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E-filed

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January 8, 2019

Mr. Scott M. Zimmerman
Acting Director, Office of Proceedings
Surface Transportation Board
United States of America
395 E Street, SW
Washington, D.C. 20423

ENTERED
Office of Proceedings
January 28, 2019
Part of
Public Record

Re: Docket No. EP 730 (Sub-No. 1) – Revisions to Arbitration Procedures.

Dear Mr. Zimmerman:

In response to the Board's December 4, 2018 decision in EP 730 (Sub-No.1) requesting that arbitrators presently on the Board's Roster of Arbitrators, confirm their continued interest and availability to remain on the Roster, and provide updated biographical information, I wish to express my interest in remaining on the Roster, established and maintained by the Board, of those persons qualified to serve as arbitrator, either individually or as panel member.

I also wish to express my interest to serve as non-Board mediator under rules in 49 CFR Part 1109.

I am available to serve as arbitrator or mediator at any location nationwide, or in any other country, should such circumstances arise.

I also wish to advise that since 2009 I have engaged in ADR practice on a full-time basis, serving as a neutral conducting substantial numbers of arbitrations, mediations and short trials selected by parties or appointing authorities.

I enclose an updated profile for Board consideration.

If there are any questions, please contact me. Thank you.

Yours truly,

Paul H. Lamboley

PHL/nd
Enc.

Las Vegas Office
TBA

Arbitrator/Mediator Summary Profile

PAUL H. LAMBOLEY

Contact Information:

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Occupation:

Lawyer; full-time ADR practice as neutral - Arbitrator/Mediator/Referee/Hearing Officer/Short Trial Judge

Education:

Unv. of Notre Dame (B.S. '62), Unv. of Wisconsin (J.D. '67)

Admitted:

WI and NV (State and Federal Courts), U.S. Courts of Appeals (1st, 4th, 5th, 6th, 8th, 9th and D.C. Circuits) and U.S. Supreme Court.

Arbitration, Mediation, and other ADR/Neutral Experience.

ADR neutral practice part-time prior to 2009 and full-time ADR practice since 2009:

As arbitrator: decisions in high value cases involving complex rules, regulations and contracts in regulated services for transportation, education, construction, finance, real estate and health care industries; labor and employment issues in public and private sectors; disputes in rail and airline industry rules, regulations, contracts, mergers and acquisitions; securities and financial investment issues; personal and property injury liability and damage issues in automobile and real estate industries; product liability and damage issues in manufacturing industries, lending and construction issues in housing industries; and insurance coverage issues. Selected by private parties, public agencies and court-annexed programs.

As hearing officer: decisions involve appeals over public employment, civil liberties, and education issues.

Selected by parties, NV Department of Personnel, NV Department of Administration

As referee: decisions involving disputes between homeowners/homeowner associations/financial entities.

Selected by parties and/or NV Real Estate Division.

As mediator: mediations between disputing parties involving labor/employment, foreclosure, real estate, civil rights, financial and commercial entity issues.

Selected by parties, USDC-NV §1983 Early Mediation Program, USBC-NV MMM Mediation Program, NV Foreclosure Mediation Program, NV Real Estate Division.

As Judge Pro Tem: Jury and/or bench trials in civil and criminal (misdemeanor) proceedings.

Selected by Reno Municipal Court and 8th Judicial District Court (Clark County) Short Trial Program.

As Commissioner – Interstate Commerce Commission: decisions on national rail and motor transportation issues, appellate review of labor arbitration decisions and awards under ICA, and mediation activity in national rail labor-management dispute and motor carrier-insurance coverage.

Appointed by President Reagan, confirmed by US Senate (2 terms).

As Commissioner – Nevada Commission on Ethics: decisions involve ethics issues involving State/Local public officers and employees.

Appointed by NV State Legislature (2 terms).

As lawyer: represented clients in continuing relationship disputes in mediation, arbitration or med/arb proceedings involving labor/employment issues (rights and/or interest disputes), commercial economic disputes and civil, person or property rights arising under various federal, state or local statutes or regulations, and/or common law.

Overall, possess working knowledge and necessary skills for various ADR procedures – in arbitrations as sole or panel Arbitrator, in mediations as sole Mediator, in med/arb as ADR neutral, and civil trials as Presiding Judge.

Panel Memberships for Arbitrator and/or Mediator Appointments:

National Mediation Board (NMB), National Association of Railroad Referees (NARR), Surface Transportation Board, (STB), Financial Industry Regulatory Authority (FINRA), American Arbitration Association (AAA) (labor panel 1973-resigned for active advocacy practice, 1991-reactivated), American Health Lawyers Association – ADR Panel (AHLA), USDC-NV §1983 Mediation Panel, USBC-NV MMM Panel, NV Supreme Court, and 1st, 2nd, 8th and 9th Judicial District Courts (Court-annexed Arbitration Program), 8th Judicial District Court Short Trial Program (STP)(Clark County), NV Foreclosure Mediation Program (NFMP), NV Department of Personnel (NDOP), NV Real Estate Division (NRED), NV Department of Administration (NDOA).

Related CLE Programs: National Academy of Arbitrators (NAA) (annual meetings 2007, 2009, 2010, 2011, 2014, 2015); NARR (annual meetings 2011, 2014, 2015, 2017); AHLA arbitrator conf. 2016; NASD/FINRA new panel member (1999) and new chair (2002) training, expungement rule (2004), code revisions and updates online training (2007-); Court and State Bar sponsored “short-trial” programs (2005, 2010, 2015, 2016, 2018); SBN arbitrator training program, (2007, 2018); NFMP mediator training programs (2009-2018), NDOP training (2012); USDC-NV §1983 Mediation Programs (2012-), NRED on-line courses (2014-), Mediate 2016; Program on Negotiation/Harvard Law School (PON/HLS) online materials 2017, 2018.

Professional Appointments:

Judge Pro Tem: 8th Judicial District Court – Clark County (2010-)
Reno Municipal Court (1977, 1978)
Arbitrator: 1st, 2nd, 8th and 9th Judicial District Courts (Court-annexed programs (2006 -)
Mediator: USDC-NV §1983 Mediation Panel (2012-), USDC – Bkrptcy Ct. MMM Panel,
NV Foreclosure Mediation Program (2009-), NV Real Estate Division. (2013-)
Hearing Officer: NV Personnel Commission (2011-14) NV Department of Administration (2015-)
Referee: NV Real Estate Division (2013-)
Commissioner: Interstate Commerce Commission (1984-1990, Vice Chair 1987)
Commissioner: State of Nevada Commission on Ethics (2008-2015, Chair 2013-2015)
Special Counsel: USDC-NV Prison Reform Proceedings (1978)
Special Counsel: Nevada Supreme Court, Post-Conviction Writ Proceedings (1970-71)
Law Clerk: Honorable David Zenoff, Justice, Nevada Supreme Court (1967-68)

Employment:

Law Offices of Paul H. Lamboley, Lawyer/Arbitrator/Mediator/Consultant: (1990 -)
Offices –Washington, DC (1990-2004), Reno (1990-) and Las Vegas, NV (2006-)
ADR Neutral: full-time ADR practice as Arbitrator, Mediator, Hearing Officer, and Judge Pro Tem (2009-)
Lawyer: former practice concentrated on transportation, antitrust, energy, environment, commercial and trade-related issues; trial, appellate and administrative forums. General Counsel for Washington, DC- based national transportation trade association (1990-2000).
Consultant/expert witness: transportation/economic regulation.
Adj. Professor/Lecturer: labor/employment law, ADR, transportation law and regulation.
Interstate Commerce Commission -Washington, D.C. Commissioner: (1984-1990) (Vice Chairman –1987) (Presidential nominations/Senate confirmations-two terms.)
Law Offices of Paul H. Lamboley – Reno, NV – Lawyer (1968-84)
Civil and criminal practice. *Expertise:* labor/employment law, joint employer/employee health & welfare benefit, apprentice training, and retirement trust funds, ERISA and EEOC under Federal/ State/Local laws for uniformed and non-uniformed employees in private and public sectors employed in police, fire, education (K-12 and Univ.), transportation, construction trades, hospital and health care, entertainment, hotel custodial, culinary, food and beverage services, commercial retail and civil service employees. Co-counsel for health & welfare benefit trust fund.
Pro bono: counsel and trustee for Washoe County Legal Services and W.A.R.C..
Litigation: Federal and State courts, and administrative agencies, including jury trials in criminal and civil cases.
Appeals: Federal and State courts of appeal, including Supreme Courts (Nevada, California and United States).

Academic Appointments: (Adjunct Professor/Lecturer)

Labor/employment law, arbitration: Georgetown Univ. (Business School Adjunct professor 1991, 1992.); Stanford Univ. Law School (Guest lecturer 1982, 1983), Univ. of Nevada-Reno (lecturer 1981, 1983);
Economic regulation, adminlaw/procedure and transportation law: Georgetown Univ. Law Center (Guest lecturer 2000); Ohio State Univ./Univ. No. Florida (Logistics Seminars-Lecturer 1997); Univ. Notre Dame (Economics Dept.- Guest lecturer 1987-89); Univ. Notre Dame (Economics Dept.-Guest lecturer 1987-89); Univ. of Wisconsin (Business School, Guest lecturer 1986-90);
Administrative law and procedure: Office of Personnel Management (OPM) Senior Executive Program-Kings Point, NY, (Visiting Faculty 1985-87);
Criminal law and procedure: Univ. of Nevada-Reno (Adjunct professor 1977, 1978).

Conditions of Appointment:

For any appointment to act as a dispute resolution neutral, the codes of professional ethics governing judges, arbitrators, mediators and/or lawyers will apply. Unless otherwise restricted by law or the parties, multiple and/or concurrent appointments as neutral in other cases may be accepted. In the event a reasoned written opinion is requested or required by law, a transcript will normally be required, and specifically in termination cases.

Fees and Expenses Generally:

Unless otherwise determined by statute or agreement, fees are \$325 per hour or \$2000.00 per 8-hour day or part thereof in arbitration hearing or mediation, inclusive of travel to and from sites nationwide. Prehearing conference, study/preparation, and post-hearing preparation of written award and/or decision fees will be at the hourly rate, unless agreed to be at a pro-rata per diem basis. Expenses charged for travel will be actual costs or IRS mileage rate for personal auto, for transcripts/record will be actual costs, and for cancellation \$650.00 will be charged if cancellation occurs within seven (7) calendar days of hearing date. If required or permitted, decision and/or award may allocate fees and expenses jointly and severally among or between the parties.

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