

Appeal: JAMS Arbitrator Seriously Misrepresented Experience, Award Must Be Set Aside

The arbitrator's biography disappeared from the JAMS website after serious misstatements were uncovered

SAN FRANCISCO, CALIFORNIA, UNITED STATES, September 28, 2022 /EINPresswire.com/ -- Presenting evidence that its arbitration was "chaired by an imposter" who faked and exaggerated his professional credentials and experience to attract business as a paid JAMS neutral and to get himself appointed, property owner Seaker & Sons filed an appeal today with California's First Appellate District Court to have the JAMS arbitrator's decision vacated.

JAMS arbitrator Phillip Louis Neiman's official biography stated that he "has been a full-time mediator and arbitrator since 2004," and a JAMS press release issued in 2018 touted Neiman's "15 years of experience as a full-time neutral settling high-stakes disputes." Yet in a 2015 lawsuit Neiman filed against his disability insurer, Neiman stated that he had been collecting full disability benefits for treatment-resistant psychological issues, including depression, from 2004 for more than a decade, a condition which left him unable to work. App Annie Inc v. Seaker & Sons, CGC-21-589745, San Francisco County Superior Court, 2021

"This means Neiman apparently made false statements to either his disability insurer, to JAMS and clients of JAMS, or both," said Seaker's attorney [Elizabeth Mann](#). "Making the unlikely assumption that Neiman made a complete recovery in the months immediately after suing his disability insurer for cutting off his benefits in early 2015, Neiman at most could have had five years of experience as a neutral in alternative dispute resolution -- a far cry from the 15 to 17 years of experience which he and JAMS advertised."

Furthermore, Neiman's 2015 lawsuit asserts that from 2004 to 2015 he couldn't work on most days, and when he did work, he couldn't work beyond a daily three-hour limit, making JAMS' claim that Neiman had a wealth of experience handling complex cases and "settling high stakes disputes" highly improbable. Phillip Neiman v. The Northwestern Mutual Life Insurance Company, BC577371, Los Angeles County Superior Court, 2015

In a striking irony, Neiman penned an article which was published in a professional journal in 2018 on the topic of California settlement negotiation ethics rules. In this article, which still is accessible [on the JAMS website](#), Neiman points out that nondisclosure of pertinent facts can be

the equivalent of a false statement: "Thus, remaining silent is not always acceptable and in fact constitutes a falsehood if a partially true but ambiguous statement is made and then not corrected," Neiman wrote. "It appears that he fails to practice what he preaches," Mann said.

This discovery of material omissions and intentional misrepresentations in Neiman's official biography (which was undetected by JAMS) is the latest hit this year to JAMS's reputation as a reliable provider of ADR services, following a recent exposé in the [L.A. Times](#) which suggested that some of JAMS's top arbitrators had helped enable Tom Girardi to perpetuate the largest legal fraud in California's history.

Seaker, owner of the former home of Gumps Department Store in downtown San Francisco near Union Square, entered arbitration as a result of a lease contract dispute. Seaker had leased the third and fourth floors of its building to App Annie, a data analytics firm (which in 2021 was reprimanded and heavily fined by the SEC for engaging in sharp and deceptive business practices which ran afoul of Federal securities laws). Because the COVID pandemic significantly reduced App Annie's requirement for office space, App Annie wanted to be released from its lease obligations and sued Seaker to rescind its lease. Seaker countersued for breach of contract, and the parties eventually agreed to enter into binding arbitration with Neiman being chosen as the arbitrator.

Seaker's appeal argues that the arbitration award issued by Neiman in favor of App Annie should be vacated because Neiman's intentional misrepresentations substantially corrupted the arbitrator selection process. By providing bogus biographical information to JAMS clients, Neiman also deprived Seaker of its right to make an informed choice of a seasoned and honest arbitrator.

The administrators at JAMS, months after being alerted by Seaker to irregularities in Neiman's biographical data, eventually saw to it that Neiman's biography was removed from the JAMS website in early September 2022. "It isn't clear whether Neiman was removed from the JAMS panel of neutrals, or he was asked to resign from this panel," Mann said. "Neiman's abrupt exit from the JAMS panel seems to underscore the loss of faith by JAMS in his personal integrity and/or professional capabilities."

Elizabeth Mann
Mann Legal Team
emann@mannlegalteam.com

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