



AAA Mediation.org™

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Dallas, Texas



Current Employer-Title Peter S. Vogel, PC – Solo Trial Lawyer and IT & eCommerce Transactional Lawyer

Panelist Video <https://www.adr.org/videoresume?paramName=229123768>

Profession Arbitrator, Mediator, Court-Appointed Neutral, and Lawyer

Work History Attorney, Peter S. Vogel, PC, 2022- Present; Of Counsel, Foley & Lardner LLP, 2018 – 2022; Partner, Gardere Wynne Sewell LLP, 1992 – 2018; Adjunct Professor of Law, SMU Dedman School of Law, 1986 – 2016; Attorney, Sole Practitioner; Computer Consultant, Self-employed; Systems Programmer, National Institute of Health; Systems Programmer, Computer Technology Inc.

Experience Arbitration including Mass Arbitration Claims regarding Information Technology (IT) and eCommerce, including ERP implementation, Cybersecurity disputes, XaaS, Cloud contracts, software development projects, infringement of Intellectual Property, Blockchain (Crypto and NFTs) and eCommerce Terms of Service, Click Agreements, and Privacy Policies.

CYBER SECURITY AND PRIVACY. Assist international clients when cyber breaches occur and help CIO and CISO with PCI DSS compliance, IT infrastructure, penetration testing, firewall security, and related reporting notice about Personal Identifiable Information (PII) and PCI to the credit cards, and government in the US and around the world. Created online ToS (Terms of Service), Click Agreement, and Privacy Policy for international DR (Disaster Recovery) cloud business.

ECOMMERCE/INTERNET BUSINESS. Negotiated software development contracts and defended online educational business in patent infringement cases including serving as lead counsel in Markman Hearings, and arbitration for failed software development project. Defended international education business regarding K-12 software litigation, and copyright infringement claims. Defended international software client regarding alleged failed website front-end and back-end systems. Pursued TROs and injunctive relief for online software distribution business. Adword litigation regarding Google, Bing, and Yahoo! John Doe litigation in alleged cybersmear libel cases, and pursued arbitration for failed SEO (Search Engine Optimization) contract.

UTILITIES. Represented electric utility in failed software project for customer management in

federal court, assisted electronic utility in establishing a DR colo (Co-Location) and also ADA website compliance. Responsible to negotiate dark fiber contracts electric utility. Served as an arbitrator for telecommunications contract with a 911 service for a major metropolitan community.

GOVERNMENT. Represented state, county, and city governments to negotiate ERP contracts with Oracle, SAP, Sungard, CGI, and Tyler Technologies, and also pursued litigation for failed ERP implementations.

INTERNATIONAL PRODUCT MANUFACTURING. Served in the role as general counsel to a world-wide manufacturer of electronics and was responsible for negotiating manufacturing and distributing agreement in many countries, as well as responsibility for all litigation with customers and distributors. Negotiated a world-wide B2B website project for eyewear and contact lens sales. Represented world-wide business operation to negotiate the implementation of SAP ERP including cloud hosting services. Sole arbitrator and member of panels for disputes regarding IT disputes for failed software development projects, including failure for Oracle ERP implementation team of have properly staffed project properly.

HEALTHCARE. For more than 30 years represented a regional hospital system with more than 20 hospitals managing IT contract negotiations (including Epic) and litigation on failed IT systems, and all Intellectual Property including trademarks, copyrights, patents, and trade secrets. Assisted medical practice of more than 80 doctors with IT contracts regarding HIPAA compliance, Business Associate Agreements (BAA), and related protections for Personal Health Information (PHI). Served as general counsel to healthcare software vendor and negotiated license agreements around the world with governments, hospitals (including Mayo Clinic), insurance companies (including Blue Cross and Aetna), and software companies (including IBM, Microsoft, Oracle, Epic, and GE). Served on an arbitration panel for a failed IT outsourcing contract to manage large national healthcare provider with a large number of hospitals and another panel about a dispute about a failed IT system to properly manage patient information for a regional hospital.

Mediator Experience

Mediated cases of failed Information System software systems, failed website development projects, losses because of cyber intrusions, disputes about the ownership of Intellectual Property, eCommerce disputes, and other technology disputes.

Representative Issues Handled as a Mediator

Settled numerous disputes as mediator including those related to Information Technology performance, Internet B2B development, ownership of software, outsourcing agreements, software patents, copyright, Internet trademark, domain name disputes, and e-Commerce. Specific cases handled are confidential, but references in any area can be provided.

Mediator Style & Process Preferences

Since about 95% of all cases settle without trial, I believe that there is a stage of each dispute where parties can determine it is best to settle and end the litigation or arbitration. Since I only represent buyers and sellers of information technology and Internet services, I am uniquely qualified to make a technical assessment of the technology in dispute and help the litigants and the lawyers better understand the risks of litigation or arbitration, and the advantages of settlement.

Education

University of Texas (BBA); American University (MS, Computer Science); St. Mary's University (JD).

Professional Licenses

Admitted to the Bar: Texas; U.S. District Court in Texas; U.S. Supreme Court. Certified in Data Processing.

Professional Associations

General Counsel for the Cybersecurity group, North Texas Information Systems & Security Association (NTX ISSA); Society for Information Management - Dallas/Fort Worth Chapter (SIM-DFW Fellow); (1 of 10 public citizens in Texas appointed to the Texas Work Group on Blockchain; Silicon Valley Arbitration and Mediation Center (Tech List and Board of Directors); American College of eNeutrals (Co-Founder); Academy of Court Appointed Neutrals (Fellow and Board of Directors); Dallas Bar Association (Past President); Dallas Bar Foundation (Past Chair of Board of Trustees); State Bar of Texas (Past Board of Directors); American Bar Association; Texas Supreme Court Judicial Committee on Information Technology (Founding Chair).

Recent Publications & Speaking Engagements

PANEL: "Integrating AI Ethically into Your Practice," Law Practice Management Track, Annual Meeting, State Bar of Texas, June 2024, Dallas.

“AI Legal & Privacy Issues in the Cloud and SaaS,” IT Procurement Work Group’s Spring 2024 Virtual Conference, June 2024.

“Artificial Intelligence, Cloud, Cybersecurity, and Related Ethics,” Dallas Senior Attorney Committee, Dallas Bar Association, May 2024, Dallas.

“AI Guardrails: Who Is Responsible for Ethical, Regulatory and Compliant Use?,” Leaders in Technology Industry Series, ALM Consulting Magazine, May 2024, Dallas.

“10 Commandments of Information Technology Contracts,” SMU Tech CxO Excellence Certificate Program, March 2024, Dallas.

“Legal & Ethical Issues Regarding AI, Cybersecurity, and Blockchain (Think Crypto),” Dallas Area Real Estate Lawyers Breakfast Discussion Group, May 2024, Dallas.

“AI and YOU, and Cybersecurity,” Dallas Minority Attorney Program, Dallas Bar Association, April 2024, Dallas.

PANEL: “Mergers & Acquisitions: What IT Leaders Need to Know,” InnoTECH, April 2024, Irving.

“Legal & Ethical Issues Regarding AI, Cybersecurity, and Blockchain (Think Crypto),” Dallas Area Real Estate Lawyers, April 2024, Dallas.

PANEL: “Data Breach Response,” Cyber Law Initiative, Texas A&M School of Law, April 2024, Fort Worth.

MODERATOR: “AI Considerations in Litigation,” Science & Technology Section, Business Litigation Section, Tort & Insurance Practice Section and International Law Section, Dallas Bar Association, March 2024, Dallas.

“2024 Update to Help Clients Do Business on the Internet Amid Cyber and AI Turmoil,” TexasBarCLE, State Bar of Texas, ACEC Dallas, March 2024, Webcast.

PANEL: “A.I. in 2024: Navigating Risks & Realizing Rewards,” The Masters Conference, March 2024, Dallas.

“Legal & Ethical Issues Regarding AI, Cybersecurity, and Blockchain (Think Crypto),” Health Law Section, Dallas Bar Association, March 2024, Dallas.

“What you need to know about AI, Cybersecurity, and Blockchain (Think Crypto),” ACEC Dallas, March 2024, Dallas.

MODERATOR: “AI and Cybersecurity,” AI Summit, State Bar of Texas, February 2024, Austin.

MODERATOR: “AI and Legal Education,” AI Summit, State Bar of Texas, February 2024, Austin.

“AI Regulations,” AI – Law, Ethics, & Policy Symposium, SMU Science & Technology Law Review, February 2024, Dallas.

“Legal & Ethical Issues Regarding AI, Cybersecurity, and Blockchain (Think Crypto),” International Law Section, Dallas Bar Association, February 2024, Dallas.

“Legal Issues in the Internet Age, including AI, Cyber Threats, and Cloud Computing,” SMU Tech CxO Excellence Certificate Program, February 2024, Dallas.

“LinkedIn 101: Ethical & Legal Issues in Social Media,” Solo & Small Firm Section, Dallas Bar Association, January 2024, Dallas.

“Ethics in the Internet Age, including AI, Cyber Threats, Cloud Computing, and Blockchain (think Crypto),” Dallas Area Paralegal Association, January 2024, Dallas.

“Blockchain Legal Issues including Crypto, NFTs, and Intellectual Property,” MBA Blockchain Course, TCU, Neeley School of Business, January 2024.

“Important Issues Regarding the new SEC Regulations for Cyber Security Risks,” SIM DigiRisk, December 2023.

“SEC Cyber Security Disclosure Rule,” Short Takes C-Level Discussions with Sue Bergamo, December 2023.

“What You Need to Know about AI, Cybersecurity and Blockchain (think Crypto),” Professional Advocacy Association of Texas, November 2023.

PANEL: "AI and its Implications for the Future of Recruiting and Work,” SIM TechExec 2023, November 2023, Amelia Island.

“AI Impact on IT Contracts in 2023,” IT Procurement Work Group, SIM TechExec 2023, November 2023, Amelia Island.

“Introduction to Artificial Intelligence,” Handling Your First (or Next) AI or ChatGPT Case, State Bar of Texas, November 2023, Austin.

Mediation Rate	\$475 Per Hour
Languages	English
Citizenship	United States of America
Locale	Dallas, TX

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator’s resume. If you have any questions about a mediator’s experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.