



AAA Mediation.org™

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Fort Worth, Texas



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Current Employer-Title Whitaker Chalk Swindle & Schwartz PLLC - Member

Panelist Video <https://www.adr.org/videoresume?paramName=229121450>

Profession Attorney – Commercial, Employment, Real Estate, Healthcare (Payor/Provider Disputes) Litigation and Transactions, Corporate and Project Finance, Real Estate Finance, Secured Transactions, Oil and Gas, Arbitration, Mediation, Appellate, Administrative, Healthcare, General Corporate, Business Transactions, Franchisor/Franchisee Transactions and Disputes, Energy, Alternative Energy, Intellectual Property, and International Commercial Transactions

Work History Member, Whitaker Chalk Swindle & Schwartz PLLC, 1987-Present; Partner/Associate, Gandy Michener Swindle Whitaker & Pratt L.L.P., 1986-1987; Executive Vice President-Dabney Corporation & President-Dabney Capital Co., 1984-1986; Vice President/Secretary/General Counsel, Lajet Inc., 1978-1984; Partner, Rhodes Doscher Chalk & Heatherly Law Firm, 1973-1978.

Adjunct Professor, Pepperdine University School of Law, Malibu, California ("Arbitration Advocacy and Practice") (2011, 2013, 2015, 2017, 2019, 2021).

Experience Obtained multimillion-dollar jury verdicts and arbitration awards in commercial cases. Litigated and arbitrated numerous commercial, employment, healthcare, business entity, shareholder, restrictive covenants, intellectual property, real estate, insurance bad faith, insurance coverage, personal injury, oil and gas, aviation, eminent domain, secured transactions, and franchisor-franchisee disputes. Negotiated funding for corporate and project finance clients – domestic and international. Negotiated and financed infrastructure projects in Republic of Kazakhstan after its independence from the Soviet Union. Opened international oil trading offices in the United Kingdom (London) and Fribourg, Switzerland for U.S. company; obtained European funding for U.S. oil and gas and real estate projects; and assisted Republic of Kazakhstan in recognition of its central bank by U.S. Export-Import Bank. Represented healthcare entities in managed care contracts, payor-provider disputes, medical group disputes, and other relationships.

Outside counsel for company that leased approximately 5,000 acres of urban mineral leases for natural gas exploration and production; represented numerous mineral owners in oil and gas lease negotiations; represented numerous landowners in natural gas pipeline condemnations; represented clients as participants in natural gas transmission investments and pipeline operations agreements; represented oil and gas exploration and production companies in the negotiation and drafting of operating agreements, working interest and overriding royalty interest negotiations and agreements. From 1978 through 1984, was officer and General Counsel for a domestic and international petroleum refining and marketing company with offices in St. James, Louisiana, Abilene, Texas, Houston, Texas, Los Angeles, California, Fribourg, Switzerland, and London, England. Negotiated solar and wind license agreements, grid access, project economics and modeling, protection of intellectual property, solar concentration for steam generation and turbine operations. In early 1980s was general counsel to a company that built and operated a large solar concentrator field in Southern California for electrical generation. The technology was later licensed to a large U.S. manufacturer out of which breach of license litigation resulted; handled the litigation years later as the outside attorney litigator for the licensor.

Mediator Experience

Mediator in more than 450 mediations, including metals trading; mining; aeronautics engineering; insurance coverages; re-insurance coverages; excess insurance coverages; medical equipment sales; magazine and book distribution; hospitality ownership and management; restaurant ownership and management; international oil and gas; oilfield services; international petroleum and petroleum product sales and transportation; minerals ownership, production, and sales; charter party disputes; demurrage disputes; real estate development and management; real estate joint ventures; geophysical contracts and data; international pipeline construction and carrier contracts; government permitting; mortgage brokerage; financial services; project finance and banking; minerals ownership; minerals leasing; food distribution; supply chain relationships; non-profit governance; non-profit management; non-profit regulation; healthcare entities; healthcare joint ventures; healthcare provider-payor disputes; hospital ownership; hospital management; hospital financing; pharmaceuticals: trust fiduciary relationships; trust management; mass claims resolution; mass tort damages; infrastructure projects, permitting, and financing; construction; franchise agreements; master franchise agreements; telecommunications licensing and services; international education; software development; software licensing; intellectual property licensing and protection; construction project finance; construction project management; shareholder relations; equity owner disputes; business entities; employment disputes; mergers and acquisitions; and miscellaneous commercial and business disputes.

Representative Issues Handled as a Mediator

Employment issues have included all forms of discrimination, wrongful discharge, restrictive covenants, Fair Labor Standards and other pay issues. Business disputes have included the sale of businesses, unfair competition, breach of fiduciary duties, partnership disagreements, corporate control, marketing agreements, financing documents, stock ownership, stock options, and business valuation. Torts have included nursing home negligence, fraud, defamation, wrongful death, and medical malpractice. Health Care claims have included payer-provider disputes, managed care contract terms, hospital charges, and peer review claims.

Mediator Style & Process Preferences

Mediation requires preparation by all participants. Mediation requires candid assessment and communication between each party and that party's counsel. Early dispute mediation requires as much preparation and assessment as late dispute mediation. There is no substitute for adequate and focused information regarding the interests of all participants. The skillful and experienced mediator comes to the mediation knowing as much, if not more than the disputing parties know about the conflict. Successful mediation requires that all participants never stop searching for resolution of the dispute.

Education

University of Texas (JD-1973); Tennessee Tech University (MA-1967; BS-1962); Freed-Hardeman College (AA-1956).

Professional Licenses

Admitted to the Bar: District of Columbia (1978), Texas (1973); U.S. District Court: Northern (1974), Western (1978, 2007) and Southern (2003) Districts of Texas; U.S. Court of Appeals, Fifth Circuit (1978); U.S. Supreme Court (1978).

Professional Associations

Texas Bar Association (ADR Section); District of Columbia Bar Association; American Bar Association (ADR Section); American Health Lawyers Association; Eldon B. Mahon Inn of Court (Master Emeritus, former President); Honorary Serjeant's Inn of Dallas-Fort Worth Inn of Court (Member); Tarrant County Bar Association (member and former President); College of State Bar of

Texas (Fellow); American Bar Foundation (Life Patron Fellow); Texas Bar Foundation (Sustaining Charter Fellow); Tarrant County Bar Foundation (Sustaining Life Fellow); Fellow, College of Commercial Arbitrators; Southwestern Legal Foundation Institute for Transnational Arbitration (Advisory Board); American Law Institute; Fellow and Chartered Arbitrator, Chartered Institute of Arbitrators, London; London Court of International Arbitration; International Mediation Institute (IMI) Certified Mediator; Texas Mediator Credentialing Association (Distinguished Mediator); Texas Registry of Distinguished Neutrals.

Recent Publications & Speaking Engagements

“Managing the Initial Scheduling Conference,” DFW Arbitration Group, February 23, 2022; “The Arbitrator as a Process Manager,” Atlanta, Georgia Bar Association Dispute Resolution Section Online Breakfast, February 2, 2022; “You’ve Been Served: Considerations at the Outset to Maximize the Benefits of Arbitration,” “Mediation and Arbitration,” AHLA Annual Meeting, June 30, 2020; “Cybersecurity in ADR,” CPR-FTI Consulting (May 12, 19, 22, June 4, 2020); “Drafting Product Distribution Agreements,” Strafford Publications (May 19, 2020); “International Commercial Arbitration: Expert Testimonies, Damages, and Legal Issues in the 2020 Landscape,” The Knowledge Group (April 29, 2020); “Mastering the Unique Skills Needed to Excel in Commercial Arbitration,” U. of Missouri at Kansas City (April 17, 2020); “When COVID-19 Impacts Your Deal,” ABA (March 24, 2020); “Top 15 Fifth Circuit Employment Cases of 2019,” SBOT (March 20, 2020); “Arbitration,” chapter in SBOT ADR Section Handbook (Spring 2018); AAA Faculty, “Arbitration Fundamentals and Best Practices for New Arbitrators,” Dallas, TX (2021, 2019, 2018); “Mechanics of Arbitration,” SBOT Seminar (January 26, 2018); “The Final Hearing: Now What?” SBOT Seminar (November 3, 2017); AAA Faculty, “Arbitration Fundamentals and Best Practices for New AAA Arbitrators,” Atlanta, GA (June 21-22, 2017); “A Lawyer’s Checklist for Eminent Domain,” Tarrant County (Texas) Bench-Bar Conference (April 28, 2017); Facilitator/Instructor, “Dealing with Difficult Attorneys in Arbitration,” ACE13, Dallas, Texas (March 23, 2017); Facilitator/Instructor, “Red Flags & Risk Areas: Challenges to Arbitrator Authority,” ACE14, Dallas, Texas (March 23, 2017); “Arbitration Has Benefits,” Texas Bar Journal, March 2017, Vol. 80, No. 3, page 153; “Pleadings and Conduct Can Widen Arbitrator’s Scope of Issues to Resolve,” Alternative Resolutions, Vol. 26, No. 1, ADR Section of State Bar of Texas (Winter 2017); “Mock Arbitration Panel Deliberations,” SBOT ADR Seminar, Austin, Texas (January 27, 2017); “Advocacy in Negotiation, Mediation, and Arbitration,” Texas A&M U. School of Law (January 14, 2017; August 20, 2016); Adjunct Professor, Pepperdine U. School of Law/Straus Institute, Arbitration Practice and Advocacy, Malibu, CA (2021, 2017, 2015, 2013, 2011, 2009); Editor, “The Arbitration Newsletter,” available at www.whitakerchalk.com.

All “Publications and Speaking Engagements” from 2016 through 1993 available on request.

Mediation Rate	\$325 Per Hour
Languages	English
Citizenship	United States of America
Locale	Fort Worth, 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.