



AAA Mediation.org™

**FN-1636292 MN-1636292 LN-1636292,
Esq.**

Omaha, Nebraska



Current Employer-Title Kutak Rock LLP – Partner

Work History Partner, Kutak Rock LLP, 2008 – Present; Shareholder, McGrath North Mullin & Kratz PC LLO, 1988 – 2008; Partner, Boland Mullin & Walsh, 1980 – 1988.

Experience A partner in the firm's Omaha, Nebraska office, serves as Chair for Kutak Rock LLP's ADR Neutrals Group.

Has also served as an arbitrator in a number of disputes, ranging from personal injury actions, to commercial disputes, to construction disputes.

Is the first and only Nebraska mediator inducted into the prestigious International Academy of Mediators and the American College of Civil Trial Mediators. Certified member of the American Academy of ADR Attorneys. Is a member of neutral panels that include Resolute Systems, Inc. ADR Systems of America, and Mediation Works, Inc. Mediation experience has been complemented by three decades of experience as a trial lawyer, during which was inducted into the American Board of Trial Advocates (ABOTA), the International Association of Defense Counsel (IADC), and Litigation Counsel of America (LCA).

Has been active in numerous law-related and civic organizations, and has previously served as President of the Omaha Bar Association. Has served for many years as an elected member of the Nebraska State Bar Association House of Delegates, has served on numerous committees and chaired several committees. Was also a founding member of the Nebraska Mediation Association, and previously served as President of the ADR section of the Nebraska State Bar Association. Continues to serve as a board member of the NSBA ADR Section at the present time.

Further information regarding ADR practice and experience is available at www.kutakrock.com/mediation/mullin.

Mediator Experience Mediated over 2,000 disputes and is presently mediating approximately 300 disputes per year. In the 14 years has served as a mediator, has settled over 90% of mediated disputes. Is willing to travel across the country to conduct mediations, and offers national experience at Midwest rates in

virtually all types of civil disputes. Has successfully mediated class action disputes, FLSA collective actions, Superfund CERCLA cost recovery actions, FELA claims, catastrophic injury cases, professional negligence disputes, construction disputes, intellectual property disputes, shareholder disputes and a wide range of commercial and business disputes.

The first and only Nebraska mediator inducted into the prestigious International Academy of Mediators and the American College of Civil Trial Mediators. Charter member of the National Academy of Distinguished Neutrals, and a certified member of the American Academy of ADR Attorneys. A member of neutral panels that include Resolute Systems, Inc. ADR Systems of America, and Mediation Works, Inc. Mediation experience has been complemented by his three decades of experience as a trial lawyer, during which was inducted into the American Board of Trial Advocates (ABOTA), the International Association of Defense Counsel (IADC), and Litigation Counsel of America (LCA).

Representative Issues Handled as a Mediator

Mediated disputes in virtually all types of civil and business disputes. Currently has mediated approximately 300 disputes per year, and has completed over 2,000 mediations in ten states thus far since first mediation as the neutral in the year 2000. Some representative examples include:

Resolving a \$3 billion dispute involving certain classifications of water users vis-a-vis the reconstruction of the Omaha, NE sewer system.

Resolving Superfund litigation involving the Omaha Lead Site (the largest residential Superfund Site in the United States).

Resolving multiple class action suits arising from the theft of private employee data from a Fortune 500 company.

Resolving wage and hour class action lawsuits.

Resolving "donning and doffing" collective action and class action lawsuits.

Resolving FACTA class action lawsuits.

Resolving high emotion lawsuits arising from fraternity hazing incidents.

Resolving hundreds of FELA claims, many with catastrophic injuries or death.

Resolving hundreds of medical malpractice suits and claims, many with catastrophic injuries or death.

Resolving Trademark Infringement and Lanham Act claims and suits.

Resolving complex partnership disputes ranging from professional groups to large corporations to family farming disputes.

Resolving numerous construction disputes.

Resolving sensitive and highly emotion family disputes involving Wills and estate plans and the probate thereof.

Resolving hundreds of personal injury claims and suits arising from auto negligence, product liability, toxic tort, etc.

Resolving numerous employment related claims, including wrongful termination, discrimination claims, retaliation claims, etc.

Mediator Style & Process Preferences

I strongly believe in the principle of the parties' right to self-determination to the mediation process. Unlike some mediators, I do not conduct a mediation with a pre-conceived view of the result that should be reached, and then attempt to force the parties towards that result. Rather, I have developed a style in which I am facilitative at the beginning of a mediation, letting each party tell me that party's "story" and position with reference to the dispute. As the negotiations continue, I will become more evaluative as needed, to ensure that each party to a dispute has a clear understanding of that party's risks in proceeding forward with the litigation. This style has proven effective in that I have settled approximately 91% of the over 2,100 disputes that I have mediated, and I continue to be one of the busiest mediators in the United States, mediating approximately 300 disputes each year.

I also believe that mediation should be as comfortable a process for the parties as possible. I strive in every mediation to put the parties at ease, let them know that it is their process, not mine, and that I am happy to accommodate any party's needs during the course of the negotiation. I am frequently told at the end of my mediations that the parties were very appreciative of my style, in that they came into the process nervous or scared, only to find that the process allowed them to be heard in a comfortable, non-confrontational manner.

Education

Creighton University School of Law (J.D.-1980); University of Notre Dame (B.A. in Government-1977).

Professional Licenses	Admitted to the Bar: Nebraska, 1980; U.S. Court of Appeals, 8th Circuit; U.S. Supreme Court.
Professional Associations	International Academy of Mediators - Distinguished Fellow American College of Civil Trial Mediators - Fellow National Academy of Distinguished Neutrals - Charter Member American Bar Association American Bar Foundation Nebraska State Bar Association - Elected Member of House of Delegates since 1993; Former President of ADR Section; numerous committees Omaha Bar Association - Former President and Executive Council Member Nebraska Mediation Association - Founding Member America Academy of ADR Attorneys - Certified Mediator American Board of Trial Advocates - Inducted Member.
Recent Publications & Speaking Engagements	Presentation "Persuasion in Mediation" to the Nebraska Association of Trial Attorneys (2014) Presentation "Ethical Issues in the Mediation of Employment Disputes" to the 8th Circuit National Employment Lawyers Association (2014) Presentation "Technology in Mediation" to the Nebraska Mediation Association (2012) and the American Academy of ADR Attorneys (2012) Presentation "Technology in Mediation" to the Nebraska Association of Trial Attorneys (2011) Presentation "Mediating Family Law Disputes" to the Nebraska Family Law Section (2010)
Mediation Rate	\$4,000 Per Day
Languages	English
Citizenship	United States of America
Locale	Omaha, NE

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.