



KIRK D. YAKE, ESQ.

Mediator | Arbitrator



Kirk D. Yake, Esq. is a San Diego-based mediator and arbitrator with over twenty years of litigation and trial practice, and over ten years of training and experience mediating disputes. He has substantial experience in the areas of construction defect litigation involving both homeowners' associations and individuals; environmental nuisance and contamination; real estate disputes; mobile-home park conversions; personal injury; employment; construction contracts; and community association law. In addition to facilitating the parties' discussion in mediation, Kirk relies on his subject matter expertise to help the parties assess, evaluate, and explore legal positions and contentions in order to generate practical settlement options. Above all, Mr. Yake's objectives are pragmatic, to resolve disputes quickly, efficiently, and affordably.

In 2005, while practicing as a successful trial lawyer of construction defect and environmental litigation, Mr. Yake saw the value of alternative dispute resolution to resolve difficult claims. He began pursuing mediation training and became a founding member of the Community Associations Institute's mediation programs, where he mediated various types of HOA claims in Southern California. He earned a mediation credential from the National Conflict Resolution Center in 2008 and has since engaged in over 50 hours of ongoing additional training, including the American Bar Association's "Advanced Mediation and Advocacy Skills Institute" and the Straus Institute for Dispute Resolution's "Mediating the Litigated Case" program.

In addition to his private mediation practice, Mr. Yake has resolved numerous disputes as a panelist for the San Diego Superior Court civil mediation program; convened and mediated over a dozen employment discrimination cases as a mediator for the Equal Opportunity Employment Commission (EEOC); and arbitrated several attorney-client fee disputes for the San Diego County Bar Association. He also serves as an arbitrator of consumer construction disputes for the State Contractor's Licensing Board.

Since 2011, Mr. Yake has held elected positions for the ADR Section of the San Diego County Bar Association, which he chaired from 2012-2016. He takes an active role in developing educational programming on topics regarding mediation and arbitration, as well as on legislative and legal decisions affecting the practice of mediation.

AREAS OF EXPERTISE

- **Construction:**
 - **Soils issues:** landslides, subsidence, inadequate compaction, consolidation, and differential settlement.
 - **Mold damage and exposure:** testing, remediation, and personal injury claims
 - **Water intrusion:** numerous building envelope breach claims, including roofs, windows, balconies, decks, and stucco.
 - **SB 800 Performance Standard violations.**

- **Homeowners Association:** CC&R's enforcement, architectural violations, damage, construction disputes
- **Real Estate:** landlord-tenant, non-disclosure
- **Employment:** discrimination, failure to hire, wrongful termination, negligent supervision
- **Business & Consumer:** contract disputes, corporate dissolution, buy-out, debt
- **Professional Liability:** fee disputes and liability
- **Auto Lemon Law**
- **Personal Injury**

MEDIATION EXPERIENCE

- Mediator, San Diego Superior Court Panel (2016-Current)
- Mediator, Equal Opportunity Employment Commission (EEOC) (2015-Current)
- Mediator, West Coast Resolution Group / NCRC (2008-Current)
- Mediator, Community Associations Institute (CAI), Orange County Mediation Committee (2005-2009)

LEGAL EXPERIENCE

- Law Office of Kirk D. Yake (2013-Present)
- Ward & Hagen LLP, Of Counsel (2008-2013)
- Naumann Levine & Silldorf LLP, Associate (2005-2008)
- Burdman & Benson LLP / Burdman Law Group, Associate, Partner (1998-2005)
- Silldorf Burdman Duignan & Eisenburg, Associate (1994-1998)

EDUCATION

- University of San Diego Law School, J.D. (1993)
- University of California, San Diego, B.A., Political Science, Latin American emphasis (1987)
- Straus Institute at Pepperdine University, "Mediating the Litigated Case" (2012)
- American Bar Association, "Advanced Mediation and Advocacy Skills Institute" (2011)
- National Conflict Resolution Center, Mediation Credentialing Program (2008)

PROFESSIONAL AFFILIATIONS

- State Bar of California
- U.S. District Court, Southern District
- California Real Estate Broker
- San Diego County Bar Association
 - ADR Executive Committee (Current)
 - ADR Section Vice-Chair (2017)
 - ADR Section Chair (2012-2016)
- Community Associations Institute