedies Working Group 9 and Patent Litigation Best Practices Working Group 10

Contributing Editor, The Sedona Conference Commentary on Patent Litigation Best Practices: Patent Mediation Chapter

Licensing Executives Society

AICPA Conference on Fraud and Litigation Services Steering Committee – Past Member

AICPA Economic Damages Advisory Committee to the Litigation and Dispute Resolution Services Task Force – Past Member

Minnesota Society of Certified Public Accountants Ethics Committee – Past Chairperson and Member

Minnesota Society of Certified Public Accountants Committee for Cooperation with Lawyers – Past Vice Chairperson

American Institute of Certified Public Accountants

Minnesota Society of Certified Public Accountants

American Bar Association

American Bar Association Women in Dispute Resolution – Past Chair of Regional Initiative

AIPLA – Patent Litigation Damages Subcommittee

Minnesota State Bar Association ADR Section

Arbitral Women

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### ***Intellectual Property Experience***

Extensive experience in the evaluation of patent, copyright, trademark infringement and trade secret misappropriation damages in hundreds of matters.

Frequently consults regarding intellectual property management and licensing issues, evaluates intellectual property value, performs market analysis and addresses intellectual property transfer considerations in litigation and non-litigation settings. Often addresses entire market value, apportionment, basis for demand, available alternatives and design-arounds.

#### **Patents**

Consulted regarding intellectual property transfer considerations, including intellectual property transfer options, market conditions and value of intellectual property.

Analyzed patent infringement damages based on lost profits and reasonable royalty approaches related to a wide range of technology. Industries include computer hardware, software, medical devices and products, agricultural products, consumer and industrial products.

#### **Trademarks and Trade Dress**

Analyzed damages related to trademark and trade dress infringement matters, including a variety of damage measures.

#### **Trade Secrets**

Analyzed damages related to misappropriation of trade secrets related to numerous industries. Damages considered included lost profits, unjust enrichment and others.

#### **Consulting**

Consulted in numerous matters related to intellectual property transfer and licensing, including consideration of transfer and licensing options, economics and royalties.

Performed initial damages assessments, researched industry licensing practices, and provided input regarding licensing, agreements and settlement.

### ***Commercial Litigation Experience***

Evaluated financial and business matters, including damages, in complex commercial disputes, including breach of contract, business torts, product liability, investment/securities, employment, dealership, franchise, and other matters. Damage measures considered have included lost profits, diminution of value, lost earnings, unjust enrichment, out-of-pocket and others related to a wide variety of industries.

#### **Breach of Contract**

Evaluated damages in breach of contract matters based on an understanding of the contract and the impact of the alleged breach on the parties, including consideration of lost profits, out-of-pocket expenses and contractual damages.

#### **Investment/Securities**

Analyzed portfolio performance, investment objectives and alternatives. Calculated losses resulting from claimed issues.

#### **Dealership and Franchise Disputes**

Determined damages from alleged breach of distribution and franchise agreements.

#### **Employment**

Analyzed damages from loss of individual earnings in connection with wrongful termination, employment and personal injury/wrongful death claims. Also, analyzed damages from employees' breach of employment agreements. Calculated losses resulting from claimed issues.

#### **Product Liability**

Analyzed alleged damages related to product liability claims, including lost profits, out-of-pocket expenses, price erosion and other claims.

### ***Representative Initial Damages Assessment Experience***

Frequently performs initial damages analysis related to pre-suit due diligence and during litigation to facilitate early dispute resolution, to narrow the gap between parties' expectations regarding realistic damages magnitudes, to focus discovery and case preparation, and to reduce overall dispute costs.

#### **Pre-litigation due diligence**

Performed initial damages assessment prior to litigation to identify potential magnitudes and issues. In some instances this resulted in resolution of disputes before suit being filed.

#### **Facilitate settlement**

Initial damages assessment performed to provide information to facilitate settlement by identifying damages magnitudes and issues, and to articulate potential settlement options.

#### **Discovery streamlining**

In instances when litigation did proceed, the initial damages assessment facilitated focused and streamlined discovery, resulting in cost savings and efficiencies.

### ***Representative ADR Experience and Affiliations***

Experienced in U.S. and international arbitration. Experience includes serving as an arbitrator and as an expert.

#### **Neutral**

Past arbitrator for American Arbitration Association ("AAA") and National Association of Securities Dealers ("NASD") arbitrations.

Served as a sole arbitrator and as a member of three member panels. Currently on AAA Commercial Roster of Neutrals. Previously presented arbitrator training for the AAA.

Qualified neutral under Rule 114 of the Minnesota General Rules of Practice.

Mainland-Hong Kong Joint Mediation Center – International Accredited Professional Mediator

Arbitrator for international arbitration moot competitions, including the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria and the Foreign Direct Investment International Arbitration ("FDI") Moot. Judged written memorandums, preliminary oral hearings and elimination round oral hearings. Final round judge for the 2015 FDI moot written memorandum on damages.

Advisor to Special Litigation Committee

#### **Expert**

Expert witness in international arbitration. Prepared witness statements and testified at hearing.

Expert witness in U.S. arbitrations, including preparation of reports and hearing testimony.

#### **Hot-tubbing**

Participated in concurrent evidence ("hot-tubbing") in international arbitration.

### ***Other Experience***

Assisted clients in a variety of consulting matters, including intellectual property transfer, financial feasibility studies, financial forecasts and projections, valuations and financings. Engagements involved health care, real estate, retail and other industries.

### ***Education***

Mankato State University (now Minnesota State University at Mankato) BS, Magna Cum Laude, Accounting and Business Administration

### ***Employment***

Ludington Ltd. (previously Cobb, Ludington & Associates, Ltd.) 1987 to present

Churchill Advisors, Inc., 1985-1987

Peat, Marwick, Mitchell & Co. (now KPMG Peat Marwick) Management Consulting Department, 1983-1985

Coopers & Lybrand (now PWC) Audit Department, 1979-1983

## ***Seminars & Teaching***

Presented U.S. and international programs on a variety of litigation and other topics. Representative presentations include the following:

- “Strange Bedfellows: Achieving Dispute Resolution Success with Hybrid Techniques and Neutral Experts,” ABA Section of Dispute Resolution 19<sup>th</sup> Annual Spring Conference, San Francisco, CA, 2017
- “Eat the Frog First – Use Damages Effectively,” Minnesota CLE, Minneapolis, MN, 2017
- “What US Dispute Resolution Specialists Can Learn From International Arbitration,” MSBA Section of ADR, Minneapolis, MN, 2017
- “Whether Damages-Focused Hearings Can Be Used Relatively Early in the Case to Focus the Litigation,” The Sedona Conference WG9 and WG10 Joint Annual Meeting, Houston, Texas, 2017
- “Not All Things That Count Can Be Counted,” AIPLA 2016 Annual Meeting, Washington, DC, 2016
- “Eat the Frog First,” Expert Witness Institute, London, England, 2016
- “When a Bank Book Makes Good Reading – Financial Issues in Civil Litigation,” MDJA-MDJF Annual Meeting & MDJF Fall Educational Conference, Brainerd, MN, 2016
- “Ethics Panel”, CILS International Arbitration Symposium, Salzburg, Austria, 2016
- “Use of Damage Experts,” and Panel Discussion, University of Minnesota Law School Patent Symposium, Minneapolis, MN, 2016
- “Eat the Frog First: Using Damages As An Effective Tool,” ABA Dispute Resolution Conference, New York, NY, 2016
- Business Law Series: “Eight Ways to Make the Most of Arbitration,” Minnesota CLE, Minneapolis, MN, 2016
- “Patent Mediation – a continuing process to define and simplify the issues for helping resolve the dispute,” The Sedona Conference, WG9 and WG10 Joint Mid-year Meeting, Pasadena, CA, 2016
- “Peeves, Process and Presentation of Damages,” Patent Damages Roundtable, Panel Moderator, University of Texas School of Law, Austin, TX, 2015
- “Eat the Frog First: Address Damages Early,” WIDR Committee of the ABA, 2015
- “Financial Issues in the Courtroom – Damages, Valuations, Financial Statements and More – Traps and Tips for Judges,” Managing the Challenging Civil Case, MJB Judicial Education, the Minnesota District Judges Foundation and Hamline University School of Law, St. Paul, MN, 2015
- “Ten Ways Corporate Counsel Can Make the Most of Arbitration,” Minneapolis, MN, 2015
- “International Panel,” Expert Witness Institute, London, England, 2014

## ***Seminars & Teaching, con’t.***

- “Improving the Process – Track B and Beyond,” Patent Damages Roundtable, University of Texas School of Law, Austin, TX, 2014
- “Damages in International Arbitration,” Willem C. Vis International Commercial Arbitration Moot, Austria, 2014
- “Refocusing the Damages Analysis in Patent Suits: New Techniques & ADR Options for Litigants & Damages Experts,” American Bar Association Section of Intellectual Property 29<sup>th</sup> Annual Intellectual Property Law Conference, Arlington, VA, 2014
- “Patent Litigation – One Size Does Not Fit All,” American Bar Association Intellectual Property Committee, Dispute Resolution Section, Forum Call, 2014
- “Patent Damages. . . or Not,” Minnesota Intellectual Property Law Association, Minneapolis, MN, 2013
- “IP Damages Update,” Licensing Executives Society Twin Cities Chapter, Minneapolis, MN, 2011
- “IP Damages Institute,” CalCPA Education Foundation, Los Angeles, CA, 2010
- “Ethics: Will You Know It When You See It?” AICPA National Forensic Accounting Conference, Boston, MA, 2010
- “Expert Depositions,” Minnesota CLE, Minneapolis, MN, 2007, 2009 and 2010
- “Intellectual Property Damages,” AICPA National Conference of Fraud and Litigation Services, San Diego, CA, 2007

## ***Publications***

- “*Med-Arb: If the Parties Agree*”, Yearbook on International Arbitration and ADR, Volume V, Spring 2017
- “*The Sedona Conference Commentary on Patent Litigation Best Practices: Patent Mediation Chapter*” (Contributing Editor) The Sedona Conference, April 2017
- “*Med-Arb: If the Parties Agree*”, TDM 1 (2017), January 2017
- “*Eat the Frog First: Address Damages Early*,” Dispute Resolution Section of the New York State Bar Association, Fall 2015
- “*Refocusing the Damages Analysis in Patent Suits: New Techniques & ADR Options For Litigants & Damage Experts*,” American Bar Association Section of Intellectual Property Law 29<sup>th</sup> Annual Intellectual Property Law Conference, Spring, 2014
- “*If We Ignore It Maybe It Will Go Away*,” ABA Section of Dispute Resolution, Just Resolutions e-News, Spring 2014
- “*Patent Litigation – One Size Does Not Fit All*,” ABA Section of Dispute Resolution, Just Resolutions e-News, May 2013