

Mel Simburg

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Mel received his initial mediation training from the Institute for Conflict Management and the American Arbitration Association and continues with CLEs every year. He has served as a mediator and facilitator for over 20 years with an increasing emphasis in the last 10 years on working with partnership, business and technology transaction disputes. He is also experienced with real estate and cross-border disputes. Mel is a member of the Rule 39.1 neutral panel for the U.S.D.C., W.D. WA (since 2015) and the new KCBA Lawyer Referral Service Panel. He is a member of the ABA Dispute Resolution Section and the ABA Business Section Dispute Resolution Committee. He serves as the WSBA ADR Section Chair for 2020-22.

Mel's litigation practice has included claims in bankruptcy related to purchase and sale contracts, copyright infringement, and other creditors' claims. He has presented on mediation issues such as fundamentals of mediation, resolution of IP disputes, psychology of mediation, effective advocacy in mediation, and mock mediation sessions. He has presented at the Northwest Dispute Resolution Conference on mediation topics, including "Using Apology in Dispute Resolution," "Introduction to Mediation," and presented on "Pre-Session Mediation Steps," "ADR And Business Disputes," "Protecting IP Value in ADR," and whether to "Litigate, Arbitrate, or Mediate." See also, <https://www.wawd.uscourts.gov/attorneys/adr/1224013> and <https://www.sksp.com/profile/attorney/melvyn-j-simburg-attorney>.

Mel's approach to mediation is to spend considerable time with counsel ahead of time to understand the context, issues, special considerations, and obstacles. He then seeks to simplify the issues and the focus as much as feasible before the session itself. During the session, Mel emphasizes eliminating the impediments to settlement and developing imaginative, practical ways of reaching a solution. If the matter does not settle after meeting in person, Mel is persistent in following up with both sides to see whether a resolution might still be possible. He also requests counsel to bring a draft settlement agreement and a laptop to the mediation session, so that a successful resolution can be finalized immediately and not have to have a second mediation on the terms of the settlement agreement.