



AAA Mediation.org™

**FN-1586734 MN-1586734 LN-1586734,
Esq.**

Waunakee, Wisconsin



Current Employer-Title Cole Dispute Resolution

Profession Attorney, Mediator, Arbitrator

Work History Cole Dispute Resolution, 2009 – Present; Retired Partner, Quarles & Brady LLP, 1994 – 2009; Partner, Stroud Willink, Thompson & Howard, 1989 – 1994; Partner, Haight & Hofeldt, 1987 – 1989; Shareholder, Ross & Stevens S.C., 1970 – 1987.

Experience Full time Mediator and Arbitrator of Construction, Commercial and intellectual property disputes. Engaged in Construction, Intellectual Property and Commercial litigation over a 40 career. Served as sole Arbitrator for 30+ auto dealer termination arbitrations; Arbitrated a two week software vendor/customer dispute; Technical subject matters have included: patents directed to wireless communication; trade secret claims directed to software for medical records; trade secret claims involving seed corn germplasm; patent claims directed to method and kit for coupling transcription and translation from DNA; patent claims directed to bone densitometers; trademark claims against a trade association of credit unions directed to a marketing slogan and logo; and patent claims pursued in the International Trade Commission directed to single use cameras.

Construction disputes involved with power plant construction, reconstructing a Freeway interchange, reconstruction of, and a senior housing condominium project. Handled numerous construction cases, which include: a wall collapse on a freeway project; delay claims in the construction of a 28-story office tower and parking structure; delay claims in the construction of a 1070 foot arch bridge over the Roosevelt Dam in Arizona; delay and performance claims for the installation of insulation in a new power generating facility; and performance claims in construction of a major metropolitan sewage treatment facility. The projects ranged in value from \$2 million to \$50 million.

Mediator Experience Served as a mediator in patent cases involving issues of co-inventorship, infringement, and invalidity; and in copyright cases involving the copying of book and magazine photos. In the construction area, has mediated disputes between owners and contactors and between contractors and sub-contractors in commercial projects, such as hotels and numerous Condo Homeowner Association/Contactor disputes. Has also served as mediator in a number of business

ownership/partnership disputes involving closely held companies.

Representative Issues Handled as a Mediator

Handled representative issues concerning the following: intellectual property cases involving claims of trade secret misappropriation, failure to list a co-inventor in a patent application, copying and misappropriation of photographs of professional athletes, and allegations of invalidity of patent claims for materials used in high tech scientific labs; construction cases including delay damages, design errors, and defects in construction; and other commercial contract disputes including issues with respect to successor liability in real estate purchase contracts for the development of hotel properties, the effect of buy/sell agreements between co-owners of closely held businesses, the applicability of contingencies in the purchase and development agreements for multifamily high rise residential properties, and cases involving insurance coverage disputes.

Mediator Style & Process Preferences

Since the mediator acts as a facilitator rather than a decision-maker, the true experts - the people who know their businesses, ventures and technology better than anyone else - are responsible for communicating their position and resolving the conflict rather than relying on third party judges, juries or arbitrators unfamiliar with the intricacies of the venture, strategic plans or processes in question. As a result, mediation is more flexible and allows the parties greater control over the process and timing of the dispute resolution, avoiding the arbitrariness of the litigation process. My approach to mediation combines both facilitation and evaluation, particularly as called for by the parties or the nature of their dispute. I believe I have established a track record of trust among those parties with whom I have worked. I urge the parties to explore resolutions that are not available through the litigation process such as licensing of intellectual property or future work opportunities among contractors. In particular, I urge parties to "look to the future" as a means of resolving a dispute rather than "standing with their back to the future" as is required in any litigation setting. It is important to remember, however, that an important element in any dispute resolution process is providing a forum in which the parties can feel they have truly "been heard".

Education

University of Wisconsin at Madison (JD-1969; BS-1966).

Professional Licenses

Admitted to the Bar: Wisconsin, 1969.

Professional Associations

State Bar of Wisconsin (ADR Section, Board Member); Wisconsin Association of Mediators (Board Member); American Intellectual Property Law Association; Associated General Contractors of Wisconsin (Legal Advisory Committee); Wisconsin Intellectual Property Law Association; American Bar Association (Litigation Section; Dispute Resolution Section); International Mediation Institute (IMI) Certified Mediator.

Recent Publications & Speaking Engagements

Guest speaker on In Business radio program "In Business with Jody & Joan" [podcast at: podcast.php]; Published article in Capital Region Business Journal: - "Logistically challenging lawsuits can be avoided"; Video/CD: Preparing for your Business Deposition, State Bar of Wisconsin, 1998; WISCONSIN DISCOVERY LAW & PRACTICE, State Bar of Wisconsin, 1994 and updates; Mediating Business Disputes, Business Law Section, State Bar of Wisconsin; Mediating Design Disputes, Assoc. General Contractors; Proving Damages in Patent Cases, Practising Law Institute.

Mediation Rate

\$400 Per Hour

Languages

English

Citizenship

United States of America

Locale

Waunakee, WI

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.