



AAA Mediation.org™

FN-18711 MN-18711 LN-18711, Esq.

Brentwood, Tennessee



Current Employer-Title Retired

Profession Attorney, Mediator, Arbitrator, Consultant

Work History Attorney/Consultant/Retired as Director/Of Counsel, Gerrish McCreary Smith PC (and successor firm), 1988 – 2015; President/Director, Metropolitan Bank, 1988 – 1991; Attorney, Borod and Huggins, 1986 – 1988; Executive Vice President/General Counsel, First American National Bank/First American Corporation, 1964 – 1986.

Experience Co-founded leading national financial institutions law and consulting firm in 1988. Extensive experience in financial and banking law, regulation and management. Bank attorney and consultant. Bank President and Director. Experienced in mergers and acquisitions, secured transactions, commercial loan workouts, lender liability claims, contract disputes, employment contracts, employment terminations, employment claims, director and officer liability, accounting disputes, securities issues, settlement negotiations, litigation, executive compensation, and employee benefit plans. Management responsibility for over 900 employees in areas of data processing, systems planning, telecommunications, office automation, deposit services, wire transfer, and float control. Experience with Year 2000 (Y2K) issues.

Mediator Experience Experience mediating the following types of disputes: employment termination dispute involving claim in excess of \$1 million; dispute pending in U.S. District Court involving lender liability claims in excess of \$1 million by bank commercial customer against bank; contract dispute between financial institutions involving claim in excess of \$7 million; personal injury claims claiming damages up to \$60,000; health and human services qui tam case involving damage claims of \$1.9 million; unauthorized securities trading case involving damages of \$400,000; dispute between developer of medical center and medical practice involving claims of \$375,000; claim for personal injury and wrongful death involving claims of \$250,000; and wrongful termination suit involving non-monetary claims.

Representative Issues Handled as a Mediator Issues in employment cases have generally involved unjust dismissal, age discrimination, sexual harassment and falsification of records.

Issues in contract cases have involved fraudulent inducement, breach of trust, federal bank fraud, tortious interference with business, illegal tying arrangements, effect of amendments, notice of

termination, contract interpretation, tax deductibility, treble damages and breach of warranty of title to real estate and breach of agreement to convey title and develop real estate.

Issues in securities cases have involved suitability, discretionary trading, unauthorized trading and margin accounts.

Issues in personal injury cases have involved soft tissue injury, medical bills and pain and suffering from automobile accidents, and personal injury and wrongful death due to failure to meet acceptable standards of nursing care.

Mediator Style & Process Preferences	<p>I consider mediation to be the preferred method for resolving disputes when the parties have been unable to do so themselves.</p> <p>I view the mediation process as an opportunity for disputing parties to fully discuss their differences and explore alternatives to settlement. My role as a mediator is to use my skill and experience to help them do that. I have a very keen ability to understand the issues and, more importantly, the interests of the parties. I am very creative and can assist in devising unique solutions to complex problems.</p> <p>While my general approach is as a facilitator of the process, when the situation warrants, I am willing to become evaluative to help the parties see the strengths and weaknesses in their positions and to guide them to a negotiated settlement.</p> <p>I expect the parties to be represented by individuals who have authority to settle and to be prepared to make every reasonable effort to settle. I recognize and respect that the process belongs to the parties, but I have a keen interest in leading them through the mediation process to resolution.</p>
Education	Vanderbilt University (MBA, Beta Gamma Sigma-1980); Nashville School of Law (JD-1969); University of Evansville (BS-1964).
Professional Licenses	Admitted to the Bar: Tennessee (1969); U.S. District Court: Middle (1971) and Eastern (1996) Districts of Tennessee, Northern District of Mississippi (1994). Tennessee Supreme Court Rule 31 Listed Mediator (1997).
Professional Associations	Tennessee Bankers Association (Lawyers Committee, Chairman); American Bar Association (Alternative Dispute Resolution Committee); Tennessee Bar Association (Alternative Dispute Resolution Committee); Nashville Bar Association (Alternative Dispute Resolution Committee); Better Business Bureau of Middle Tennessee, Inc. (Chairman, General Counsel).
Recent Publications & Speaking Engagements	"Mediation: A Better Way," TENNESSEE CPA, May 1997; "Mediation: An Idea Whose Time Has Come," TENNESSEE BANKER, 1996; "Mediation: A Valuable Tool for Bankers," BANKER MAGAZINE, 1995; "Detailed Minutes, A Shield for Directors," AMERICAN BANKER, 1993; "Challenging the Examiner's Loan Appraisals," AMERICAN BANKER, 1992; "How to Challenge Examiners: Carefully," AMERICAN BANKER, 1992; "Day of Reckoning Comes for Ailing Thrifts," AMERICAN BANKER, 1991.
Mediation Rate	\$450 Per Hour
Languages	English
Citizenship	United States of America
Locale	Brentwood, TN

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.