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**FN-1331675 MN-1331675 LN-1331675,
Esq.**

Pittsburgh, Pennsylvania



Current Employer-Title Michael D. McDowell, Esq. - Owner

Profession Attorney, Arbitrator, Mediator

Work History Attorney/Arbitrator and Mediator, 2003 – Present; Part-time Labor Arbitrator, 1984 – 2003; Deputy General Counsel/Director/Human Resources/Attorney, Allegheny Energy Inc., 1987 – 2003; Senior Counsel/Counsel, Dravo Corp., 1980 – 1987; Attorney, Plowman and Spiegel, 1976 – 1980; Attorney, Hirsch Weise & Tillman, 1975 – 1976; Assistant United States Attorney, Middle District of Pennsylvania, 1973 – 1975.

Experience Cases handled as litigator or litigation manager in state, federal, administrative, and alternate dispute resolution forums involved business disputes, contracts, antitrust, merger, energy, public utility, Pennsylvania Public Utility Commission, Federal Energy Regulatory Commission, labor and employment, discrimination, ERISA, FLSA, Occupational Safety and Health Administration, workers' compensation, computers and information systems, bankruptcy, corporate compliance, construction, environmental, and criminal matters.

40% of practice devoted to energy matters involving the electricity markets. Sixteen years as employee of an electric public utility. Energy-related experience includes PURPA power plants, power sales agreements, generation, sales of generation assets, market-based rates, MISO penalty proceedings, exempt wholesale generators, transmission, distribution, EPC contracts, power marketing and energy trading, power supply arrangements, industry restructuring, asset transfer, financing, securitization, OASIS, OATI, and control areas. Principal legal advisor for an electric public utility team responsible for RFQ issued to sell single block, unit contingent capacity, energy and ancillary services from 180 MW cogeneration plant. RFQ resulted in six month Power Sales Agreement with another electric public to generate revenues of \$19,230,000 based on 100% availability, and achieved state PSC approval. Obtained \$1.8 Million refund for electric public utility through regulatory waiver of penalties imposed by transmission provider. Obtained EWG status for \$50 million ownership interest in power plant which allowed electric public utility to sell ownership interest without the necessity obtaining further regulatory approvals. Developed and executed litigation strategies in multiple federal and state administrative agencies and courts, and in arbitration and mediation alternative dispute resolution processes, to resolve disputed state PUC

orders concerning electric public utility contracts with PURPA Qualifying Facilities. Buyouts of these certain of these contracts were achieved for less than a total of \$100 Million on claims the present value of which were over \$575 Million. Managed litigation which achieved dismissal of Federal lawsuit seeking to enjoin the merger of two electric public utilities through antitrust and related state claims allegations. Managed electric public utility lawsuit requesting specific performance of Merger Agreement with another electric utility. District Court defense ruling upheld by Third Circuit.

Labor and employment experience includes collective bargaining, strikes, early retirement, reduction in force, arbitration, at will employment, wrongful discharge, employment discrimination (race, sex, age, national origin, religion), employment contracts, confidentiality and non-compete agreements, diversity, executive and management development, organizational development, conflict resolution, safety, EEO, compensation, employee benefits, pensions, withdrawal liability, recruitment, and facilities management. Handled over 100 cases as an advocate before the EEOC, Pennsylvania Human Relations Commission, Pittsburgh Commission on Human Relations, Office of Federal Contract Compliance Program (OFCCP), National Labor Relations Board and unemployment and workers' compensation authorities in administrative agency and subsequent court proceedings.

SAM: Current System for Award Management Registration (formerly registered with Central Contractor Registration - CCR).

Mediator Experience	Mediated to date a total of 172 cases of which 126 were employment cases and 35 were commercial cases. The balance were tort and community cases.
Representative Issues Handled as a Mediator	<p>Issues in employment have involved: employment contracts, wrongful termination, layoff, failure to hire, failure to promote, defamation, civil conspiracy, workplace injury as well as statutory rights under the unlawful discrimination laws including age, race, sex, religious and disability discrimination.</p> <p>Issues in commercial involved: business disputes including sale of businesses, construction defects, and failure to pay for materials and services.</p> <p>Issues in tort cases involved personal injury and property damage matters including negligence, fraud, infliction of emotional distress, product liability and statutory liability.</p>
Mediator Style & Process Preferences	My overall view of the mediation process is that it works best when the participants are involved voluntarily and are committed to the process. I believe that the mediators role is to manage a process in such a way that it provides the best opportunity to allow the parties to reach a resolution of the disputed issues. How the mediator does that and how involved the mediator becomes in the process depends on a variety of factors, most of which are different for every case and which require recognition and flexibility by the mediator.
Technology Proficiency	Available for arbitration and mediation via videoconference and teleconference, in addition to in-person proceedings where safe and appropriate.
Education	University of Pittsburgh (JD); University of Dayton (BS, Business Management).
Professional Licenses	Admitted to the Bar: West Virginia (1999), Pennsylvania (1973); U.S. District Court: Western (1975) and Middle (1973) Districts of Pennsylvania, Southern District of West Virginia (1999); U.S. Court of Appeals, Third Circuit (1974); U.S. Supreme Court, 1977.
Professional Associations	National Academy of Arbitrators; Labor and Employment Relations Association (Southwestern PA, Central PA, and Northeast Ohio Chapters); American Bar Association (Dispute Resolution Section; Labor and Employment Law Section, Past Council); Pennsylvania Bar Association (ADR Committee; Legal Ethics and Professional Responsibility Committee, Past Vice Chair); West Virginia State Bar (ADR Committee); Allegheny County Bar Association (Young Lawyers Section, Past Chair; ADR Committee, Past Board of Governors); Society for Human Resource Management; Association for Conflict Resolution (Workplace Section, Tri-Chair).
Recent Publications &	Author, "Actual Bias: The Applicable Standard for Lack of Disclosure by Arbitrators", Lawyers Journal, Allegheny County Bar Association; May, 2013. Author, "Failure to Preserve Computer Hard

Speaking Engagements	<p>Drives After Computer Replacement Leads to Dismissal of Lawsuit", Lawyers Journal, Allegheny County Bar Association, June, 2011; Co-author, "Dealing with Nonclients," original Chapter 8, PENNSYLVANIA ETHICS HANDBOOK, Pennsylvania Bar Association, 1998, subsequently revised; "Sale of Business Exception to Multi-Employer Pension Plan Liability," PITTSBURGH LEGAL JOURNAL, Allegheny County Bar Association, December 1982.</p> <p>SPEAKING ENGAGEMENTS: "Decision Making and Award Writing in Labor and Employment Arbitration: Advanced Concepts," 7th Annual Association for Conflict Resolution Conference, Phoenix, AZ, 2007; "Excellence in ADR Advocacy: Choosing a Process, Selecting a Neutral and Effective Representation," Pennsylvania Bar Institute 3rd Annual ADR Institute, Pittsburgh, PA, 2007; "Representing Clients in Mediation: What Works and What Doesn't," Allegheny County Bar Association's Federal Court Section and ADR Committee, and the Federal Bar Association, Pittsburgh, PA, 2007; "Significant Court Decisions Reviewing Labor and Employment Arbitration Awards," Pennsylvania Bar Institute Employment Law West Institute, Pittsburgh, Indiana University of Pennsylvania's 24th Annual Labor Management Conference, Indiana, PA: Allegheny County Bar Association Labor & Employment Law Section Seminar, Pittsburgh, 2005; "How to Use Mediation in Bankruptcy to Achieve a Great Result," Pennsylvania Bar Institute Tenth Annual Bankruptcy Institute, Pittsburgh, 2005; "Gaining a Competitive Advantage Using Contract Attorneys," Financial Executives Institute, Pittsburgh, 1998; "Ethics Potpourri - PBA Legal Ethics and Professional Responsibility Update," Pennsylvania Bar Institute, Pittsburgh, 1998.</p>
Mediation Rate	\$450 Per Hour
Languages	English
Citizenship	United States of America
Locale	Pittsburgh, PA

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.