



AAA Mediation.org™

**FN-13216 MN-13216 LN-13216, Esq.**

**Dallas, Texas**



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**Current Employer-Title** How Frels & Duke, P.C. - Director, Shareholder

**Panelist Video** <https://www.adr.org/videoresume?paramName=309290874>

**Profession** Attorney

**Work History** Director and Shareholder, How Frels & Duke, P.C., 2004 - Present; Partner, Johnson & McElroy, L.L.P., 1989 - 2004; Partner, Buholz Duke & Bauch, 1986 - 1989; Attorney, Weitingner, Steelhammer & Tucker, 1985 - 1986; Accountant, Touche Ross and Co., 1984; Appeals Analyst, Internal Revenue Service, 1983.

**Experience** Thirty-eight years in civil trial and transactions involving accounting, casualty, liability and health insurance, construction, employment, intellectual property (including software and information technology disputes), labor, personal injury, tax, worker's compensation, non-subscriber, ERISA and other self-funded benefit plans. Experience is approximately equal for plaintiffs and defendants. Experienced in complex and multiparty litigation.

Personal injury experience includes over 1,000 cases representing plaintiffs and defendants in work injury and third-party insurance claims. Personal injury arbitrator experience includes currently presiding over cases involving worker's compensation, non-subscriber, ERISA and other self-funded benefit plans.

Construction experience includes large construction matters as an owner and attorney/representative involving commercial and residential projects in various states. Experience includes public and private works, municipal utility districts, schools and hospitals: reviewing construction contracts and related documents (AIA forms, spec documents, construction insurance documentation, etc.) for owners, general contractors and subcontractors; assisting clients in lien and bond claims from both claimant and respondent perspectives; prosecuting and defending lawsuits seeking to foreclose on construction liens and asserting bond claims; prosecuting and defending lawsuits involving construction disputes and other lien and bond disputes; handling construction matters within arbitration and traditional courts. Experience includes transactional and litigation experience.

Commercial experience includes litigation and transactions involving accounting, casualty, contract performance, business torts, restrictive covenants, securities, tax, regulatory, shareholder rights, mergers and acquisitions.

Completed C.P.A. exam; work experience in public accounting and for IRS.

## **Mediator Experience**

Thirty four years' mediation experience involving over 400 cases; mediated cases include: commercial disputes involving contracting parties, lenders/borrowers, and franchisees/franchisors; construction disputes among owners, contractors, subcontractors and architects; insurance disputes among insurers and insureds; personal injury disputes involving multi-party claims.

25% of all mediations have been multi-party disputes.

Extensive experience as an advocate in mediation through 30 years' litigation practice.

References: Andrea Nicolae, anicolae@pailtpe.com, (214) 871-8710; William Neumann, Jr., wgneumann@evl.net, (281) 331-5757; Rudy Beuttenmuller, tcbfirm.com, (972) 991-2121.

## **Representative Issues Handled as a Mediator**

Representative issues in commercial cases: contractual performance, business torts, restrictive covenants, securities fraud and other fraud, compliance with statutory lending requirements, and minority shareholder rights. Representative issues in construction cases: substantial completion, adherence to plans and specifications, liens, and legitimacy of charges and payment. Representative issues in insurance cases: coverage, good faith settlement practices, reinsurance, and damages and liability.

## **Mediator Style & Process Preferences**

My philosophy in mediation is to aggressively encourage the parties, at the earliest possible time, to realistically assess the risks of their positions and create a need-based solution. Experience has shown that by the time a case is mediated, the parties are usually well acquainted with the facts, factual disputes, and the law as it applies to the facts. The role as mediator is to objectively and aggressively assess risk and to provide that perspective to the parties.

## **Technology Proficiency**

All platforms and media.

## **Education**

University of Arkansas (BS, Business Administration/Accounting-1982); Southern Methodist University (JD-1985).

## **Professional Licenses**

Admitted to the Bar, Texas, 1985; U.S. District Court: Southern (1985) and Northern (1986) Districts; U.S. Tax Court, (1986).

## **Professional Associations**

State Bar of Texas (Business Section; Construction Section; ADR Section; Litigation Section); Dallas Bar Association (Business Section; Construction Section; ADR Section; Litigation Section).

## **Locations Where Parties Will Not be Charged for Travel Expenses**

Within one hour of Dallas, Texas and Fayetteville, Arkansas.

## **Mediation Rate**

\$2,000 Per Day

## **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.