



## Douglas H. Barker, Esq.

BARKER OLMSTED & BARNIER, A Professional Law Corporation  
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### LEGAL EXPERIENCE

**Barker Olmsted & Barnier, A Professional Law Corporation**, April 1994 to present. Shareholder of full-service law firm offering legal counsel in the following practice areas: business, corporate and real estate transactions, construction law, employment and labor defense, litigation and insurance defense, mediation and arbitration services and trusts and estates. Personal specialty as a civil litigator in tort, employment, insurance, real estate, and construction law. Currently, approximately 75% of professional time spent providing mediation services.

**Gray Cary Ware & Freidenrich (now DLA Piper)**. September 1980 to March 1994. Shareholder in firm of over 250 lawyers (now over 3,000 lawyers), offering a full range of legal services to a diverse clientele. Partner in charge of firm's North San Diego County office, April 1990 to June 1993. Personal specialty included civil litigation with an emphasis in tort, employment, insurance, real estate, and construction law. Broad trial experience, representing both plaintiffs and defendants in tort and commercial litigation.

### LEGAL EDUCATION

**University of San Diego School of Law**, Juris Doctor, *Cum Laude*, May 1980

- Final Class Standing: Top 5%
- American Jurisprudence Award: Evidence
- San Diego Law Review, Member 1978-1980
- San Diego Law Review, Editor-in-Chief, 1979-1980

### LEGAL AND TRADE PUBLICATIONS

- "PEOPLE V. WHEELER: California's Answer to Misuse of Peremptory Challenges," *San Diego Law Review*, Vol. 16 (1979)
- "Sexual and Racial Harassment: Will Workers' Compensation Proceedings Result in Conclusive Liability for Employers?" DICTA (Publication of the San Diego County Bar Association), February 15, 1995
- "Serious About Settlement in Mediation?" *The Adjuster* (Publication of the San Diego Insurance Adjuster Association), April 2003
- "Confusion Over Mechanic's Lien Property Notice," *The Daily Transcript*, June 10, 2003
- "Could Actual Knowledge Replace the Preliminary Claim Notice Prerequisite for Enforceable Mechanic's Lien?" *The Daily Transcript*, July 8, 2003
- "The World of Construction Defect Claims in Transition," *The Daily Transcript*, September 12, 2003
- "Affordable Housing, What are the Options?" *The Daily Transcript*, December 15, 2003

## **TRAINING AND EXPERIENCE AS A TRIAL LAWYER**

### **Training and Practical Courses Attended since Admission to Practice**

- Hastings College of Advocacy, Hastings College of the Law, Summer 1981
- San Diego Inn of Court, "Trial Advocacy," San Diego, 1981
- San Diego Inn of Court, "Evidence," San Diego, 1981
- Litigation Advocacy Program, Hastings College of the Law, March 1989
- Federal Publications Seminar, "Medicine in the Courtroom," Monterey, CA, 1982
- Federal Publications Seminar, "Anatomy & Physiology for Lawyers," San Diego, 1982
- Federal Publications Seminar, "Products Liability," Vail, Colorado, 1983
- Federal Publications Seminar, "Emerging Employee Rights," San Diego, 1985
- CEB course, "Personal Injury Practice," San Diego, 1981
- CEB course, "Fundamentals of Real Property Practice," San Diego, 1981
- Cambridge Course Seminar, "Personal Injury preparation and Trial," San Diego, 1984
- Federal Publications Seminar, "Litigating Wrongful Discharge and Other Employment Cases," Washington, D.C. 1990
- Federal Publications Seminar, "California Construction Law," Coronado, 1991
- Defense Research Institute, "Employment Law," Phoenix, Arizona, 1994
- Numerous continuing education courses of one day or less

### **Law-Related Distinctions and Activities since Admission to the Bar**

#### **Professional Recognitions**

- "AV" Rating, Martindale-Hubbell, since 1989
- Named to "The Transcripts 10" list of "Top San Diego County Attorneys," San Diego Daily Transcript, August 2005

#### **Pro Tem, Teaching, and other Service**

- Judge *Pro Tem*, San Diego County Superior Court, periodically from 1989 to present
- Judge *Pro Tem*, San Diego County Municipal, North County Judicial Branch, periodically from 1984 until court consolidation in 2000
- Adjunct Faculty Member, Thomas Jefferson School of Law (San Diego) during 1980s and 90s, teaching various courses, including Torts, Remedies, Negotiations, Personal Injury Litigation, Appellate Advocacy, and Consumer Law
- Qualified to testify and testified in Superior Court on standard of care in legal malpractice case
- Barrister, American Inns of Court (Louis M. Welsh Chapter), 1988 to 1990
- Temporary assignment to the San Diego County District Attorney's Office (Vista Office), January 23, 1984 to February 17, 1984
- Various interviews on KCEO (San Diego) radio regarding employment law and litigation

#### **Presentations to the Bar and Business Community**

- Panelist, Continuing Education of the Bar, "Depositions," 1988 and 1990
- Workshop Leader, Continuing Education of the Bar, "Depositions Workshop," 1990
- Moderator and Panelist, "Insurance Claims Handling," San Diego Trial Lawyers Association, March 1990
- Moderator and Panelist, four-session seminar on "Evidence," "Depositions," "Arbitrations," and "Expert Witnesses," Northern San Diego County Bar Association, September and October, 1990
- Moderator and Panelist, "Evidence," Northern San Diego County Bar Association, Spring 1992
- Moderator and Panelist, "Principles of Persuasion," Association of Southern California Defense Counsel, May 1992
- Moderator and Panelist, "Persuasion," Association of Southern California Defense Counsel, February 1993

- Panelist (with San Diego County Superior Court Judges Midlam and Haller), "Law and Motion in 'The Fast Track' Era," The Rutter Group, March 23, 1993
- Panelist (with San Diego County Superior Court Judges Malkus, Milliken, and Midlam), "Civil Procedure before Trial," The Rutter Group, October 30, 1993
- Panelist (with San Diego County Superior Court Judges Midlam and Milliken, and Fourth District Court of Appeal Justice Huffman), "Civil Procedure before Trial," The Rutter Group, October 1, 1994
- Speaker, "Sexual Harassment," San Diego Chapter of the National Association of Women in Construction (NAWIC), January 1995
- Speaker, "Employment Law," Western Canvas Products Association (WCPA) annual meeting, Anaheim, March, 1995
- Panelist (with Fourth District Court of Appeal Justice Rylaarsdam, San Francisco Superior Court Judge Brown and San Diego County Superior Court Judge McConnell), "Summary Judgment and Summary Adjudication," The Rutter Group, June 14, 1995
- Panelist (with San Diego Superior Court Judges Midlam and McConnell, and Fourth District Court of Appeal Justice Huffman), "Civil Procedure before Trial," The Rutter Group, September 23, 1995
- Panelist, "Trying the Automobile Injury Case," National Business Institute, Inc., November 2, 1995
- Panelist, "Paralegals and the Litigation Team in California," Institute for Paralegal Education, May 21, 1996
- Panelist, "San Diego Superior Court Fast Track...Procedures...Arbitration/Mediation, and Law and Motion," Legal Education Seminars June 15, 1996
- Panelist, "Trying the Soft Tissue Injury Case in California," National Business Institute, Inc., October 19, 1996
- Panelist, "Trying the Soft Tissue Injury Case in California," National Business Institute, Inc., October 15, 1997
- Panelist (with San Diego Superior Court Judges McConnell and Pate, and Fourth District Court of Appeal Justice Huffman), "Civil Procedure before Trial," The Rutter Group, November 1, 1997
- Panelist, "Preparing for Trial," Continuing Education of the Bar, April 3, 1998
- Panelist, "Preparing for Trial," Continuing Education of the Bar, September 1998
- Panelist (with San Diego Superior Court Judges McConnell and Pate, and Fourth District Court of Appeal Justice Huffman), "Civil Procedure before Trial," The Rutter Group, October 1998
- Panelist (with San Diego Superior Court Judges McConnell and Pate, and Fourth District Court of Appeal Justice Huffman), "Civil Procedure before Trial," The Rutter Group, October 1999
- Presenter, "Disclosures in Real Estate Transactions," presented to members of the San Diego, Association of Realtors, March 2000
- Presenter, "Walking through Your Contract," presented to members of the San Diego, Association of Realtors, June 2000
- Presenter, "Sexual Harassment," presented to members of the Associated Building Contractors, July 2000
- Presenter, "Employment Law," presented to Hyder & Company, September 2000
- Presenter, "Advanced ADA, FMLA, and Workers' Compensation," presented for ADAU, September 2000.
- Moderator/panelist, "The Last 100 Days to Trial," Continuing Education of the Bar, February 20, 2001
- Panelist, "Trying the Soft Tissue Injury Case in California," National Business Institute, Inc., May 16, 2001
- Moderator/panelist, "Punitive Damages: Maximizing your Client's Success or Minimizing your Client's Exposure," Continuing Education of the Bar, July 14, 2001 (San Diego) and July 21, 2001 (Irvine)

- Panelist (with Superior Court Judge Janis Sammartino), "Courtroom Do's and Don'ts for Civil and Criminal Attorneys," Continuing Education of the Bar, March 8, 2002
- Speaker, "Office Protocol: The Secretary's Role in the Small/Medium/Large Firm," San Diego Legal Secretaries Association, March 25, 2002
- Speaker, "California Construction Issues," Lorman Educational Services, July 30, 2002
- Speaker, San Diego Insurance Adjusters Association, "Fraud," September 12, 2002
- Panelist, "Trial Advocacy in California," National Business Institute, September 25, 2002
- Speaker, "What Insurance Adjusters Need to Know About New Construction Defect Law," Firm-Sponsored Seminar, November 22, 2002
- On-line Seminar Panelist, "Trial Advocacy in California," National Business Institute, December 2002 through April 2003
- Speaker, "From Hiring to Firing, What an Employer Needs to Know," Firm-Sponsored Seminar, January 10, 2003
- Speaker, "Senate Bill 800," Title Contractors Association of San Diego, March 19, 2003
- Speaker, "Summer Series on Construction Law, Top Ten Misconceptions About Mechanic's Liens," *The Daily Transcript*, June 13, 2003
- Speaker, "Summer Series on Construction Law, Common Disputes, Real Solutions," *The Daily Transcript*, July 11, 2003
- Speaker, "Summer Series on Construction Law, Hot Topics in Construction Law," *The Daily Transcript*, August 15, 2003
- Panelist, "Top Ten Misconceptions About Mechanic's Liens," American Concrete Institute, October 2003
- Panelist, "Top Ten Misconceptions About Mechanic's Liens," EGCA, February 24, 2004
- Panelist, "Effective Direct and Cross Examination," Continuing Education of the Bar, September 22, 2004
- Speaker, "12 Tips On How to Avoid Employee Claims Against Your Company," The Business Seminar Series for the Mission Valley Corporate Connection, June 8, 2005
- Instructor, three half-day classes to Auto Club adjusters on "The Litigation Process and Evaluating Cases," July to September 2005
- Speaker, "Avoiding Workplace Claims," The Business Seminar Series for the Mission Valley Corporate Connection, September 21, 2005
- Speaker, "Neutrality vs. Advocacy – The Impact of Bias on Credibility," Forensic Expert Witness Association, November 18, 2008.

#### **Past and Present Memberships in Professional Associations**

- American Bar Association
- California Bar Association
- San Diego County Bar Association
- Northern San Diego County Bar Association
- California Trial Lawyers Association
- San Diego Trial Lawyers Association
- Defense Research Institute
- San Diego Defense Lawyers
- Association of Business Trial Lawyers of San Diego
- San Diego Association of Realtors

### **TRAINING AND EXPERIENCE AS A MEDIATOR**

#### **Training and Practical Courses Attended**

- San Diego Mediation Center (San Diego), "Mediation Skills," 1999 (25 hours)

- Pepperdine School of Law (Irvine), "Mediating the Litigated Case," Spring 2001 (42 hours)
- San Diego Mediation Center (now National Conflict Resolution Center) San Diego, "The Last Thousand Dollars: Managing Impasse Late in Mediation," December 2002 (3.5 hours)
- Pepperdine School of Law (Malibu), "Advanced Mediation: Skills and Techniques," June 17-19, 2004 (18 hours)
- American Bar Association (Chicago), "Advanced Mediation and Advocacy Skills Training," October 14-15, 2004 (14 hours)
- American Bar Association (in association with the Canadian Bar Association), "Advanced Mediation and Advocacy Skills Training," October 19-20, 2006 (14 hours)

### **Experience, ADR Affiliations, Training, Courses Conducted**

- Arbitrator, San Diego County Superior Court program, 1983 to 2003
- Arbitrator, San Diego County Bar Association program, 1985 to 1990
- Arbitrator, American Arbitration Association, 1988 to 1990
- Presenter, "Negotiations and Alternative Dispute Resolution," a full day seminar presented to adjusters at Automobile Club of Southern California, October 13, 1999
- Mediator, San Diego County Superior Court, 2001 to present
- Speaker, "Negotiations and Mediation," Automobile Club of Southern California, September 20, 2002
- Speaker, "How to Achieve Best Results at Mediation," San Diego Insurance Adjusters Association, April 10, 2003
- Speaker, "Mediator Proposals: One Last Shot at Settlement," National Conflict Resolution Center, February 25, 2004.
- Speaker, "Mediator Proposals," National Conflict Resolution Center, "Advanced Training for Mediators" seminar, April 24, 2004
- Organizer and instructor, "Settling the Difficult Case – Practical Strategies for the Experienced Mediator," National Conflict Resolution Center, December 3, 2004 (full day)
- Panelist, National Arbitration Forum, August 2004 to present
- Panelist, Independent Administrator for Kaiser Permanente Mandatory Arbitration System, September 2004 to present
- Speaker, "How to Achieve the Best Possible Results for Your Client in Mediation," presented to the Solomon Ward law firm, June 27, 2005
- Organizer and instructor, "How to Achieve the Best Possible Results for Your Client in Mediation," San Diego County Bar, August 18, 2005 (half day)
- Organizer and instructor, "Breaking Impasse and Closing Deals: Practical Strategies for the Experienced Mediator," National Conflict Resolution Center, November 17, 2005 (half day)
- Panelist, "Successful Mediation Techniques for Litigation Attorneys in California," Lorman Educational Services, February 16, 2006 (full day)
- Organizer and instructor, "Four Predictable 'Rough Patches' on the way to Settling Complex Cases at Mediation," National Conflict Resolution Center, December 6, 2006 (4 hours)
- Organizer and instructor, "Confidentiality, Culture, Recent Cases, and other Concerns," National Conflict Resolution Center, October 27 and November 29, 2007 (4 hours)
- Organizer and instructor, "Mediator Jeopardy: More Than Just a Game," National Conflict Resolution Center, October 28 and November 6, 2008, and January 10, 2009 (4 hours each)
- Organizer and instructor, "NCRC Annual Mediation Training and Workshop," National Conflict Resolution Center, November 3, 2009, and January 8, 2010 (4 hours each)
- Organizer and instructor, "Effective Mediation Strategies for Handling Cases in Litigation," National Conflict Resolution Center, November 14, 2009 (7 hours)
- Panelist, "Successful Mediations from the Mediator's Perspective," Consumer Attorneys of San Diego, March 11, 2010 (3 hours)

## UNDERGRADUATE AND GRADUATE EDUCATION BEFORE LAW SCHOOL

- **University of California, Santa Barbara**, Bachelor of Arts, **History**, 1969
- **University of Missouri**, Master of Arts, **History**, 1971. Graduation with honors, G.P.A. 3.70
- **Lincoln University** (Jefferson City, MO) Taught introductory course in **Political Science**; taught five classes of military history to ROTC cadets; completed all requirements for **California Standard Secondary Teaching Credential (Life)**; completed all ROTC requirements for commission as Second Lieutenant in U.S. Army; **Assistant Varsity Baseball Coach**, 1971 season; completed 18 units in **history and political science** beyond Master's degree, G.P.A. 3.80
- **California Lutheran University**, Master of Arts, **Education**, 1975. Graduation with honors, G.P.A.3.85

## MISCELLANEOUS

- **Teaching experience outside the law**
  - Lincoln University (Jefferson City, Missouri)
    - Taught United States Military History (multiple classes) and Introduction to Political Science
    - Assistant Varsity Baseball Coach
  - Agoura (California) High School, 1971-75
    - Teaching responsibilities:
      - U.S. History
      - Government
      - Developed and taught elective course in "History of the American West"
      - Developed and taught elective course in "Economics"
    - Coached football and baseball
      - Published, "A Close Look at the Tight End as an Offensive Weapon," Athletic Journal, Volume 54, No. 6, May 1974
    - Voted "Teacher of the Year" by students for 1974-75 school year
  - Brawley (California) High School, 1975-77
    - Teaching responsibilities centered on Physical Education
    - Head Football Coach
    - Assistant Athletic Director
    - Chairman of Physical Education Department
    - Published, "Offensive Advantages of the Double Slot Formation," Athletic Journal, Vol. 56, No. 9, May 1976
  - Palomar College, San Marcos, California, Spring 2007
    - Introduction to Insurance (Ins. 100)
    - Insurance Code and Ethics (Ins. 125)
- **United States Army**
  - Commissioned, Second Lieutenant, (Military Intelligence) July, 1971
  - U.S. Army, Two awards for leadership (Fort Riley, Kansas, 1971; Fort Benning, Georgia, 1972)
  - U.S. Army, Honorably discharged from the U.S. Army Reserve in 1979 with rank of Captain
- **Capital Campaign for EYE Counseling and Crisis Service**, Chairman 1992-93
- **Green Valley Estates Homeowners Association**, President, 1993-95
- **North County Business Forum**, Chairman, May 1995.

- **Founder's Circle of the Coming Together Foundation**, Member 1993 to 1997
- **Painted Rock Elementary School, School Site Council**, 1997-2001; Chairman 1998-99
- **Twin Peaks Middle School, Site Council**, 1999-2001
- **Poway Unified School District**
  - Painted Rock School representative to District Advisory Council for GATE program (1996-97)
  - Community Budget Advisory Committee, Member, 1999-2000
  - School Improvement Plan/District Advisory Council (Painted Rock), Member 1999-2000
- Organized and conducted “mock trial” for Fifth Grade students (**Painted Rock Elementary School**) in San Diego County Superior Court setting using students as parties, witnesses, and jurors, and using law firm lawyers as trial lawyers, 2000
- Organized and conducted a “mock” Salem Witch Trial for Sixth Grade class (**Twin Peaks Middle School**) at Thomas Jefferson School of Law courtroom, 2001
- Organized and conducted “mock trial” for Fourth Grade students (**Rosa Parks Elementary School** in City Heights) in San Diego County Superior Court setting using students as parties, witnesses, and jurors, and using law firm lawyers as trial lawyers, 2002
- **Coached 34 Youth Sports Teams, in baseball, softball, soccer, basketball and football between 1996 and 2006**
- **USD Paralegal Education Advisory Committee**, Member, 1988 to 2000
- **Palomar College Paralegal Education Advisory Committee**, Member, 1998 to 2005
- **Presidents Associates of Palomar College**
  - Member, 1991 to 2000; 2002 to 2009
  - Executive Board, 1992 to 2000 and 2002 to present; Chairman, 1996, 2005, 2006, 2007, 2008, and 2009
  - Membership Committee, 2002
  - Co-chair of campaign committee for successful \$694,000,000 bond election, November 2006
- **San Diego Business Resources**, Member 2003 to present; President 2007 and 2008