



AAA Mediation.org™

FN-17853 MN-17853 LN-17853, Esq.

Atlanta, Georgia



[View Video](#)

Current Employer-Title Parker, Hudson, Rainer & Dobbs LLP – Senior Partner

Panelist Video <https://www.adr.org/videoresume?paramName=246871133>

Profession Attorney - Banking, Bankruptcy, Commercial Litigation, Contracts, Uniform Commercial Code, Debtor/Creditor Relations

Work History Partner, Parker Hudson Rainer & Dobbs LLP, 1983 – Present; Associate/Partner, Kutak Rock, 1974 – 1983; Adjunct Professor of Law, Emory University School of Law, 1987 – 1992.

Experience For more than 47 years, has been engaged in a broad range of commercial practice activities, including representation of (a) financial institutions (banks, finance companies, and insurance companies) in structuring and closing complex commercial loan transactions, as well as in workouts, bankruptcies, receiverships and commercial litigation and (b) financially troubled companies in workouts and Chapter 11 reorganizations. Adjunct Professor at Emory Law School from 1987 to 1992.

Mediator Experience Mediated more than 300 complex commercial disputes, many of which have arisen out of or related to business bankruptcy cases. Cases mediated include 40 disputes involving fraudulent transfer claims (including sizeable claims arising from Ponzi schemes); 35 disputes involving officer/director liability; 25 disputes involving enforcement of commercial guaranties; 10 disputes involving liabilities under commercial leases; 20 disputes involving lender liability claims; 11 disputes under distribution or licensing agreements; five disputes under construction contracts; seven disputes involving claims under the Perishable Agricultural Commodities Act and confirmation of reorganization plans of agribusiness debtors; 10 disputes involving international sale of goods; five disputes relating to joint venture agreements and business dissolutions; four disputes involving claims brought by or against a federal court receiver; one dispute relating to a will contest; and one relating to salvage disposition rights under maritime law in the bankruptcy of the owner. The largest bankruptcy-related disputes mediated have involved claims for liquidated amounts exceeding \$22 billion, \$2 billion, \$140 million and \$80 million.

Representative Issues Issues in mediated disputes arising out of or relating to bankruptcy cases have involved fraudulent

Handled as a Mediator	transfers (including Ponzi scheme recoveries); voidable preferences; plan confirmations; claims objections; fee disgorgements; discharge objections; liability of former officers and directors of troubled companies and D&O insurance coverage issues; breach of fiduciary duty claims; lawyer and accounting malpractice claims; lien priority and perfection disputes; and issues relating to the validity of consignment arrangements. Other commercial disputes have involved lender liability questions, including equitable subordination and recharacterization of debt to equity; inter-lender disputes under intercreditor agreements; foreclosure contests; disputes involving sale and distributorship agreements, including the timely rejection or revocation of acceptance of alleged non-conforming goods, and questions of passage of title and risk of loss; issues related to veil piercing, vicarious liability, and alter-ego liability; claims for fraudulent misrepresentation or omission; liabilities arising from violations of state and federal securities laws; and mortgage insurance coverage.
Mediator Style & Process Preferences	Mediation is a collaborative process in which willing participants are encouraged by a thoughtful, objective and patient mediator to arrive at a mutually agreed upon resolution of their dispute. For a complex commercial mediation to be successful, it is essential that both counsel and clients participate in the mediation. It is important for the mediator to understand not only the legal issues that are involved in the dispute, but also the personalities of the parties and possibly entrenched perspectives on those issues that may inhibit the dispute resolution process. An effective mediator will allow the parties wide latitude to control the timing, place and methodology to be followed in the mediation, while providing suggestions based on experience regarding the best means for facilitating the process. The mediator should make sure that the parties have a healthy appreciation of the uncertainties of litigation, understand the difference between results that might be achieved at trial and the "settlement value" of their cases, and facilitate their search for creative solutions to their dispute. Although it is often helpful for the mediator, if called upon by the parties, to provide his views on certain issues, the mediator should generally avoid expressing views as to the ultimate merits of the case in order to avoid alienating a party or appearing biased for one party or the other. It is nevertheless entirely appropriate for the mediator to suggest the possibility of different interpretations of facts and potential for adverse resolutions of the legal issues present in a controversy. The mediator's ethics and impartiality should always be above reproach. My expectations of the parties are that they participate in the mediation process with an open mind and a listening ear, and in good faith.
Education	Vanderbilt University (JD, Order of the Coif, VANDERBILT LAW REVIEW, Articles Editor-1974); Davidson College (AB-1971).
Professional Licenses	Admitted to the Bar: Georgia, 1974; U.S. District Court: Northern and Middle Districts of Georgia, Eastern District of Michigan; U.S. Court of Appeals: Fifth and Eleventh Circuits; U.S. Supreme Court.
Professional Associations	American College of Commercial Finance Lawyers (Fellow, Past President); American College of Bankruptcy (Fellow); National Academy of Distinguished Neutrals (Member); American College of Civil Trial Mediators (Fellow); Georgia Arbitrators Forum (President); American Bar Association (Young Lawyers Division, Past Chair; House of Delegates, Past member); State Bar of Georgia (Bankruptcy Law Section, Past Chair); Atlanta Bar Association (Bankruptcy Law Section); Southeastern Bankruptcy Law Institute (Board Member; Past President, Past Chair); American Bar Foundation (Fellow); Association of Commercial Finance Attorneys; Georgia Bar Foundation (Fellow); Master of the Bench, Georgia Bankruptcy American Inns of Court; ABA Commercial Financial Services Committee (Past Chair, Syndications and Loan Participation Committee); Association of Certified Turnaround Professionals (Past Faculty Member); CFA Education Foundation (Governing Board, Past Member); Turnaround Management Association (Atlanta Chapter, Past President and Board Member).
Recent Publications & Speaking Engagements	"Dealing with Emotions in the Resolution of Business Disputes," THE REVIEW OF SECURITIES AND COMMODITY REGULATION (November 2019); "Lawyer Ethics in Settlement Negotiations," ABI JOURNAL (September 2017); "Standards of Professional Conduct for Mediators," in BANKRUPTCY MEDIATION (American Bankruptcy Institute, 2016); "Negotiating Points in Second Lien Financing Transactions," 4 DEPAUL & COMMERCIAL LAW JOURNAL 189, 2006; "Enforcement of Article 9 Security Interests," 28 LOYOLA LAW REVIEW 131, 1994; "Debt Subordinations," chapter, ASSET-BASED LENDING, Matthew Bender, 1984; REORGANIZATIONS UNDER CHAPTER 11 OF THE BANKRUPTCY CODE, Harrison Co., 1980; ENFORCEMENT OF SECURITY INTERESTS IN PERSONAL PROPERTY, Harrison Co.,

1979 and annual supplements; articles written as an Articles Editor with the Vanderbilt Law Review. Numerous other legal articles in law reviews and other journals on commercial law topics (list available on request). Frequent lecturer on bankruptcy, UCC, commercial law, evidence, and mediation and arbitration issues. Lecturer for past 10 years at ABI/St. Johns Law School week-long mediation training program for senior lawyers and judges.

Mediation Rate	\$750 Per Hour
Languages	English
Citizenship	United States of America
Locale	Atlanta, GA

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.