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Contact American Arbitration Association

3200 N. Central Ave.
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Phoenix, AZ 85012
telephone: 602-734-9333
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Shawn K. Aiken, Esq.

Current Employer-Title Aiken Schenk Hawkins & Ricciardi P. C.

Profession Attorney - Civil Trial Law; Arbitrator, Mediator

Work History Shareholder, Aiken Schenk Hawkins & Ricciardi P.C. 1990-present; Associate, Beus, Gilbert & Morrill, 1984-90; Associate, O'Connor, Cavanagh, et al., 1983-84.

Experience Over 24 years' experience as trial lawyer and over 16 years' experience as neutral in business litigation and arbitration, especially misrepresentation, unfair competition, business tort, intellectual property, and contract cases, including buy-sell and operating agreements, commercial leases, and related agreements. Certified civil trial diplomate by National Board of Trial Advocacy (1996-2011) and rated AV by Martindale Hubbell. Best Lawyers in America (2007-2010), Commercial Litigation and Alternative Dispute Resolution. Southwest SuperLawyers (2007, 2008 and 2009), Business Litigation and Alternative Dispute Resolution. SuperLawyers Top 50 Arizona Lawyers (2009). Fellow, College of Commercial Arbitrators (2009). Fellow, Litigation Counsel of America (2007). Member, The Chartered Institute of Arbitrators (London). Handled wide variety of complex civil litigation for both plaintiffs and defendants in state and federal courts, and before the American Arbitration Association, in cases involving partnership and closely-held shareholder disputes, especially covenants not to

compete, officer and director liability, misappropriation of corporate opportunity, mismanagement, breaches of fiduciary duty, fraudulent transfer and other similar aspects of liability; breach of contract; and, fraud, antitrust, RICO, interference with contract, inducing breach of contract, trade secrets, patent, trademark and copyright infringement cases, including injunction practice on behalf of business clients.

Alternative Dispute Resolution Experience Conducted over 150 arbitrations, mediations, settlement conferences, and jury trials as arbitrator, mediator, and judge pro tempore. Extensive experience in American Arbitration Association arbitrations as counsel. Member of the American Arbitration Association Large, Complex Case Program; and, International, National Sports, and Commercial Panels. Sole arbitrator in cases involving business and commercial claims ranging from \$200,000 to \$20 million, including those arising out of sales of businesses and failed mergers; internet licensing agreements; banking; real estate disputes, including appraisal and valuation of real property and commercial lease interests; senior executive employment and compensation agreements; partnership, shareholder, corporate, and accounting firm disputes; buy-sell, licensing, franchise, real estate lease, real estate purchase, and product royalty agreements; medical and health care services agreements; lender/borrower disputes; trade secret, unfair competition, patent, and copyright infringement; employment termination, trade secret, fraud, negligence, covenants not to compete/restrictive covenants, breach of contract, overdue commissions, breach of fiduciary duty, and misrepresentation claims, often concerning lost profit and similar financial damage claims. Served on three-member panels (frequently serving as chair) in cases involving complex claims ranging from \$30 to over \$90 million involving employment termination; dispute between two cities involving inter-governmental agreement; class action involving banking claims; failed merger and patent licensing issues; valuation disputes, especially hotel and other commercial properties; dissolution of medical partnership; and enforcement of national class-action consent order. Served as neutral on several cases brought by consumers against the telephone company, credit card issuers, and college testing service. International matters have involved firms from, for example, India, Taiwan, Australia, France and Belgium. Served on multi-arbitrator mass claims panel resolving thousands of employees' claims totaling over \$30 million against the State of Arizona. Member of the American Arbitration Association Arizona Advisory Council since 1990.

Alternative Dispute Resolution Training Faculty, State Bar of Arizona, Private Arbitration Update, 2009; Faculty, State Bar of Arizona, Private Arbitration Update: Advanced Arbitration Practice, 2008; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2007, 2005; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; Attended AAA Neutrals Conference, 2005; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2005; AAA Arbitrator Ethics & Disclosure (ACE003), 2004; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2002; AAA

Annual Arbitrator Update 2001; AAA Commercial Arbitrator Training, 1999; Maricopa County Superior Court Mediation and Settlement Training, 1998; AAA Introductory Arbitrator Training, 1995.

Professional Licenses Admitted to the Bar: Arizona, 1983; U.S. District Court, District of Arizona, 1983; U.S. Court of Appeals, Ninth Circuit, 1983.

Professional Associations Litigation Counsel of America (State Delegation Co-Chair); Horace Rumpole Inn of Court (Master, Counselor, Past President); State Bar of Arizona (Trial Practice Section; Civil Practice & Procedure Committee; ADR Section, Executive Committee; Civil Jury Instruction Committee - RAJI 3d; Federal Bar Association; Maricopa County Bar Association; American Bar Association (Litigation Section; Intellectual Property Section); American and Arizona Trial Lawyers Associations (Commercial Litigation Section); Million Dollar Advocates Forum; Arizona Dispute Resolution Association.

Education St. Olaf College (BA, cum laude-1980); Arizona State University (JD-1983).

Publications and Speaking Engagements "Consolidation of Separate Arbitration Proceedings," Private Arbitration Update, State Bar of Arizona, 2009; "Consolidation of Separate Arbitration Proceedings," Private Arbitration Update, State Bar of Arizona, 2009; "The CPA's Role in ADR," AICPA National Fraud and Litigation Services Conference, 2008; "Civil Litigation Rules and Case Law Update" (faculty member), State Bar of Arizona 2008 convention; "2008 Private Arbitration Update" (faculty member), State Bar of Arizona, 2008; "Electronic Discovery and Offers of Judgment" (faculty member), State Bar of Arizona Trial Practice Section, 2008; "Discovery in Arbitration" (panel member), State Bar of Arizona ADR Section, 2008; Facilitator, State Bar of Arizona Professionalism Course, Arizona Association of Defense Counsel, Arizona, 1999; speaker and author, "Private Arbitration in Arizona," State Bar of Arizona, Arizona, 1999; panel presenter and author, "Business Tort Litigation," State Bar of Arizona - CLE by the Sea, California, 1998; presenter and author, "Nondischargeability Litigation," State Bar of Arizona Eighth Annual Bankruptcy Symposium, Arizona, 1997; presenter, "Civil Jury Instructions," Pima County Bar Association CLE Seminar, 1996, and State Bar of Arizona Corporate and Business Subsection, 1996; presenter and author, "Jury Instructions for Business Cases," State Bar of Arizona - CLE by the Sea, California, 1996; presenter and demonstrator, "Financial Expert Witnesses," National Litigation Support Services Association Educational Conference, Texas, 1995, Arizona, 1997; "Meritor II: Another Boon for Borrowers?" MARICOPA LAWYER, July 1992; "Meritor v. Camelback Canyon Investors: A Boon for Borrowers?" MARICOPA LAWYER, June 1992.

Compensation \$350 Per Hour
Rate applies to all time spent on the case, including study, preliminary hearings, hearings, and post-hearing service. Willing to

consider flat or other alternative fee arrangement. Willing to serve throughout the U.S. without charging for travel time. Cancellation and postponement policy: If any hearing dates are cancelled for any reason, 30 or fewer calendar days before the start of hearings, then 7 hours will be charged for each cancelled hearing day. These charges apply unless and to the extent that another matter can be scheduled in its place.

Citizenship United States of America

Locale Phoenix, AZ

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