

HUERTA & ASSOCIATES

MEDIATION

550 W. B STREET, SUITE 380
SAN DIEGO, CALIFORNIA 92101

(619) 236-7944
(619) 236-7986 FAX

Lawrence A. Huerta

E-Mail:
huertala@pacbell.net

February 19, 2004

Nick Hilton
Enforcement Specialist
OFFICE OF ENFORCEMENT
U.S. NUCLEAR REGULATORY COMMISSION
Washington, DC 20555-0001

Re: Mediation practice

Dear Mr. Hilton,

I recently read where the Nuclear Regulatory Commission is considering a Pilot Program for use of Alternative Dispute Resolution in its enforcement program. I am writing to provide you with some information about our mediation practice and express interest in providing mediation services and alternative dispute resolution services to the U.S. Nuclear Regulatory Commission.

Our firm has contracts with the General Services Administration to provide mediation services to the Federal Government under both the Human Resources Schedule (738) and the MOBIS schedule (874). Our firm is highly rated by Dun & Bradstreet for delivery of mediation services, and is an AV rated law firm by Martindale Hubbell.

I graduated from Michigan Law School and was admitted to the California Bar in 1983. I mediate commercial, employment, real estate, securities, tort and trade secret disputes. I serve on the national mediation panel for the Martens vs. Smith Barney sexual discrimination and harassment class action administered through the Duke University Law School Private Adjudication Center. I am a mediator and arbitrator for the American Arbitration Association, the National Association of Securities Dealers, and the New York Stock Exchange. I am on the San Diego County Superior Court Mediation Panel, and have contracts to mediate disputes with the U.S. Forest Service, Navy, Postal Service, and Equal Employment Opportunity Commission.

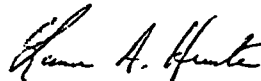
Our offices are located near the train station in Downtown San Diego, I travel for mediations. Any opportunities to discuss mediation with you, or what works well in mediation, would be most welcome. Please find enclosed a copy of our firm resume, with a copy of my short published article "Why Mediation?" on the back of the same.

Nick Hilton
February 19, 2004
Page 2

Thank you for your consideration. I wish you every success with the U.S. Nuclear Regulatory Commission's Pilot Program for the use of Alternative Dispute Resolution

Very truly yours,

HUERTA & ASSOCIATES



Lawrence A. Huerta

LAH/md
enclosures

HUERTA & ASSOCIATES

MEDIATION
550 WEST B STREET
SUITE 380
SAN DIEGO, CALIFORNIA 92101
(619) 236-7944

E mail:
huertala@pacbell.net

Facsimile
(619) 236-7986

FIRM RESUME

AREAS OF PRACTICE

The firm specializes in private mediation of Business, Commercial, Employment, Real Estate, Tort, Trade Secret, and Securities matters.

BIOGRAPHICAL INFORMATION

LAWRENCE A. HUERTA

Mr. Huerta was previously a member of the law firm Buchalter, Nemer, Fields, Chrystie & Younger in Los Angeles and Newport Beach, and a member of the law firm Schall, Boudreau & Gore in San Diego. Mr. Huerta specializes in private mediation of Business, Commercial, Employment, EEO, Real Estate, Tort, Securities Disputes, and in Business Litigation.

Mr. Huerta graduated with honors from the University of California, Davis, with a B.A. degree in Economics in June, 1980. Mr. Huerta obtained his Juris Doctorate degree from the University of Michigan Law School in May, 1983. He was admitted to the California Bar in 1983 and is currently admitted to practice before all state and federal courts in California. Mr. Huerta holds the San Diego Mediation Center Mediator Credential and is a Mediator for the San Diego County Superior Court, the United States Forest Service, United States Postal Service, United States Navy, the Equal Employment Opportunity Commission, and the Duke University Private Adjudication Center. Mr. Huerta is a Mediator and Arbitration Chairperson for the National Association of Securities Dealers, Inc., Office of Dispute Resolution, and the New York Stock Exchange. Mr. Huerta is a Barrister in the William B. Enright Chapter of the American Inns of Court, College of Trial Advocacy. Mr. Huerta is a member of the Alternative Dispute Resolution, Eminent Domain, and Labor and Employment Sections of the San Diego County Bar Association and a member of the Dispute Resolution Section of the American Bar Association. Mr. Huerta is the author of the published articles "The Value of Mediation", "Why Mediation?" and "Representing Innocent Lienholders in Drug Forfeiture Actions".

REPRESENTATIVE CLIENTS

Outside Counsel for Wells Fargo Bank, Sempra Energy, Sears, Roebuck and Co. Mediator for the United States Forest Service, Postal Service, Navy, Equal Employment Opportunity Commission, San Diego County Superior Court, Duke Private Adjudication Center, the National Association of Securities Dealers, Inc., and New York Stock Exchange.

Why Mediation?

By Lawrence A. Huerta*

Mediation works. It is an effective means of dispute resolution for any dispute not requiring a judicial or third party determination. It provides a forum and an atmosphere in which parties gain understanding, become understood, and work together to explore options for resolution. By resolving disputes in mediation, parties determine for themselves what is important and, ultimately the outcome of the situation. While the benefits of mediation vary somewhat depending upon the nature of the dispute, and model of mediation applied, the following are some of the benefits typically associated with mediation:

RECOGNITION: In hearing and being heard in the mediation forum, parties gain the understanding of the other parties point of view, and an enhanced opportunity to be heard and understood themselves.

EMPOWERMENT: Parties are empowered to decide for themselves whether and how they would like to resolve a situation. This self-determination aspect of mediation often corresponds to higher aspirations of how individuals and businesses want to conduct their lives and do business generally.

SPEED: In resolving or narrowing disputes through mediation, parties avoid the delay of a third party or judicially decided outcome.

ECONOMICAL: In resolving or narrowing areas of disputes through mediation parties save an enormous amount of time, energy, and expense associated with protracted conflict and litigation.

CONFIDENTIALITY: While lawsuits are matters of public record, what transpires at a mediation can be kept confidential by agreement. Whether a mediation occurs before or after filing of a lawsuit, any form of communication generated at a mediation is normally inadmissible evidence. In California, communications generated at a mediation are inadmissible and to be kept confidential under Evidence Code section 1119.

QUALITY OF SETTLEMENT: Studies indicate parties entering into voluntary agreements through mediation are far more likely to adhere to and fulfill commitments made in such agreements than they are with judicially imposed resolutions.

REALITY CHECK OPPORTUNITY: In a private caucus, mediation can afford the opportunity to communicate important "reality check" information that may be easier for a client to accept from a neutral.

AVOID BAD OUTCOMES: Through mediation, parties avoid both the "win-lose" and "lose-lose", outcomes associated with litigation. Many parties who "win" in protracted litigation often find the overall time, energy, and monetary commitment associated with litigation comes at an enormous cost and loss. Those who lose in litigation surely feel even worse about such an outcome. Mediation can spare parties from all of this and enable them to move forward from disputes efficiently and effectively.

The foregoing are just some of the compelling reasons to mediate disputes. Moreover, there is seldom any serious downside to mediation. While some may hesitate "to put their cards on the table" in mediation, in this era of discovery driven litigation, the old "trial by ambush" days of civil litigation are increasingly becoming a thing of the past. Mediation works not only because it focuses on the parties' own interests and agendas, but also because it provides the opportunity for parties to move beyond disputes efficiently and chart their own future.

* Originally published in the Nov./Dec. 98 issue of Right of Way. All republication rights are reserved. Mr. Huerta is a Lawyer and a Credentialed Mediator in Downtown San Diego, specializing in Mediation of Business, Employment, Insurance, Real Estate, and Securities and Workers Compensation matters. Mr. Huerta graduated from Michigan Law School and was admitted to the California Bar in 1983. For any questions or comments about this article, please call (619) 236-7944 or e-mail to huertala@pacbell.net. Please also visit firm website at www.lawyers.com/mediate.