



JOEL MARK

Consultant and Expert Witness
Attorneys' Fees, Attorney Ethics, Legal Malpractice
Law Practice Management

Professional Experience:

Consultant and Expert Witness, 2016-present.
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Of Counsel, NORMAN DOWLER, LLP, Ventura California 2014-2016.

Of Counsel, HATHAWAY, PERRETT, WEBSTER, POWERS, CHRISMAN & GUTIERREZ, Ventura, California, 2013-2014.

Partner, NORDMAN CORMANY HAIR & COMPTON LLP, Ventura, California, 2000-2013.

Of Counsel, RUSS, AUGUST & KABAT, Los Angeles, California, 1998-2000.

Partner, PLOTKIN, MARUTANI & KYRIACOU, Los Angeles, California, 1993-1998.

Partner, BAKER & McKENZIE, Los Angeles, California (formerly Macdonald, Halsted & Laybourne), 1973-1993.

Expert Qualifications:

Mr. Mark has lectured on and has served as a consultant and expert witness concerning attorneys' fees, legal ethics, litigation practice and procedure and law practice management issues in over 160 cases, including being retained as an independent expert by the Los Angeles County Superior Court and the State Bar of California.

Mr. Mark has given testimony under oath, either by deposition or declaration, in approximately 50 of those matters, and has testified at trial or arbitration in approximately 30 of those matters, mostly in California but including matters pending in the trial courts of New Jersey and in international arbitration proceedings in Geneva Switzerland. Since 2016, Mr. Mark has limited his practice solely to consulting and expert services in connection with attorneys' fees dispute cases, attorney ethics cases, attorney malpractice cases and law practice management issues. Mr. Mark has never been found to be not qualified to give an opinion involving any matter having to do with any of these areas of expertise.

As a member of the California State Bar Committee on Mandatory Fee Arbitration (Member 1993-1997, 2002-2008, 2014-2019; Chair 1997 and 2008; Presiding Arbitrator 2009-2012), Mr. Mark wrote the lesson plan for and moderated over thirty-five arbitrator training sessions and has presented numerous Section Education Institute, State Bar, CEB and other provider programs regarding attorneys' fees, attorney ethics issues and litigation skills. Mr. Mark was the lead editor for the 1997 edition of the State Bar Form Attorneys' Fee Agreements publication and participated in the update of the document in 2004, 2005 and 2010. Mr. Mark was the sole or significant contributing author of approximately 12 of the Mandatory Fee Arbitration Committee's published Arbitrator Advisories. Mr. Mark also has served on the State Bar Committee on Professional Responsibility and Conduct (2000-2002; 2020-2024). From 2010 to the present, Mr. Mark served as a Special Deputy Trial Counsel in State Bar disciplinary matters, where he handled over 40 such matters. Mr. Mark served two terms on the Baker & McKenzie Los Angeles Office Executive Committee (including acting as ethics partner for the merger of MacDonald, Halsted & Laybourne with Baker & McKenzie), as Chair of the Nordman Cormany Hair & Compton Litigation Group from 2002 through 2011, and as the Firm's Managing Partner from 2010 through 2013.

Since 1983, Mr. Mark has served on the panels of mandatory fee arbitrators for the Los Angeles, Santa Monica, San Fernando Valley and Ventura local Mandatory Fee Arbitration (MFA) programs, in addition to the panel of arbitrators of the State Bar MFA program. Mr. Mark chaired the Los Angeles program for three years and served as a member of the executive committee of the Ventura program from 2001 through 2016, where he also participated in the re-write the Ventura program rules. As State Bar Presiding Arbitrator in 2012, Mr. Mark also participated in the extensive revision of the State Bar Rules for mandatory fee arbitrations, which were approved as written by the State Bar Board of Trustees effective on July 1, 2013. In total, Mr. Mark personally has participated as a fee arbitrator in over approximately 350 mandatory fee arbitrations, serving in most as the sole arbitrator or as panel chair. In addition, Mr. Mark has been

selected over a dozen times as an arbitrator for the AAA in matters involving attorney-client fee disputes.

Litigation and Other Professional Experience:

As a practicing litigation attorney for over 45 years, Mr. Mark concentrated in trial practice and complex business litigation, including class action matters. Mr. Mark handled a wide range of business litigation matters including trademark, trade secret and competitive business practice cases, shareholder dissolution and valuation actions, director and officer liability matters, real estate disputes, general contract and business disputes, banking litigation, and insurance coverage disputes. In his first 15 years of practice, Mr. Mark handled over one hundred securities and broker/dealer cases and represented over eighty attorneys and accountants in malpractice and malicious prosecution cases. Mr. Mark has had in excess of sixty trials to verdict or other contested dispositive outcome, including numerous jury trials. Mr. Mark has handled major arbitration matters before arbitration forums such as the American Arbitration Association and the International Chamber of Commerce Court of Arbitration. Mr. Mark has served as a commercial arbitrator for the American Arbitration Association, the Los Angeles and Ventura County Superior Court panel of arbitrators, and the arbitration panel for the National Association of Securities Dealers (now “FINRA”).

Appellate Cases:

McConnell v. Merrill Lynch, 21 Cal.3d 365 and 33 Cal.3d 816; *Merrill Lynch v. Livingston*, 566 F.2d 1119; *AIG v. AIB*, (9th Cir. 1991) 926 F.2d 829; *Oprian v. Goldrich/Kest*, 220 Cal.App.3d 337; *Thomason v. Bateman, Eichler*, 199 Cal.App.3d 1100 (decertified for publication); *Forman v. Knapp Press*, 173 Cal.App.3d 200; *Acosta v. Kerrigan*, 2005 WL 271625 (not certified for publication); *Acosta v. Kerrigan*, 150 Cal.App.4th 1124; *Agrizap v. Woodstream*, (Fed.Cir. 2010) 520 F.3d 1337; *Marler v. E.M. Johansing*, 199 Cal.App.4th 1450; *Smith v. Heritage Ranch Owners Association*, (9th Cir. 2016; not certified for publication).

Admissions:

State Bar of California, December 1972; United States Supreme Court; Ninth Circuit Court of Appeals; Federal Circuit Court of Appeals; United States District Courts, California, all Districts; State Bar of Colorado, August 1994 (currently inactive).

Organizations and Honors:

Los Angeles Association of Business Trial Lawyers (Charter Member; ABTL Report Editorial Board); Volunteer Referee, California State Bar Court (1984-1989); Member, California State Bar Standing Committee on Mandatory Fee Arbitration (1993-1997, 2002-2008 and 2014-2019 [Chair 1997 and 2008, Vice Chair 1996, 2005-2007]; Presiding Arbitrator 2009-2012)); California State Bar Committee on Professional Responsibility and Conduct (2000-2002 and 2020-2024); State Bar of California Special

Deputy Trial Counsel for disciplinary matters (2010-present); Los Angeles County Bar Association Dispute Resolution Services Fee Arbitration (“ACMAS”) Executive Committee (1996-2003; Chair 1999-2001); Member, Panel of Arbitrators, American Arbitration Association (1984-2015); American Bar Association (Litigation, Dispute Resolution, Insurance and Commercial Sections [1976-2006]); Los Angeles County Bar Association (Litigation, Alternate Dispute Resolution and Business Law Sections); Federal Bar Association (Los Angeles Chapter Board of Directors, 1992-2001); Santa Monica Bar Association (Mandatory Fee Arbitration Panel and Trainer, 1998-2001); Ventura County Bar Association ([Board of Directors, 2006 - 2014; Secretary-Treasurer 2011; President Elect 2012; President 2013; Immediate Past President 2014]; Business Litigation Section 2004-2016; Mandatory Fee Arbitration Panelist, Committee Member and Trainer 2000-2016, Judicial Evaluations Committee 2008-2016); Ventura County Trial Lawyers Association (Secretary/Treasurer 2005, Vice President 2006, President and recipient of the CAOC Local Chapter President of the Year 2007); Jerome H. Berenson Inns of Court (Master, 2005-2016); Desert Bar Association (2016–present), Los Angeles Association of Business Trial Lawyers (charter member–2000; ABTL Report Editorial Board, 1998-2000) Association of Professional Responsibility Lawyers (2008-present); Martindale-Hubbell AV Preeminent rating (multiple years); Los Angeles Magazine “Top Attorneys In Southern California”; Southern California “Super Lawyers”; Pacific Coast Business Times “Leading Lawyers, Who’s Who In Attorneys;” California “Top 100 Lawyers” recognition (multiple years); .2024 Top 50 Lawyers in America.

Education:

University of California Hastings College of the Law (J.D., 1972)
University of California at Berkeley (A.B., 1969)

Personal:

Born, April 21, 1947; Married (Leslie); Two children (Jessica and Joanna) and four grandchildren (Olivia, Zachary, Paxton and Cooper); American Youth Soccer Organization (National Board of Directors, 1998–2004; National Secretary, 1998; National Vice President, 1999; National President, 2000–2004; Chair of AYSO Audit Committee, 2006-2015; United States Soccer Federation (Budget Committee 2002–2004; Rules Committee 2004–2009); AYSO Hall of Fame Inductee at National Soccer Hall of Fame, Oneonta, New York, 2008); Coach, Indio High School Mock Trial Team (2021-present)