



Estera Gordon

 Special Counsel

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🐦 @millernashllp

“I enjoy working as part of a team to further my clients’ and colleagues’ success. I’m good at seeing the big picture, focusing on the details that matter, and communicating both clearly. My commitment is to always be approachable, responsive, and prepared.”

After 40 years of practice as an advocate, mediator, and arbitrator, Estera Gordon now acts as a research and writing coach for the firm’s newer litigators, and provides strategic advice and editing on major pretrial, trial, and appellate motions and briefs.

Estera’s litigation practice concentrated on legal and factual analysis, case evaluation and strategy, dispositive motions and briefs, trial support, and appellate representation. She 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.

As a member of the American Arbitration Association’s Commercial Mediation, Commercial Arbitration, and Consumer Arbitration panels from 2006 through 2022, Estera mediated and arbitrated business, real estate, franchise, financial, and consumer disputes. She has served as arbitrator in close to 100 matters, and mediated hundreds of disputes over a wide range of industries and relationships. She has substantial experience mediating and arbitrating with both represented and unrepresented parties.

Professional Activities

- American Arbitration Association (AAA)
 - Commercial Arbitration Panel, 2010-2022
 - Consumer Arbitration Panel, 2018-2022
 - Mediation Panel, 2006-2019
- King County Superior Court Civil Arbitration Panel, 1990-2022
- Washington State Foreclosure Mediation Program, Approved Mediator

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

- Washington Mediation Association, Former Board Member and Certified Mediator
- King County Dispute Resolution Center
 - Volunteer Mediator, 1991-2022
 - Mentor Mediator and Trainer, 1993-2022
 - 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

Recent Litigation Matters

- Provides ongoing advice and analysis to regional transit authority about real property acquisitions that involve complex or novel eminent domain issues.
- Conceived and drafted appellate response brief to successfully defend eminent domain team's valuation trial victory against homeowners who claimed multimillion-dollar damages for right-of-way changes, changes to neighborhood Covenants, Conditions, and Restrictions (CC&Rs), and alleged CC&R violations.
- Strategic consultation, analysis, and editorial review of key trial court and appellate briefs and motions enabling financial institution to enforce real property foreclosure settlement.
- Strategic consultation, analysis, and editorial review of appellate response brief in support of financial institution's judgment dismissing Consumer Protection Act and conspiracy claims based on previous third-party litigation about the same events.
- Strategic consultation and editorial review of appellate brief supporting trial court's dismissal of workplace claims against maritime trade association.
- 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, trial proceedings, and appeals; coordinated motions practice and other projects among internal team members and counsel for multiple co-defendants; and reviewed all submissions by all parties to ensure quality, consistency, and clarity of message.
- Strategic consultation, analysis, and editorial review of key briefs and motions for eminent domain team's successful representation of local transit authority 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 tribal authority's real property quiet title action.
- Strategic analysis and guidance, drafting, and editorial review of multiple dispositive motions and appellate briefs for eminent domain team's successful representation of regional transit authority in dispute with governmental entity about power to condemn, resulting in published Washington Supreme Court decision.

Arbitration Matters

- Arbitrated past and future contractual obligations between LLC members in closely held real estate business impacted by COVID-19 shutdown. Award issued following dispositive motions, two-day Zoom hearing, voluminous document review, and post-hearing submissions.
- 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 services, and electronic and data products. Efficiently managed concurrent proceedings in multiple-consumer cases, as well as cases with unrepresented consumers. Awards issued on document submission or after telephonic hearing.

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)