



Estera Gordon

 Special Counsel

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🐦 @millernashllp

“Decades of commercial litigation and community mediation experience inform my arbitration practice. Analytical skills make me a quick study and help me reach the right result. Communication skills empower me to provide a flexible, supportive process. My commitment is to always be responsive, respectful and prepared.”

With more than 35 years’ experience as an advocate in complex commercial litigation matters, Estera Gordon now focuses on arbitrating business, real estate, franchise, financial, and consumer disputes. Her practice has included arbitration and mediation since 1991, and dispute resolution has been her primary practice area since 2016. She has been arbitrating with the American Arbitration Association (AAA) since 2010. Estera has served as arbitrator in close to 100 matters, encompassing a wide range of industries and relationships. She has substantial experience managing the arbitration process for represented and unrepresented parties.

As an advocate, Estera has represented lenders and borrowers, commercial landlords and tenants, real estate buyers and sellers, employers and employees, fiduciaries and beneficiaries, public agencies, landowners, contractors, and design professionals. She has significant experience in eminent domain, business, franchise, contract, and real estate litigation, and continues to provide strategic and substantive feedback to litigators in those practice areas.

Estera’s litigation practice concentrated on legal and factual analysis, case strategy evaluation, dispositive motions and briefs, trial support, and appellate representation. She continues to contribute those talents to the firm, acting as a research and writing coach for the firm’s newer litigators, and providing advice and editing on dispositive, trial, and appellate motions and briefs.

Professional Activities

- American Arbitration Association (AAA)
 - Commercial Arbitration Panel, 2010-present
 - Consumer Arbitration Panel, 2018-present
 - Mediation Panel, 2006-2019

Education

- J.D., University of Oregon School of Law, 1982
 - Order of the Coif
- B.A., University of Delaware, 1978
 - Phi Beta Kappa

Bar Admissions

Washington, 1982

Court Admissions

U.S. District Court,
Western District of
Washington, 1982

U.S. Court of Appeals for
the Ninth Circuit, 1994

U.S. Supreme Court, 2005

- King County Superior Court Civil Arbitration Panel, 1990-present
- Washington State Foreclosure Mediation Program, approved mediator
- Washington Mediation Association, certified mediator
- King County Dispute Resolution Center
 - volunteer mediator, 1991-present
 - mentor mediator and trainer, 1993-present
 - board of directors, 2012-2016
- King County Bar Association, Alternative Dispute Resolution Section
- Washington State Bar Association, Dispute Resolution Section
- United States Postal Service Equal Employment Opportunity REDRESS Mediation Panel, 2007-2013
- Federal District Court W.D. WA Rule 39.1 Mediation and Arbitration Panel, 1996-2019

Representative Experience

Arbitration Matters

- Arbitrated six-figure commercial distribution dispute about contractual duties and record-keeping. Award issued following full-day Zoom hearing and review of voluminous spreadsheets and financial records.
- Arbitrated commercial fishing and hospitality industry business dissolution, property allocation, and accounting dispute. Interim management and final awards issued following four-day evidentiary hearing that included testimony by multiple financial and industry experts.
- Arbitrated numerous commercial distribution system disputes involving terminations, financial reconciliations, collections, and system standards. Awards issued on document submission or after telephonic hearing.
- Arbitrated numerous restaurant and hospitality franchise termination disputes. Awards issued on document submission or after telephonic hearing.
- Arbitrated numerous consumer disputes involving financial, hospitality, and telecommunications industries and represented and unrepresented consumers. Awards issued on document submission or after telephonic hearing.

Litigation Matters

- Provided advice and analysis to local transit authority on multiple matters in which real property acquisitions affected communities with Covenants, Conditions, and Restrictions (CC&Rs) or Plat Restrictions.
- As member of litigation team that successfully represented key employee in multimillion-dollar trade secrets litigation, assigned and supervised research projects, prepared and edited motions, briefs, and affidavits for dispositive hearings, injunction hearings, procedural and discovery hearings, special master hearings, spoliation trial, and appellate matters, coordinated motions practice and other projects among internal team members and counsel for co-defendants, and reviewed all submissions by all parties to ensure quality, consistency, and clarity of message.
- Provided advice and analysis to local transit authority on complex eminent domain legal issues and related acquisition practices.
- Strategic consultation, analysis, and editorial review of key briefs and motions for eminent domain team's successful representation of local transit authority in trial court and appellate litigation with homeowners who claimed multimillion-dollar damages for right-of-way changes, changes to CC&Rs, and alleged CC&R violations.
- Supported eminent domain team's successful representation of local transit authority with strategic consultation, analysis, and editorial review of key briefs and motions in multiple just compensation jury trials and appellate matters.
- Strategic advice and editing for Ninth Circuit and Washington State Supreme Court amicus briefs submitted on behalf of tribal advocacy groups.

- Strategic consultation, analysis, and editorial review of key briefs and motions in real property quiet title action.
- Strategic analysis and guidance, dispositive motions, appellate briefs, and editorial review for eminent domain team's successful representation of local transit authority in dispute with governmental entity on power to condemn, resulting in published Washington Supreme Court decision.

Publications

- "Baseball Arbitration: Rewarding the Reasonable," King County Bar Association, *King County Bar Bulletin* (Apr. 2017)
- "An Insider's Guide to Mediation under Washington's New Foreclosure Fairness Act," Graham & Dunn (Aug. 2011)

Presentations

- "Hot Topics in Dispute Resolution," King County Bar Association ADR Section (Apr. 2018)
- "Hot to Get Mediations Rolling," King County Bar Association ADR Section (Jan. 2018)
- "Helping Clients Move Past Impasse," King County Dispute Resolution Center Training Event (Oct. 2016)
- "Crash Course in Mediation Advocacy," Seattle University Law School Dispute Resolution Board (Apr. 2014)
- "Conflict Resolution Skills," Seattle Central College Woodworking Center, Psychology of Human Behavior, guest speaker (Feb. 2014)
- "Tough Moments in Mediation," King County Bar Association ADR Section (Feb. 2013)
- AAA Professional Mediation Training, guest presenter (Nov. 2011)
- "Mediation Styles; Mediation Scenarios," Washington State Foreclosure Mediation Training, King County (July 2011)
- "Mind Your Mediation—An Attorney's Guide to Successful Mediation," AAA Lunch & Learn, Seattle office (Apr. 2011)
- "Conflict Resolution—Dealing with Strong Emotions," King County Dispute Resolution Center Training for Property Managers (2006)
- "Conflict Resolution—Overview," King County Dispute Resolution Center Training for Property Managers (2005)