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**GORDON & REES LLP**

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September 22, 2006

To Whom It May Concern

Re: EEOC

I am former managing partner of Gordon & Rees and an employment litigator for 25 years. I represent employers in all phases of employment litigation, including administrative proceedings.

Over the years I have had a number of EEOC mediations with Kathryn Shear. Most of the cases that I have taken to the EEOC mediation have settled. I only wish the DFEH would have as successful a program. In most of the cases I have mediated with Kathryn Shear. I have found her to be engaging, thoughtful and very intelligent. She has a unique style of mediation, where the parties are encouraged to remain in open dialog with each other for as long as possible. While I am sure that this makes some uncomfortable, I have found it to be a very effective method of resolving cases.

What I appreciate most about Kathryn's sensibilities as a mediator is her creativity. I have had a number of cases settle with the settlement being a very creative, "out of the box," resolution. For example, in one case involving a claim of religious discrimination the settlement was that the laid off Muslim employee could spend an hour talking to the company CEO about what it felt like to be in the only Muslim in the company. This was cathartic for the former employee, and very helpful to the company on an ongoing basis. Most mediators would not have even considered an approach like that.

Other attorneys in my group have had similar success. Marcie Isom, Nicole Harvat, Greta Schnetzler and Mike Bruno all work with me on my cases and have reported a number of very successful EEOC mediations.

I would be happy to answer any further questions if you have any.

Very truly yours,

GORDON & REES LLP

Michael T. Lucey

RP ESG

LAW OFFICES

## Hiroshima, Jacobs, Roth and Lewis

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September 15, 2005

FILE NO. \_\_\_\_\_

Deborah Randall  
ADR Coordinator  
Equal Employment Opportunity Commission  
350 The Embarcadero, Suite 500  
San Francisco, CA 94105

Via email: [Deborah.Randall@eoc.gov](mailto:Deborah.Randall@eoc.gov)

**Re: Kathryn Schear / Mediation**

Dear Ms. Randall:

I'd like to thank you and the EEOC for the opportunity to mediate a disability accommodation case that I recently handled for one of my clients (Charge Number 370-2005-02049). We successfully resolved the matter and, incredibly, everyone left happy! I'd like to say that it was due to my advocacy skills, but in reality the credit goes to your staff mediator, Kathryn Schear.

Kathryn did a fantastic job at putting the parties at ease and she was able to facilitate an understanding and cooperative atmosphere that enabled the parties to reach resolution. Though her mediation style is certainly unlike that of the typical attorney or judge, (for example, the use of appropriate humor and the "family room" décor) it seems very well suited for the types of cases your office likely deals with on a day to day basis, ours certainly included. I highly commend her for her work, and I appreciated her efforts.

Thanks again, and please feel free to contact me with any questions you may have.

Very truly yours,

HIROSHIMA, JACOBS, ROTH AND LEWIS  
A Law Corporation

By  
JON DAGGETT

— **SPROUL LAW OFFICES** —  
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J. Martin Sproul  
Attorney at Law

e-mail: sproul@  
netvista.net

September 26, 2006

To Whom It May Concern:

I write concerning my experience working with Kathryn Schear, EEOC mediator. First I provide some background about my practice and myself.

After obtaining my BA from Harvard College in 1976, I studied law and the University of California at Berkeley, Boalt Hall School of Law. I obtained my JD in December of 1979 and passed the Bar in May of 1980. Except for a brief period on inactive status in the early 80's, I have been in private practice ever since. As a civil litigator, I have tried cases to verdict and have argued one case before the California Supreme Court. I have also served on the Contra Costa and Solano County arbitration and mediation panels, acting as an arbitrator in approximately ten cases.

While employment litigation is not the focus of my practice, I have served as counsel to both plaintiffs and defendants in employment cases. Representative cases include defense of a car dealership in a case involving allegations of sexual harassment and wrongful termination (demand: \$750,000; case settled for \$70,000) and another case representing a CFO fired for whistle blowing (obtained in excess of \$300,000 in settlement).

My experience with Kathryn Schear involved a case representing a plaintiff in an employment dispute with a well-known Bay Area employer. My client came to me some time after her termination, after a subsequent unsuccessful attempt at rehire, after her filing with the EEOC, and approximately a month before the EEOC mediation. The client's sense of being wronged was very strong, and the damage to her self-respect made gentle handling important. Her language difficulties and her unfamiliarity with the American legal system also made it important that she be convinced, in understandable ways, of the fairness of the process.

I felt that Ms. Schear understood the human factors well and handled them patiently and well during the dynamics of the mediation session. She treated my client with the respect that the client so clearly deserved and needed. She grasped the legal issues and balanced them with the human issues. While we were not able to obtain for this client a large monetary compromise of her claim, we were able to obtain a meaningful apology and enough compensation that my client could move on with her life with her sense of justice having been vindicated. I believe my client was grateful that "the government" took her and her claims seriously. I certainly was appreciative of Ms. Schear's assistance in resolving this case. I was particularly impressed by Ms. Schear's dogged follow-up with both sides after the formal mediation session, which helped shepherd the case to final settlement.

Besides having acted as a neutral myself, I have been before many arbitrators and mediators, including several from the leading ADR firms such as JAMS and AAA. With that experience in working with and evaluating mediators, I can say with conviction that Ms. Schear is a confident and talented mediator. I would not hesitate to have her involved as a neutral in my cases in the future.

Very Truly Yours,

J. Martin Sproul

**Kathryn**

**From:** Stephen M. Murphy [smurphy@sick-leave.com]  
**Sent:** Thursday, January 04, 2007 11:36 AM  
**To:** kschear@sonic.net  
**Subject:** Burks Mediation

Kathryn:

I wanted to update you on this settlement. The County of \_\_\_\_\_ delivered the final checks yesterday so the matter is concluded.

I also wanted to thank you for your effort and commitment to settle the case. I was impressed with your easygoing manner, knowledge of the issues, and perseverance in effecting the settlement. If you hadn't arranged for a second mediation session and continued pushing both sides, it is unlikely the case would have resolved without litigation. My client and I appreciate your going the extra mile.

Thanks again and best wishes in the new year.

Sincerely,  
Steve Murphy

STEPHEN M. MURPHY, ESQ.  
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cc: Schear

**Rick Karp**  
*President and  
Keeper of the Karma too!*  
**(415) 753-2653 #5**  
**fax: 753-0957**  
**email: rick@colehardware.com**

RP

June 14, 2005

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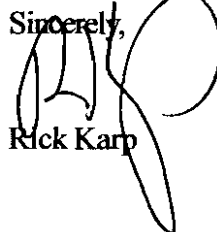
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Deborah Randall  
U.S. Equal Employment Opportunity Commission  
350 The Embarcadero Suite 500  
San Francisco, CA 94105

Dear Ms. Randall,

I wanted to drop you a note to let you know how impressed I was with Kathryn Schear. We were involved in a mediation on June 1st in your offices. The outcome was favorable to both sides. Most importantly though, Ms. Schear made all parties feel comfortable and welcome. She was fair, judicious, in control, and actually made the process fun, if you can believe that! Her training, knowledge and expertise with regards to people involved in these sensitive issues was much appreciated.

Sincerely,  
  
Rick Karp

**RECEIVED**

**JUN 20 2005**

**EEOC-SFDO**

# The County of Yuba

**RISK MANAGEMENT / PERSONNEL OFFICE**

**BEVERLY J. CAPACI, PERSONNEL DIRECTOR/RISK MANAGER**

RP



938 14TH STREET  
MARYSVILLE, CA 95901

(530) 741-6281 - PHONE  
(530) 741-6337 - FAX

August 23, 2001

Kathryn Schear, ADR Mediator  
U.S. E.E.O.C., San Francisco District Office  
901 Market Street, Suite 500  
San Francisco, CA 94103

Dear Kathryn,

I want to take this opportunity to thank you for helping us with the two situations we hopefully resolved - or at least began the resolution process. I always consider it a personal loss when anyone leaves a job, or is continuously unhappy in their job, for 'unknown' reasons. Far too often they endure and suffer in private. It takes real skill to help someone make those 'unknown' reasons 'known' so that we can at least begin to resolve the issues. It is an almost impossible task trying to make both parties feel comfortable and equal in this kind of process - and you accomplished in a stellar way. We learned so much. I'm sure I speak for the Sheriff and Under Sheriff when I say that we are resolute in our commitment to addressing not only the issues agreed to, but to the far broader issues underlying the causes for their complaints. Again, thank you for your professionalism, time and talent.

Sincerely,

A handwritten signature in cursive script that reads "Mike O'Connor".

Mike O'Connor  
Asst Personnel Director/Risk Manager

RP



# Westwind Foster Family Agency

P.O. Box 605 Station A, Richmond, CA 94808-0605

Ms. Kathryn Schear, Mediation Commission  
Equal Employment Opportunity  
350 The Embarcadero, Suite 500  
San Francisco, Ca 94105

**RECEIVED**

**NOV 16 2005**

**EEOC-SFDO**

Dear Kathryn,

This is a letter submitted in recognition of the mediation process you facilitated between Westwind (Willia Pugh) and ~~Mr. [REDACTED]~~

I came to the mediation process in a very negative frame of mind on a very wet and rainy morning, It did not help when all other parties in the process were 20 to 45 minutes late. Your positive approach in the mediation session did much to lower my negative mind-set regarding what I considered an unjust charge.

You were knowledgeable, articulate and persuasive in your interactions with both parties. Your injection of humor as a means of lowering levels of hostility was noteworthy. Even through I disliked having to compromise, I yet want to acknowledge and state my appreciation for services provided in mediation.

Thank you,

Willia Pugh, Ph.D.



**From:** KATHRYN SCHEAR  
**To:** Hui, Sandy  
**Subject:** Re: Appreciation

cp

employee

>>> "Sandy Hui" <[smhui24@hotmail.com](mailto:smhui24@hotmail.com)> 9/30/2005 1:45:34 PM >>>  
Dear Ms Randall,

Please accept this e-mail as a small token of my appreciation for Kathryn Schear as the mediator in the Charge # 370-2005-01469. The hearing was held on July 6, 2005. She was very professional. I was more than satisfy of her performance for the hearing. She managed the schedule very well. The most outstanding of the mediation was her analytic skills, and she even concerned about my feeling during the whole course. She tried to make me as comfortable as she could. It was not an easy case. I didn't expect the Company sending two attorneys for the hearing, and I represented for myself. After the hearing, Kathy analysis the case, and indicating what would be the alternative outcomes for me to make the decision. Since, there was no chance for me to stay with the Company, I had decided to negotiate for the Severance pay. Once again, Kathy assisted me to obtain the best for my benefits. It could be more difficulty and ugly without Kathryn as the mediator. It was a tremor to me. The emotional impact was very hugh. I still have the nightmares every night. In summary, I strongly feel that Kathryn is an asset to your organization. I am also glad that there is an organization like EEOC exist in the United States for the discrimination cases. Thank you! Sandy M. Hui

Dear Kathryn,

Thank you for your commitment as a mediator and sensitivity and resourcefulness in handling my case. You were the reason I had representation, and the opportunity to attempt communication with Blue Shield.

Even though we did not come to a resolution, I felt a lot of hope for the possibility of justice - one day. Thank you for taking time for me, understanding



I love you

How complicated Multiple Sclerosis can be,  
and walking me through the entire  
process.

You are a memorable spirit to  
me during a devastating time.

Very sincerely,

Jaynel Attolini



RP EST

California State  
Automobile Association

Office of the General Counsel  
100 Van Ness Avenue, Suite 1600  
San Francisco, CA 94102  
Tel (415) 565-4200  
Fax (415) 565-4568

**Nancy E. Resnick**  
Direct: (415) 565-4218

May 20, 2002

The Honorable Thomas Cosentino  
Equal Employment Opportunity Commission  
901 Market Street, Suite 500  
San Francisco, California 94103

Re: **Katherine Schear, Mediator**  
**Charge No. 370-A2-0102**  
**Alice McLane v. CA State Automobile Association, Burns International Security Services.**

Dear Judge Cosentino:

I am writing to express my appreciation for the excellent work and diligence exhibited by mediator Katherine Schear during the course of a protracted mediation process that ended in the successful resolution of the above matter.

Thanks to Ms. Schear working closely with the four attorneys involved, an open communication process was maintained despite numerous obstacles. This ultimately resulted in a settlement of the matter to the benefit of all parties and I would like to convey our thanks and appreciation for her fine work.

Sincerely,

Nancy E. Resnick  
Office of the General Counsel

cc: Katherine Schear

December 12, 2005

*J*

U.S. Equal Employment Opportunity Commission  
San Francisco District Office  
Attn: H. Joan Ehrich, *Director*  
350 The Embarcadero, Suite 500  
San Francisco, CA 94105

**RECEIVED**

DEC 16 2005

**EEOC-SFDO**

Dear Ms. Ehrich:

I am writing this letter regarding the wonderful experience I had while utilizing the assistance of the U.S. Equal Employment Opportunity Commission.

Recently, I had been placed in a situation where I felt my previous employer had unjustly treated me. I became involved in a legal mediation which involved my previous employer, the EEOC (U.S. Equal Employment Opportunity Commission) and me. Being that I am a young adult, I am currently limited in my financial resources; this is where the U.S. Equal Employment Opportunity Commission was a *savoir* to me.

While considering legal action, I was referred to your Equal Employment Opportunity Commission. It was here that I first met with Tom McGee, one of your current EEOC employees. Mr. McGee took the time to speak with and educate me on my legal rights. Mr. McGee was very supportive and was a huge help in the beginning of my legal pursuit.

When the date of my Legal Mediation arrived, I was introduced to Kathryn Schear, ADR Mediator. Ms. Schear was amazing. She took the time to explain in detail the process to me and both counsels of what was going to take place. My nerves were shot, but Ms. Schear was able to bring a calming feeling to me with her graceful way of making an awkward situation as pleasant as could be. I truly felt as though Ms. Schear was there to make my experience as painless as possible. Without Ms. Schear's kind-hearted and professional way, I don't know what I would have done.

I am writing this letter to personally thank the U.S. Equal Employment Opportunity Commission, and to recognize Tom McGee and Kathryn Schear, ADR Mediator, for their knowledge, and way of making me feel comfortable during my trying time. Because of Tom McGee and Kathryn Schear's help, I was able to overcome my personal challenge(s).

Thank you again! U.S. Equal Employment Opportunity Commission, of San Francisco, is a wonderful resource and I believe both Tom McGee and Kathryn Schear not only deserve to pat themselves on the back, but deserve a bit of praise from the U.S. Equal Employment Opportunity Commission.

Sincerely Yours,

*Jason A. Osborn*

Jason A. Osborn  
400 Baker St., Apt. 202  
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