



AAA Mediation.org™

**FN-1183257 MN-1183257 LN-1183257,
Esq.**

Dallas, Texas

Current Employer-Title Law Office of Anne P. Stark, P.C. - Owner

Profession Arbitrator, Attorney, Mediator

Work History Owner, Law Office of Anne P. Stark, P.C., 1998 - Present; Associate, William M. Hayner & Associates, 1983 - 1998.

Experience A litigator, mediator, and arbitrator with over 35 years of experience as an attorney. First 15 years of practice with William M. Hayner & Associates was diverse across many areas of civil litigation. Over time, practice evolved into primarily residential construction litigation issues, representing homeowners and contractors. In 1998, formed own firm and has worked with many architects, engineers, contractors, and homeowners in furtherance of repair efforts needed for foundation defects, framing problems, water intrusion issues, mold, envelope deterioration, swimming pool problems, poor drainage, and other construction issues.

Over the years, has spoken at a number of construction law conferences, addressing issues involving the Deceptive Trade Practices Act, the Residential Construction Liability Act, and the Texas Residential Construction Commission Act. Was also a member of the Commission's Arbitration Task Force.

Has counseled both contractors and homeowners in resolution of construction defect complaints and contract disputes, e.g., breach, abandonment, payment and lien claims, and termination issues. Has also mediated, arbitrated, and tried numerous construction defect matters, including commercial construction cases. Significant cases include a jury verdict that was upheld on appeal involving complex issues of statutory construction which arise in virtually every homeowner/builder dispute, but which had not yet been decided by the courts.

Has also obtained jury and arbitration awards involving claims for breach of warranty, fraud, and Deceptive Trade Practices Act violations. In addition, has substantial experience with mediation of subrogation claims, which has broadened knowledge of some of the more arcane issues that arise in homeowner policy recoveries and exposure.

Mediator Experience In 2001, added mediation services to litigation practice of 18 years. Served as mediator in over 350 cases since that time. Stopped taking new litigation cases in January 2015 and practice has focused entirely on dispute resolution, primarily mediation, as pending litigation matters come to a close. Due to previous concentration in construction litigation, many mediations have involved construction disputes, including defect claims, contract disputes, liens, bond claims, and subrogation matters. Also, broad experience in mediating a variety of general civil litigation, including property damage of all types, personal injury, product liability, malpractice, bad faith and insurance claims, real estate transactions, medical practice disputes, landlord/tenant claims, franchise disputes, and employment matters. Amounts in dispute have ranged from a few thousand dollars to multi-million dollar cases.

Representative Issues Handled as a Mediator	The most common reoccurring issues in construction cases are applications of the Residential Construction Liability Act, its conflict with the Deceptive Trade Practices Act, evaluation of damages in construction defect cases, consideration of wrongful termination, abandonment and nonpayment issues in cases arising out of incomplete construction contracts, analysis of comparative fault and third party liability, and basic precepts of contract law. In general civil matters, issues include construction of the standard Texas Real Estate Commission contract language in failed transactions, application of the Texas Insurance Code to policy claims, parameters of disclosure of property conditions in the sale of a home, the scope of liability for property inspectors, subrogation joint prosecution issues, assessment of damages for personal injury litigants given the current climate, and interpretation of responsibilities under all types of contracts.
Mediator Style & Process Preferences	<p>Most parties want to resolve their disputes quickly and efficiently, and mediation presents the best possible process to do that. Parties frequently have unreasonable expectations of trial and arbitration as they simply lack familiarity with those processes. Although our judicial system is truly one of the best in the world, it lacks finality and predictability. The mediator's key role is to engage the parties and their counsel in an honest risk analysis, lead them to recognize their strengths and weaknesses, and bring everyone toward a resolution that can be finalized and effectuated with the best possible result for the parties.</p> <p>A party-driven approach achieves the best results and involves determining what format to use based on the relationships involved, the need for venting, the type of damage, the prospects for any future dealings, and all of the considerations that will give the parties the best chance to achieve their objectives. Those considerations are as varied as the parties that come to the process. Over 30 years of law practice have led to an appreciation of the mediation process from an advocate's viewpoint and even more from a mediator's perspective.</p>
Education	Villanova University (JD - 1982); University of Texas (BA, Music - 1969).
Professional Licenses	Admitted to the Bar: Texas, 1983
Professional Associations	Dallas Bar Association
Mediation Rate	\$400 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.