



AAA Mediation.org™

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Houston, Texas



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Current Employer-Title Rice & Associates, P.C. - Shareholder

Panelist Video <https://www.adr.org/videoresume?paramName=762386859>

Profession Attorney, Arbitrator, Mediator

Work History Principal, Rice & Associates, 1992 – Present; Adjunct Professor, South Texas College of Law, 1993 – Present; Vice President/General Counsel, Questco Inc., 1991 – 1992; Attorney, Davis & Shank (and predecessor firms), 1986 – 1991. Unpaid volunteer work as a legal assistance attorney for the U.S. Coast Guard, attached to the New Orleans JAG office.

Experience Regular representation of both employees and employers in a wide range of labor and employment matters. Typical matters handled include complex discrimination claims, FLSA collective actions, sexual harassment, wrongful discharge, employee handbooks and policies, employment contracts, non-competition agreements, wage and hour, Occupational Safety and Health Act, ERISA and a wide range of other legal issues related to hiring, firing, discipline, pay, and supervision of employees. Representation of staffing firms such as temporary agencies and staff leasing firms. General Counsel for Texas Chapter of the National Association of Professional Employer Organizations, 1995-2004. Member, Board of Directors, National Association of Professional Employer Organizations, 2006-2008.

Commercial litigation, including contract and loan litigation and complex construction litigation. Representation of international corporations with respect to US operations, primarily in the area of employment law. Representation of individuals and small businesses in a wide range of litigation matters. Adjunct Professor at South Texas College of Law teaching Employment Law, Employment Discrimination Law, and Consumer Protection/Deceptive Trade Practices Act Law since 1993.

Mediator Experience Service as mediator in a wide range of employment related cases, including statutory discrimination claims, FLSA collective action cases, wrongful discharge, retaliation and harassment, non-compete and trade secret matters, non-subscriber injury cases.

Also experienced in construction mediation, having served as mediator in complex multi-party construction cases. Mediated cases include construction, business to business B2B contract, partnership, corporate, and investment related matters.

Representative Issues Handled as a Mediator

Issues in employment cases have covered the full spectrum of discrimination matters, including race, color, sex, national origin and religion. Mediated cases have included discrimination, harassment and retaliation matters. Employment cases have typically included mediation issues related to attorneys fees, mental anguish damages and punitive damages. Employment cases mediated have included wrongful discharge issues brought by at-will employees, breach of executive employment contracts and issues related to non-compete agreements.

In FLSA cases, mediated issues have included exempt status under the executive, professional, administrative and outside sales exemptions, as well as liquidated damages and the suitability of case for collective action treatment. FLSA mediations have also included issues related to reasonableness of attorneys' fees. Wage and Hour cases have included both individual cases, as well as FLSA collective actions.

In construction cases, the mediated issues have included problems related to whether there were construction defects, owner fault for delay, and the extent, nature and necessity of remediation efforts.

Mediated matters have ranged from small single issue cases, to highly complex multi-party, multi-issue, multi-million dollar matters.

Mediator Style & Process Preferences

Mediation is generally the last opportunity for the parties to solve their problem before committing to the litigation process. As mediator, my job is to ensure that the parties and their counsel have thoroughly wrestled with the choices: Do we settle now? What are the costs and risks of going forward? How can a party achieve its goals? What are risks of going forward?

Given my significant experience as an arbitrator, parties and counsel often seek my input on likely outcomes if the case were tried. I am always mindful of the mediator's duty to assist the parties in finding their own solution and not imposing his own. I will not always offer my thoughts on case evaluation, and if I do so, I am careful about how I deliver that message. I encourage all parties to think critically about the realistic outcomes if the case were tried.

I bring a flexible approach to mediation, adapting the process to fit the circumstances. For example, while many cases benefit from joint opening sessions, not all do.

I believe that pre-mediation preparation by the mediator pays substantial dividends. Before the mediation session, I will spend time with counsel on the telephone to explore their view of the problem, and to educate myself on the dispute. I will both gather information and encourage counsel to begin thinking about possible settlement approaches. I believe it is important for the mediator to begin the mediation session with a solid grounding on the nature and background of the dispute facing the parties.

In the end, I see my most important responsibility as keeping counsel and clients focused on problem solving, and helping the parties find their own creative solution.

Technology Proficiency

Proficient and completely comfortable with remote hearings using video conferencing technology such as ZOOM or Teams.

Education

South Texas College of Law (JD-1986); Rice University (BA-1982).

Professional Licenses

Admitted to the Bar: Texas (1986); U.S. District Court: Southern (1987), Eastern (1992), and Northern (1998) Districts of Texas; U.S. Court of Appeals: Fifth Circuit (1988). Board Certified, Labor and Employment Law, Texas Board of Legal Specialization (1993).

Professional Associations

State Bar of Texas; American Bar Association; Houston Bar Association; International Institute for Conflict Prevention and Resolution; Certified Mediator and Certified Online Mediator, mediation.com

Master Mediator, American Arbitration Association; International Mediation Institute (IMI)

Certified Mediator.

Recent Publications & Speaking Engagements

"Family and Medical Leave Act," 12 CORPORATE COUNSEL REVIEW 149, 1999; Texas Staff Leasing Handbook, 1994-2000; contributor, TEXAS EMPLOYMENT LAW, Sterling Press, 1989; "Alien Employment Control and Employer Compliance Under the Immigration Reform and Control Act of 1986," 29 SOUTH TEXAS LAW JOURNAL 313, 1988. Regular author and speaker at trade association meetings on a wide range of employment law related topics.

Locations Where Parties Will Not be Charged for Travel Expenses

No charge for travel expenses within Houston/Harris County.

Mediation Rate

\$410 Per Hour

Languages

English

Citizenship

United States of America

Locale

Houston, 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.