



AAA Mediation.org™

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Austin, Texas

Current Employer-Title Law Office of John Fleming – Attorney

Profession Attorney

Work History Law Office of John Fleming, 2012 – Present; Outside General Counsel, Texas Mortgage Bankers Association; Of Counsel/Attorney, Hays and Owens, 2007 – Present; Adjunct Professor of Law/former Deputy Director, Center for Public Policy Dispute Resolution – University of Texas School of Law, 1999 – Present; General Counsel, Texas Department of Savings and Mortgage Lending, 2004 – 2007; Partner, Zeleskey Cornelius Hallmark Roper and Hicks LLP, 1976 – 1999.

Experience Over 25 years' experience in business transactions and commercial litigation. Current practice also includes active arbitration and mediation practice. Regularly represents banks, mortgage banks, and other financial service entities including mergers and acquisitions and general corporate law. As counsel to the Texas Mortgage Bankers Association, has worked on drafting legislation relating to electronic transactions, including remote online notary, blockchain technology, and biometrics, and has advised and written on issues arising under the Uniform Electronic Transactions Act and the Uniform Electronic Real Property Recording Act. Business litigation experience includes both plaintiff and defendant representation in cases involving fraud, antitrust, business dissolution, director liability, lender liability, usury, Uniform Commercial Code cases (including secured transactions, sales, and commercial paper), RICO, Deceptive Trade Practices Act, Business Opportunity Act, franchise litigation, and breach of contract, including employment contracts, and covenants not to compete. Has also represented consumers in Deceptive Trade Practices Act cases, residential construction disputes, and consumer lending matters including usury. Legal experience includes litigation related to commercial landlord-tenant litigation, mechanics and materialmen's liens, title disputes, nuisance, trespass, timber damage, condemnation, ad valorem tax disputes, foreclosures, zoning and land use, real estate brokerage, and management contracts, including litigation under the Texas Real Estate License Act. Has represented lenders, developers, and major tenants in all aspects of commercial real estate development. Served four years as general counsel to state agency regulating mortgage brokers, mortgagee bankers and state chartered thrifts. Has practiced before both federal trial and appellate courts, bankruptcy courts, and state trial and appellate courts. Experience includes contested probate matters and product liability claims, as well as personal injury claims. Has taught at the University of Texas Law School in the areas of Alternative Dispute Resolution and Consumer Credit Law.

Representative Issues Handled as a Mediator Mediated cases involving business, commercial, real estate, and personal injury claims.

Mediator Style & Process Preferences Mediation styles are frequently characterized as evaluative, facilitative, or transformative. I prefer to describe my approach as "problem solving." The goal of the mediation is to Mediation is a dynamic process, and mediators should guide the process to match the unique aspects of the dispute or needs of the parties. One size definitely does not fit all. The role of the mediator should be that of a facilitator, but must be more than a "message carrier." The mediator should assist the parties in the clarification of issues and assessment of litigation risks. As important if not more important, the mediator should assist the parties to look for creative solutions that create value and utility for all parties. In pursuing this objective, however, the mediator should not substitute his opinion for that of

the parties. The accomplished mediator respects the role of counsel.

Education	University of Houston (JD, Order of Barons, Delta Theta Phi-1975); Lee College (BA, with highest honors-1971).
Professional Licenses	Admitted to the Bar: Texas, 1976.
Professional Associations	State Bar of Texas Alternative Dispute Resolution Section, (Past Chair); Commercial and Consumer Law Section; Real Estate, Probate and Trust Law Section; Texas Association of Bank Counsel (Past Director); Texas Mortgage Bankers Association; Governing Council of Conference on Consumer Finance Law.
Recent Publications & Speaking Engagements	<p>Publications and Speaking Engagements include:</p> <p>eClosings: It May Be a Paper Moon but Your Real Estate Practice Isn't (UTCLE Mortgage Lending Institute Sept. 2019)</p> <p>Bankers, Bribes, Kickbacks, and Lawyers: a Refresher on the Bank Bribery Act, RESPA, and Codes of Conduct (Texas Bankers Association Legal Conference, 2018)</p> <p>Drafting the Perfect Arbitration Clause (Texas Association of Bank Counsel, 2015)</p> <p>Bank Director Fiduciary Duties (Texas Bankers Association/UT Dallas Bank Director Program March 2012);</p> <p>Credit Risk Retention Rules (Texas Association of Bank Counsel 2011);</p> <p>Litigating with the Attorney General (State Bar Suing and Defending Financial Institutions 2012)</p> <p>"State and Federal Legislative and Regulatory Responses to the Subprime Mortgage Meltdown," Consumer Credit Law Institute, November 2007;</p> <p>"ADR Legislative Update," State Bar of Texas ADR CLE, October 2007;</p> <p>"Charter Choice for Financial Institutions," Texas Bankers Association Legal Conference, March 2007; State Bar of Texas Arbitration webcast, November 16, 2005; "Legislative and Case Law Update," 6th Annual Conference of the Responsible Dispute Resolution Institute, South Texas College of Law, October 2005</p> <p>A Few Things Business Lawyers Should Know about the Revised Arbitration Act," ABA Section of Litigation Commercial and Business Newsletter, Fall/Winter 2005;</p> <p>"State and Local Government Use of Alternative Dispute Resolution," TEXAS ALTERNATIVE DISPUTE RESOLUTION HANDBOOK, 3rd ed., 2002.</p>
Mediation Rate	\$2,500 Per Day
Languages	English
Citizenship	United States of America
Locale	Austin, 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.