

# James E. Simon

## Mediator/Arbitrator/Referee

Jim Simon has practiced law in the Lake Tahoe region since 1976 when he and Jim Porter formed the current firm with its central office in Truckee. Jim now focuses on mediating cases concerning all aspects of civil matters with an emphasis on personal injury and business cases. He has tried cases for plaintiffs and defendants in state and federal courts in the areas of real estate, insurance, business, personal injury, and wrongful death claims. He regularly represented real estate, architectural, design, and construction professionals in his law practice, and developed somewhat of a niche practice in complex accounting fraud cases, involving the financial examination and dissolution of Partnerships, LLC's, and Corporations in a variety of business enterprises, including farming and ranching, real estate joint ventures, land fill operations, and real estate brokerage franchises.

Mr. Simon has served as a court-appointed and approved Referee in a number of matters, including a complex multi-party reference pertaining to the division of a large ranch property in Sierra County, title to which was held by more than 30 parties. In this matter, Mr. Simon oversaw all aspects of the partition sale and negotiations of multiple offers for the property, which was ultimately sold in a court hearing which he conducted. The matter involved many contested issues over procedure, which Mr. Simon resolved to the court's satisfaction. Another noteworthy case that he handled by stipulation and order involved the winding up and disposition of multiple agricultural ranches, properties, and businesses attendant to large family holdings in the Central Valley. His assignment included serving as a dispute resolution officer working with a forensic CPA on issues concerning business and property valuations, corporate restructuring, identification of complex tax issues, and oversight of interfamily divisions. After conducting many individual multi-day evidentiary hearings, Mr. Simon was called upon to issue reports and recommendations to the supervising Retired Court of Appeal Justice, serving as private arbitrator in the matter.

On multiple occasions Mr. Simon has served as a court-appointed discovery referee and issued advisory rulings after conducting evidentiary hearings.

Before moving to the Lake Tahoe area, Jim received his early legal training at the San Francisco Bay Area firm of Crosby, Heafy, Roach & May (now merged with Reed Smith, LLP), where he practiced in the insurance defense and business litigation sections. By way of public service, Jim has served as Judge Pro Tem and Referee in the Superior Courts of Placer, Nevada, and Sierra counties. He has served on continuing education panels for members of the bar and is AV rated from the nationally recognized legal rating firm, Martindale-Hubbell. This rating, the highest, is reserved for attorneys whose legal skills are judged to be very high to pre-eminent, and whose ethical standards are "very high." He has been named a "Super Lawyer" by Northern California Super Lawyers.



### **Areas of Practice:**

*Business Litigation  
Personal Injury  
Wrongful Death  
Real Estate Matters*

### **Contact:**

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Mr. Simon is a member and founding president of the Tahoe-Truckee Bar Association and the Truckee Rotary Club and participates in several other charitable and community associations. He has served on the Tahoe Forest Hospital District Leadership Council and other community organizations. He regularly emcees charitable and other community events and is an accomplished auctioneer having raised significant funds for various non-profits in the greater Lake Tahoe Region. Outside the office, Jim enjoys sailing, cycling, and skiing. Jim and his wife, Martha, have two grown children: daughter, Brooke, and son, Andrew.

### **Education**

Jim received his J.D. degree in 1974 from the University of California, Hastings College of the Law and is admitted to practice in California and various federal courts. He attended USC and later graduated with distinction from California State University at San Jose in 1971, with a B.A. in Philosophy.

### **Memberships & Admissions**

State Bar of California  
US District Court for Eastern District of California  
Truckee Tahoe Bar Association (Past President)

### **Mediation Experience and Methods**

Jim has participated in and/or mediated cases for over thirty-five years, including matters involving:

- Personal injury claims (plaintiff and defense)
- Complex business disputes involving accounting claims and allegations of breach of fiduciary duty in farming and ranching businesses, and real estate ventures
- Real estate sales transaction disputes
- Commercial and residential construction disputes and claims
- Family business disputes involving real estate holdings; farming and ranching operations, employment matters; and claims of mismanagement
- Public entity contract disputes

Jim's approach to mediation involves an in-depth understanding of the issues involved by personal private interaction with the principals and counsel involved. He is particularly adept at identifying common ground early in the mediation process to assist the parties in assessing the cost/benefits of reaching a resolution on all, or most, of the elements which remain in dispute. Where appropriate, Jim will utilize a mediation/recommendation/arbitration process, which can often give the parties a level of certainty that once settled, a mechanism will be in place for resolution of future disputes that may arise in implementing the agreement.

Mediations with unrepresented parties can be particularly challenging and Jim demonstrates a keen ability to provide such parties with the confidence that their matter can be settled, even in complicated disputes, so long as the appropriate disclaimers regarding legal representation are made.

Samples of comments made by parties and counsel to some of the mediations which Mr. Simon has conducted include:

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*"Jim's willingness to spend the time that emotionally complex cases require to settle is what helped make this case settle."*

*"I couldn't be more pleased with your deft handling of this case. You had my client's respect from the first moment – and that is why the case settled."*

*"I thought that Jim did an excellent job. He quickly assimilated the information."*

*"Jim's insightful intelligence, honesty, integrity, and broad knowledge of the law and courts were utterly invaluable."*

*"He understood the case and all of its dynamics on every level, and he had the trust of all parties."*

*"Jim Simon is a good listener. He worked very well with the different personalities involved."*

*"What I appreciate the most was the shortness and/or promptness of the alternating sessions between the parties. In my view, it kept the course of discussions lively and promising."*

*"He exhibited patience, knowledge of the subject matter, and injected realistic information into the process to facilitate settlement."*

*"Mr. Simon mediated this on a Sunday. I am still very impressed by that."*

Jim does not follow a fixed formula or subscribe to a particular method for facilitating settlements in the mediation context – he views each case, and the parties involved, as particularly unique and utilizes his natural skills in listening and discussing the fundamental issues and concerns which individuals bring to the dispute resolution process. Once these are identified, he works hard – with the assistance of counsel – to begin the outline of what a negotiated resolution of the matter might look like based on the parties' own evaluation of their individual case concerns. Many times, when the framework of an agreement can actually be visualized by the parties, the details are more easily worked out and the matter resolved.

Jim strives for finality in the mediation process and perseveres until the parties and their attorneys are satisfied, an acceptable form of agreement is reached, and the appropriate documents are fully executed.

## Personal References

References provided upon request.

## Rates and Fees

Mr. Simon's general hourly rate for Mediation services is \$450/hour. Flat per diem rates will be considered for complex matters. No deposits are required, as counsel are encouraged to schedule the matter realistically so that changes or cancellations are minimized. Travel and accommodation, if necessary, are generally charged at cost. Pre-mediation review of materials is usually included in the first hour's rate, depending on the complexity of the matter. Alternative fee proposals are welcome, depending on the circumstances, number of parties involved, and their alignment in the dispute. Mr. Simon typically conducts a brief telephonic pre-mediation conference with counsel to address the necessity of mediation briefs and other details of the agreed upon process.

Jim Simon welcomes a telephone interview any time so that counsel and/or the parties can assess his aptitude for the particular matter.