



AAA Mediation.org™

FN-18313 MN-18313 LN-18313, Esq.

New Orleans, Louisiana



Current Employer-Title Frilot L.L.C. - Litigation Partner, Arbitrator, Mediator and Special Master

Professional Summary Experience as a civil trial attorney in high profile litigation including health care; personal injury/wrongful death, energy and environmental actions; construction; commercial; employment, class actions and maritime law matters. Serves as a frequent speaker and trainer of mediators and arbitrators for the AAA. In 2015, appointed by the AAA as a Master Mediator. Has served on the AAA Arbitration Advisory Committee and AAA Mediation Advisory Committee. Selected for the 2011, 2017 and 2020 New Orleans City Business "Leadership in Law" Award, recognizing the Top 50 lawyers in New Orleans. Inducted into City Business "Leadership in Law" Hall of Fame in 2020.

Profession Attorney, Arbitrator, Mediator, Special Master

Work History Partner, Frilot L.L.C., 1995-Present; Partner, Lemle & Kelleher, 1985-1994; Law Clerk/Judicial Extern, U.S. District Court Eastern District of Louisiana, 1984-1985; Captain/Platoon Leader/Executive Officer/Adjutant, Military Police Corps U.S. Army, 1977-1981.

Experience Experience as civil trial lawyer in health care, personal injury/wrongful death, energy and environmental lawsuits; construction; intellectual property; labor/employment law, complex commercial litigation, class action, and maritime law matters. Clerking experience before a federal district judge provided bench and jury trial experience. International experience includes representing foreign companies, vessel owners and underwriters.

Founding member of the law firm with extensive experience in handling the full range of issues that are often involved in high profile proceedings. Experience in large class actions has allowed for the opportunity to acquire technical expertise in case management and database technology. Has developed a sub-specialty in electronic discovery issues. Responsible partner in the largest environmental disaster in the continental United States in 2005 in U.S. District Court, Eastern District of Louisiana - New Orleans, Louisiana. Responsible partner for the New Orleans Property Tax Appeals Program - 2007 and 2008 following Hurricane Katrina.

20% of litigation practice devoted to environmental/energy matters; 30% involving health care; 20% involving construction; 20% class action/mass tort; 10% labor and employment.

In October 2014, completed the requirements for the Litigation Management Institute at Columbia University Law School in New York, and was awarded the designation of Certified Litigation Management Professional (CLMP).

Louisiana State Bar Association Assistant Bar Examiner, Constitutional Law (1994-2020)

Mediator Experience

Certified as a civil mediator pursuant to LA. R.S. 9:4106 and listed on the 2014 Louisiana Mediator Registry. Has handled a broad array of mediations in a wide variety of labor and employment, commercial, liability, personal injury, health care, premises liability, class action, contract, insurance, and maritime dispute matters. Has conducted over 450 mediations of civil appeals in Louisiana. Served as a mediator in the Louisiana Department of Insurance Hurricane Mediation Program administered by AAA in 2006 and 2007 in New Orleans, Louisiana.

Representative Issues Handled as a Mediator

Served as a mediator in over 1,200 cases, including employment actions, personal injury, premises liability, breach of contract, and construction litigation. All of these disputes involved quantum in a range of \$100,000 to \$3 million. One of the most significant mediations handled involved a claim by a coed at a major university who alleged that she was raped in the university's dormitory. A lawsuit was filed against the university based upon their alleged failure to provide adequate security. The matter was successfully resolved through mediation. Also experienced with appellate mediation; environmental cases, admiralty and maritime, remediation, construction defect, clean-up costs, and attorney's fees; property damage, securities; medical products, pharmaceuticals, health care/hospital, professional liability, insurance coverage (primary and excess) and intellectual property cases.

Mediator Style & Process Preferences

A mediator must be proactive and should not act merely as a messenger. The mediator's role is to understand the issues and identify the motives and interests each party seeks to serve in resolving the dispute. Often these motives and interests are not fully represented in the pleadings and, a creative approach to securing a settlement is necessary. The task is to candidly assess for the parties the prospects of serving their interests through resolution instead of prolonged litigation. Clarity of thought, absolute candor and preservation of confidential communications are critical to the process. Respecting the role of the attorney, yet being willing to challenge assumptions, also is an important consideration.

Technology Proficiency

Experience in class actions and MDL litigation has permitted the opportunity to acquire technical expertise in case management and database technology.

As chair of several arbitrations with electronic discovery issues as well as cell phone, computer and social media issues, has become adept in providing guidance to counsel to minimize costs while maximizing discoverable documents.

Has spoke in CLE and in house training programs entitled "Managing Electronic Discovery."

Education

Bachelor of Arts- Loyola University, New Orleans, Louisiana (Four year U.S. Army ROTC Scholarship) 1973-1977; Magna Cum Laude; Distinguished Military Graduate; Member- Alpha Sigma Nu- National Jesuit Honor Society

Juris Doctor, Loyola School of Law, New Orleans, Louisiana 1984 (Moot Court Board- National Moot Court Team Administrator)

Teaching Assistant- Legal Research and Writing (1983)

Awards for highest grades in Constitutional Law and Federal Courts (1984)

U.S. Army Military Police Officers' Basic Course, Fort McClellan, Alabama (1977)

U.S. Army Transportability School, Fort Eustis, Virginia (1978)

Certified Litigation Management Professional (CLMP) , Columbia University, New York (2014)

Professional Licenses

Admitted to the Bar: Louisiana (1984); U.S. District Court: Eastern (1985), Middle (1987), and Western (1987) Districts of Louisiana; U.S. Court of Appeals: Fifth Circuit (1986), District of Columbia (2010); U.S. Supreme Court (1989).

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| Professional Associations | <p>American Bar Association; Louisiana State Bar Association; New Orleans Bar Association; Maritime Law Association (Proctor); Thomas More Inn of Court (Master); Federal Bar Association; Fellow, Louisiana Bar Foundation; Fellow, College of Commercial Arbitrators; International Mediation Institute (IMI) Certified Mediator; American Health Lawyers Association; Fellow, Chartered Institute of Arbitrators, International Arbitration & Mediation Center - London, England (FCIArb Designation No 022054); Fellow, American College of e-Neutrals (ACESIN); Fellow, American College of Court Appointed Masters (ACAM); Fellow, American College of Civil Trial Mediators; Fellow National Academy of Distinguished Neutrals; Fellow, Academy of Court - Appointed Masters (ACAM), Rockville, Maryland.</p> <p>Louisiana Law Institute (2022- present)</p> |
| Recent Publications & Speaking Engagements | <p>PUBLICATIONS: Co-author, "Satellite Imagery - The Space Odyssey Arrives in the Courtroom," FOR THE DEFENSE, Defense Research Institute, Inc., June 2000; co-author, "A Complaint Based on Rumors: Countering Frivolous Litigation," LOYOLA LAW REVIEW, vol XXI, no. 2, p. 221, Spring 1985.</p> <p>Co-author- The College of Commercial Arbitrators “Guide to Best Practices in Commercial Arbitration”. (4th Edition- 2017)</p> <p>SPEAKING ENGAGEMENTS: "Managing Electronic Discovery," Louisiana State Bar Association, CLE, Orlando, FL, February 2009 and Louisiana Office of the Attorney General, Baton Rouge, LA, April 2010; "Proving Your Case with Computer Forensics," National Business Institute, 2008; "Discovery and Litigation Tactics," Thompson West National Sales Meeting, 2007; "Satellite Imagery: The Space Odyssey Arrives in the Courtroom," ABA Litigation Committee, NYC, July 2000.</p> |
| Locations Where Parties Will Not be Charged for Travel Expenses | New Orleans, Louisiana |
| Mediation Rate | \$450 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | New Orleans, LA |

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.