



**Warren Mediation, Arbitration & Investigation**

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## **PROFESSIONAL PROFILE**

**David P. Warren, Esq.**, is an experienced trial attorney, advocate negotiator, bringing thirty-seven years of experience and dedication to his Arbitration, Mediation, Investigation and Training ADR practice.

**Arbitration-** We provide an even playing field for all disputes. Arbitration should be approached from the perspective of working with the parties to create and facilitate a process that allows necessary discovery and facilitates full presentation of evidence. That process is shaped from the initial conference with the parties. It includes a means to promptly address discovery disputes as they arise without undue consumption of resources, and continues through preparation, briefing, hearing completion and delivery of a reasoned award to the parties. We balance the need for reasonable discovery and preparation with the underlying purpose of prompt resolution. Discovery disputes are handled expeditiously by letter statement of position and prompt telephonic hearing. Arbitration hearings are held in the appropriate venue in the State. Mr. Warren has also trained at the Advanced Arbitration Academy at USC.

**Mediation-** We believe in working to achieve case resolution before trial, while the parties still control the outcome and before they have expended tremendous resources, both financial and emotional. Mr. Warren has litigated hundreds of cases and put that experience to work to achieve a fair resolution of your matter. Mr. Warren has also had advanced mediation training through Pepperdine University.

### **The Cases We Arbitrate and Mediate:**

Mr. Warren arbitrates and mediates a variety of cases inclusive of all of the following:

#### **EMPLOYMENT MATTERS**

- Wrongful Termination of Employment
- Age, Race, Gender, and Sexual Orientation Discrimination/Harassment/Retaliation
- Sexual Harassment
- Termination in Violation of Public Policy/Whistleblower Claims
- Disability Discrimination Actions
- Wage and Hour Claims
- Private Industry and Public Employment Matters

#### **BUSINESS AND COMMERCIAL MATTERS**

- Contract formation issues
- Contract interpretation
- Breach of contract claims and defenses
- Course of dealings issues
- Damage issues
- Financial disputes
- Ownership equity issues
- Partnership disputes, issues and dissolution
- Business tort claims such as defamation and interference with contract/prospective advantage

## **REAL ESTATE AND CONSTRUCTION MATTERS**

- Commercial Lease disputes and interpretation
- Breach of Lease claims and defenses (Mr. Warren has extensive experience with commercial leases, including covenants to open, operate, CAM and other costs and charges)
- Property ownership and ownership interests
- Eminent Domain matters
- Brokerage disputes
- Residential property disputes, inclusive of those involving Buyers, Sellers, Brokers and Agents. (Mr. Warren has a broker's license and familiarity with CAR Forms)
- Construction issues, Owner/Contractor, General/Subs, etc.

## **PERSONAL INJURY/WRONGFUL DEATH**

- Auto accidents
- Slip and falls
- Medical malpractice
- Products liability
- General negligence
- Intentional torts
- Defamation issues

## **INVESTIGATIONS**

Mr. Warren has worked on and analyzed investigations for many years. He has long provided counseling on investigations to employers, managers and employees. He has attacked deficient investigations successfully in many cases over the years and is well versed in what does and does not constitute a legally adequate investigation in California. He can help you assure that yours is done right, whether it is based on sexual harassment, discrimination, retaliation, policy violation or other workplace issue.

## **TRAINING**

We provide statutorily required training to employees on sexual harassment and bullying issues. We also provide training to managers, supervisors and human resource executives and managers on a variety of workplace topics, including conducting a legally adequate investigation, sexual harassment claims and investigations, discrimination (including that based upon age race, gender and sexual preference), CFRA and other leave rights, disability discrimination, reasonable accommodation and the interactive process, and retaliation issues. We keep the training interesting and interactive.

Mr. Warren has served as Pro-Tem Judge on multiple occasions in Los Angeles County, has conducted court appointed settlement conferences and mediations in Los Angeles County, Orange County and San Luis Obispo County. He has handled arbitrations cases as a fee dispute arbitrator for both the County of San Luis Obispo and for the California State fee dispute program.

Mr. Warren has represented many employees in hearings inclusive of arbitrations, public employees before civil service commissions, State Personnel Board proceedings and hearing officer appeals.

## **EXPERT WITNESS**

When we conduct an investigation we can testify concerning procedure employed in connection with the investigation, the witnesses interviewed, findings and conclusions and our independent investigation (not as counsel for employee or employer but as a third party investigator). In addition, we provide expert witnesses trial testimony on workplace practices and the adequacy of workplace investigations conducted by others. In this area, we typically work on behalf of plaintiffs.

Expert testimony can also be offered concerning whether an investigation was conducted in accordance with industry standards and/or organizational policy. Expert testimony may be offered to address investigations in the context of alleged FEHA violations and employee misconduct cases. The

implications of failure to conduct an appropriate investigation include the use of such failure as evidence of pretext in the reason for termination or adverse action. Opinion and testimony can also be offered to address whether an investigation was conducted in accordance with industry standards, including the nature and extent of the investigation, its adequacy, timeliness and whether it was undertaken in consistent with the criteria previously discussed.

### **BACKGROUND--Counseling and Litigation Experience**

During his career, Mr. Warren has served as in-house counsel for Sears, Roebuck and Co., litigating a variety of matters throughout California and overseeing litigation in nine states. Thereafter, he formed a partnership in the Pasadena law firm Smith and Warren for fifteen years, where he litigated and counseled concerning a variety of employment matters, business issues and real estate issues. Thereafter he has provided counseling and advocacy in litigation as the Law Office of David P. Warren (with offices in San Luis Obispo County but actions in many counties).

Mr. Warren has extensive experience in employment matters and has represented employees and employers in connection with private industry and public employment matters including discrimination, retaliation, whistle-blowing and public policy claims and wage and hour matters. He has represented clients in a variety of business disputes/litigation, as well as commercial leasing and real estate matters. Additionally, he has handled real estate agency and brokerage disputes. He has handled matters through jury and judge trials, arbitrations and appeals.

### **EDUCATION**

Undergraduate School: California State University; CA (Dean's List)

Law School: Western State University; CA (Graduated in the top 2 percent)

-- Member of Law Review

-- American Jurisprudence Awards in Torts, Contracts, and Corporations.

### **MEMBERSHIPS AND AFFILIATIONS**

California Bar Association/Federal Court, Central, Northern and Eastern Districts

Association of Workplace Investigators

Society for Human Resources Management

San Luis Obispo County Bar Association

Santa Barbara County Bar Association—ADR Section

Los Angeles County Bar Association—ADR Section

San Francisco Bar Association—ADR Section

Fee Arbitrator State of California

Fee Arbitrator County of San Luis Obispo

California Real Estate Broker's License

### **PUBLICATIONS**

*Arbitration of Employment Disputes Today*- SLO Bar Bulletin (Jan./Feb 2017)

*The Inadequate Investigation* AWI Journal (Dec. 2016)

*Avoiding Liability Issues While Enhancing Workplace Investigations* Los Angeles Lawyer (October 2016)

*Employment Investigations-Yours Can Be Protection or Poison* SLO Bar Bulletin (Sept./Oct. 2016)

*Arbitration of Employment Disputes Today*- Los Angeles Daily Journal (September 9, 2016)

*Employment Investigations Land Mines & Lessons* (March 2016)

*Employment Investigations* SLO Bar Bulletin (September – October 2011 issue)

