



AAA Mediation.org™

**FN-164001 MN-164001 LN-164001,  
Esq.**

**Topeka, Kansas**



**Current Employer-Title** Arbitrator/Mediator

**Profession** Attorney, Mediator, Arbitrator, Hearing Officer; Adjunct Law Professor

**Work History** Independent Arbitrator/Mediator, 1999 – Present; Adjunct Professor – Alternative Dispute Resolution (Interviewing & Counseling, Negotiation, Mediation and Arbitration), Washburn University School of Law, 2007 – 2010; Special General Counsel/Legislative Liaison, Midland Group, 1990 – 2003; General Counsel/Litigation Director, Kansas Legal Services Inc., 1973 – 2001; Litigation Director, Farmer Assistance Counseling and Training Service (FACTS), 1984 – 2001; Director/Mediation Coordinator, Midland Mediation & Settlement Services, 1995 – 2001; Officer, United States Air Force, 1966 – 1970.

**Experience** More than 27 years' civil litigation experience in state and federal courts. Primary areas of practice include civil rights, constitutional law, and general civil litigation. Successfully litigated several class action civil rights matters in both state and federal court, including the establishment of due process rights for individuals facing mental health commitment, and conditions-of-confinement in state and local institutions. Served as lead trial counsel in hundreds of federal and state trial proceedings and administrative law matters including: civil rights, contract law, consumer fraud, consumer protection violations, corporate liability issues, constitutional law, domestic relations, fair debt collection practices, fair housing, material and latent defects, lemon law, Native American law, residential contract and construction, real estate law, truth-in-lending, Section 1983, and special education disputes.

**Mediator Experience** Served as a Mediator/Arbitrator in more than 4,000 matters arising in federal, state and administrative agencies. These matters include civil rights, commercial law, consumer fraud, consumer protection violations, contract law, constitutional law, construction law, corporate dissolution, domestic relations, domestic relations division of assets, employment law, environmental law, fair debt collection practices, fair housing, FSLA, insurance claims/bad faith, international disputes, material and latent defects, malpractice, labor law, lemon law, personal injury, public policy residential construction, real estate, truth-in-lending, workers' compensation, Section 1981 and 1983, toxic tort, regular education/special education disputes, securities, water law issues, wills, trusts and estates, zoning disputes, and design and development of internal dispute

resolution systems. Settlements have ranged from a few thousand dollars to several million dollars.

Approved by the Kansas Supreme Court as a mediator and mediator trainer in all categories. Serves on arbitration panels for the American Arbitration Association, FINRA and National Arbitration Forum. Certified by the Kansas Department of Education as an approved special education mediator and due process hearing officer.

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

Employment law: Covenants Not to Compete, Title VII, Section 1981 and 1983, ADEA, ADA, Fair Housing, Equal Pay Act, FMLA, FSLA, Rehabilitation Act and Retaliation. Consumer law: Fair Debt Collection Practices, Consumer Protection Act, Consumer Fraud, Merchandising Practices Act Violations and Truth in Lending Act. Construction law: Contract violations, design errors, interference with performance and blatant defects. General: Care homes, contract disputes, constitutional law, insurance claims, legal and medical malpractice, personal injury, product liability, public policy disputes, regular/special education disputes and toxic torts.

## **Mediator Style & Process Preferences**

I consider myself to be extremely fortunate as I truly enjoy the work that I do. It is a privilege for me to have the opportunity to work with the brightest attorneys and the most interesting legal issues. As each mediation is unique, I attempt to approach each new opportunity with an open mind. For example, I do not insist on nor do I reject opening statements by the participants to mediation. When I receive a new mediation assignment it is generally my practice to contact the representatives of both parties individually to determine their relative experience with mediation, obstacles that they see to settlement and utilize the information provided to structure a mediation experience and process with the greatest likelihood of a success. I am often asked whether I am a facilitative, evaluative or transformative mediator. When I answer, I almost inevitably say "yes." This is because one or all of these techniques may be utilized during the course of the mediation. I think that it is always best to build upon success. From time to time, I will endeavor to utilize negotiation techniques that have proven to be successful, but I am not a mediator that will use the same technique or techniques in every mediation.

## **Education**

University of Washington School of Law (LLM-1976); Washburn University School of Law (JD-1973); Washburn University (BBA-1966).

## **Professional Licenses**

Admitted to the Bar: Missouri (2009), Kansas (1973); Kickapoo Tribal Court; U.S. District Court: District of Kansas and Western District of Missouri; U.S. Court of Appeals, Tenth Circuit

## **Professional Associations**

American Bar Association (Alternative Dispute Resolution Committee, Immediate Past-Chair); International Academy of Mediators (Distinguished Fellow & Governor); Heartland Mediators Association; International Mediation Institute; Kansas Bar Association (Alternative Dispute Resolution Section, Two-Time Past President); Mediators without Borders (Charter Member); Missouri Bar; Kansas Association for Justice; National Academy of Distinguished Neutrals (Charter Member); National Arbitration and Mediation (NAM); FINRA; FORUM, Topeka Bar Association (Alternative Dispute Resolution Committee, Past Chair); Kansas City Metropolitan Bar Association; Kansas Association of Counsel for Children (Past President); International Mediation Institute (IMI) Certified Mediator.

## **Recent Publications & Speaking Engagements**

PUBLICATIONS: Author, "Successful Settlements that Last: How Mediation Best Practices Techniques Can Improve Your Settlement Strategy," Trial Tort & Insurance Section Committee News, Fall 2011;

Author, "The Evolution of Commercial Mediation in the Midwest: Best Practices, Confidentiality and Good Faith," JOURNAL OF THE KANSAS BAR ASSOCIATION, January 2010; co-author, "The Changing Face of Arbitration: What Once Was Old is New Again," JOURNAL OF THE KANSAS BAR ASSOCIATION, August, 2003; co-author, "Mediation Round Table: Improving the Quality and Effectiveness of Mediation," KTLA JOURNAL, vol. 26, no. 4, March 2003; co-author, "Discrimination in the Workplace: How Mediation Can Help," DISPUTE RESOLUTION JOURNAL, American Arbitration Association, February-April 2000.

SPEAKING ENGAGEMENTS: Adjunct Professor, Alternative Dispute Resolution, Washburn University School of Law

2018--Washburn University School of Law, Alternative Dispute Resolution & Child Advocacy, Topeka, Kansas, January 19, 2018;

International Academy of Mediators – Mentee Webinar, Utilizing Co-Mediation to Enhance Settlement Opportunities, online training, March 28, 2018;

Kansas Bar Association, Swimming with the Sharks: Negotiation Ethics for Guppies, Topeka, Kansas, November 9, 2018  
International Academy of Mediators, Mediation Preparation and Pre-Mediation Conferences, Zurich, Switzerland, November 15, 2018

2017--ABA Dispute Resolution Spring Conference, The Challenge: Achieving Uniformity in State ADR Law, San Francisco, California, 4/21/2017.  
Kansas Women Attorneys Association, Annual Conference, Attorneys Currently in the Kansas Senate, Wichita, Kansas, 7/21/2017  
Kansas Bar Association, Lawyer to Legislator, Topeka, Kansas, August 23, 2017.  
Associates in Dispute Resolution, Annual CLE/CME, Dispute Resolution Outside the Box, Topeka, Kansas, 09/29/2017  
Missouri Bar Association, Swimming with the Sharks: Negotiation Ethics for Guppies, Webinar, Topeka, Kansas, 10/18/17  
Missouri Bar Association, ADR 101: Helping your Client Succeed without Going to Court – Arbitration 101, Webinar, Topeka, Kansas, 11/15/2017.  
Kansas Bar Association, Strategic Decision-Making in Preparing to Mediate Multi-Party Disputes, Topeka, Kansas, 12/1/2017.  
Washburn School of Law, Update on Dispute Resolution and Case Management Rules, Topeka, Kansas, 12/8/2017.

2016--Washburn University School of Law, Alternative Dispute Resolution and Child Advocacy, Topeka, Kansas, 1/8/2016.  
Heartland Mediators Association, Scope and Design of Modern Corporate Dispute Resolution Systems, Kansas City, Missouri, 2/5/2016,  
Arbitration and Mediators Institute of New Zealand, Inc., Mediating Multi-Party Disputes, 21st Century Problem Solving, AMINZ/IAM Conference, New Zealand, 3/5/2016.  
ABA Section of Dispute Resolution Spring Meeting, Family Law Arbitration: An Idea Whose Time Has Come? New York, New York, 4/8/2016.  
Heartland Mediator's Association, Ethics in Parenting Coordination and Parenting Plans, Topeka, Kansas, 4/29/2016.  
Missouri Bar Association, Employment Mediation Secrets, Lawrence, Kansas, 6/17/2016.  
Missouri Bar Association, Mediation Secrets, Understanding the Special Dynamics of Employment Litigation, Independence, Kansas, 6/26/2016.  
Kansas City Metropolitan Bar Association, Maximizing your Effectiveness in Mediation, Kansas City, Missouri, 6/30/2016..  
Kansas Bar Association, ADR CLE, Taming the Octopus: What Litigators and Mediators Need to Know to Successfully Mediate the Multi-Party Fair Labor Standards Act Case, November 18, 2016, Topeka, Kansas.

For more events, visit [www.adrmediate.com](http://www.adrmediate.com).

<b>Mediation Rate</b>	\$400 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Topeka, KS

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.