



AAA Mediation.org™

FN-20155 MN-20155 LN-20155, Esq.

Mandeville, Louisiana



Current Employer-Title Full Time Mediator, Arbitrator and Neutral Fact Investigator

Profession Attorney, Mediator, Arbitrator, Former Adjunct Professor of Mediation and Arbitration.

Work History Full time Mediator/Arbitrator and Neutral Investigator, 2017 – Present; Mediator/ Arbitrator and Adjunct Professor of Mediation and Arbitration and Instructor in Academic Success, Loyola University New Orleans College of Law, 2011 – 2016; Adjunct Professor of Alternative Dispute Resolution, Loyola University Law School, 2003 – 2016; Visiting Assistant Clinical Professor of Law, Loyola University New Orleans College of Law, 2007 – 2011; Attorney/Arbitrator/Mediator, Self-employed, 2006 – 2007; Attorney/Arbitrator/Mediator, Couhig Partners L.L.P., 2004 – 2006; Attorney/Special Counsel/Partner, Stone Pigman Walther Wittmann L.L.C., 1984 – 2003; Law Clerk, Stone Pigman, 1983; Law Clerk, Gordon Arata McCollum and Stuart and Barham & Churchill, 1982 & 1983; various positions in the tourism and convention services industries, 1975 – 1981.

Experience Almost 30 years as a mediator and arbitrator, mediating and arbitrating almost 1000 cases. More than 20 years as a civil lawyer handling all aspects of trial and appeals in state and federal courts. Approximately 80% of practice was in litigation, mediation and arbitration of employment, commercial and insurance disputes, teaching Mediation and Arbitration, and supervising student mediators; co-founder of the Loyola Mediation Clinic. Represented both plaintiffs and defendants in various matters including employment disputes with an emphasis on harassment, discrimination, FLSA disputes, and non-compete agreements. Commercial disputes included highly complex insurance claims involving multiple layers of coverage, breach of contract, zoning, election challenges, parochial and municipal tax issues, utilities regulation, constitutional law issues, toxic torts, securities fraud, distributorship and franchise disputes, defamation, intentional infliction of emotional distress, and attorney's fee claims. Served on panel of arbitrators in \$500 million case relating to the collapse of a salt dome which caused a major sink-hole resulting in wide-spread damage. Adjunct Professor/Instructor of Mediation and Arbitration at Loyola Law School from 2002 – 2016. Editor of Thomson Reuters Louisiana Civil Law Formulary.

Mediator Experience For more than 30 years, has served as a mediator and/or arbitrator in approximately 1000 cases. More than 350 employment cases involved such industries as oil and gas, oil field service suppliers, restaurants, health care providers, government and its various subdivisions and departments, parcel delivery services, the food service industry, retail industry, and many others. Most employment

disputes involved a claimant, his or her supervisor, and a human resources or other company representative. Some involved insurance adjusters and company executives. Counsel represented parties in most of these cases.

Served as mediator in more than 375 insurance disputes, most arising out of Hurricane Katrina involving homeowners and business interruption claims. These claims generally involved the homeowner and several representatives from the insurance industry sometimes including the adjuster, claims supervisor, policy language specialist, in-house counsel, catastrophe team representative, and others. Lawyers were present infrequently and homeowners were represented by public adjusters some of the time. The dollar value of these claims ranged from about \$1,000 to \$300,000. Mediated several business interruption claims that were more complex. Present at these claims were the business owner, several insurance representatives, CPAs, and lawyers who address factual issues, valuation issues, and legal issues. Claims settled for half a million dollars or more. Other insurance matters involved directors' and officers' insurance, employment practices insurance or CGL policies. In addition, served as mediator in several commercial claims ranging from several hundred thousand to several million dollars. Two of those claims involved physicians either setting up a competing medical practice with a specialty medical service provider with whom the physician had a non-compete agreement, or merging the physician's practice with that of the specialty medical services provider. These claims were extremely complex, involved numerous parties and lawyers and compliance with S.T.A.R.K. along with other laws. Two other commercial claims involved either the continuation or partition of a family owned business. One involved the termination of an executive from a capital investment company and his claims for commissions or other funds allegedly due him for the turnaround of a corporate firm in which the investment company had invested, an option to purchase shares of the company stock, the alleged non-payment of vested shares, and other executive compensation issues. Served as mediator in at least one age discrimination class action suit against a communications services provider.

Supervised law students and co-mediated more than 100 disputes in small claims court involving a wide variety of issues.

In addition to the American Arbitration Association, has been approved to mediate claims for the United States Department of Agriculture, National Finance Center, The United States Postal Service, Louisiana Rehabilitation Services, The Pilot Mediation Program for the Civil District Court of the Parish of Orleans, The Louisiana First Circuit Court of Appeal Pilot Mediation Program, The United States District Court Middle District of Louisiana, The Equal Employment Opportunity Commission Mediation Program, The Louisiana Department of Insurance Hurricane Mediation Program for hurricanes Katrina and Rita, The Hurricane Mediation Program for Zurich Gulf Coast Claims Independent Alternative Dispute Resolutions Process, and the Gulf States ADR Program for Katrina and Rita Claims.

Representative Issues Handled as a Mediator

The primary issues in employment disputes involved harassment, retaliation, disability accommodation, and race, sex, age, and disability discrimination. Other employment cases involved breach of contract, executive compensation, defamation, assault and battery, drug testing, unfair evaluations, failure to transfer, compensation issues, breach of privacy, reductions in force, workplace violence, employee manuals, and non-competition agreements, to name a few. Insurance cases involved homeowners' insurance, comprehensive general liability, business interruption, errors and omissions, directors and officers, and medical policies. Issues included scope and valuation of property damage, additional living expenses, loss of use, prohibited use, period of restoration, stacking, and many more. Commercial claims included valuation of companies, projected lost profits, redhibition, breach of contract, non-competition disputes, successions, business partitions, and others. Tax issues and/or confidentiality issues were present in almost every dispute. On occasion handled personal injury claims, domestic and family related matters including two child molestation cases, a succession dispute, one custody dispute, and the partition of two family owned businesses. On occasion, one of the parties involved was the state or other government entity that brought to the table issues such as budgeting, authority to close matter, federal and state administrative rules and statutes, and civil service rules.

Mediator Style & Process Preferences

My general philosophy is that of a facilitative mediator who encourages the parties to reach their own solutions to the disputes presented. After the parties have discussed the issues at length I will, if asked, generally become more evaluative and, will give an opinion on the strengths and weaknesses of the parties' cases. Whether the parties will be asked to submit position papers and other documents prior to the dispute depends on the parties' views on the matter and the complexity of the

suit. I generally like to see in advance any lengthy document on which the parties may rely, such as an employment contract or insurance policy, so that I do not have to keep the parties waiting during the mediation while I review the document.

Education

Loyola University (JD, magna cum laude, Managing Editor, Law Review, National Moot Court Team, numerous awards and honors-1984; BA, Psychology, cum laude, University Fellow-1975).

Professional Licenses

Admitted to the Bar: Louisiana (1984); U.S. District Court: Eastern (1984), Middle (1987-inactive) and Western (1990) Districts of Louisiana; U.S. Court of Appeals, Fifth Circuit (1985); U.S. Supreme Court (1988).

Professional Associations

Louisiana State Bar Association (ADR Section, Past Chair, Past Secretary/Treasurer); Lawyers Assistance Program, Steering Committee); American Bar Association (ADR Section).

Recent Publications & Speaking Engagements

PUBLICATIONS: Co-editor, LOUISIANA CIVIL PRACTICE FORMS, Third Edition, Thomson Reuters, 1998 – Present

Author, "Settlement, Alternative Dispute Resolution and Related Matters," chapter, LOUISIANA CIVIL LITIGATION SERIES, PRETRIAL VOLUME, American Inns of Court, Lawyers' Cooperative 1996

Author, Recent Developments, Alternative Dispute Resolution, Does AT&T Mobility, L.L.C. v. Concepcion Spell the End to Class Actions?, 59 La. Bar Journal 277, December 2011/January 2012

Author, "Satisfying Deepwater Horizon Oil Spill Claims: Will Ken Feinberg's Process Work? 58 La.Bar Journal 277, October/November 2010

SPEAKING ENGAGEMENTS: 2019, Co-presenter, Louisiana State Bar Association, Tips for Winning Your Case in Arbitration, An Overview of Employment Arbitration; 2016, Panel Member, Tulane University College of Law, Beyond the Law Firm: Thinking Outside the Billable Hour; 2014, Lecturer on Mediation and Arbitration, U.S./Canada Litigation and Labor and Employment Group Joint Fall Meeting, Lecturer, American Arbitration Association webinar, "Does A&T Mobility, L.L.C. v. Concepcion Spell the End to Class Actions?"; 2013, American Arbitration Association, Training audio training for Super Storm Sandy mediators in New York and New Jersey; 2011, Lecturer, New Orleans Chapter of the Energy Bar Association, "the First Waive of Claims Following Deepwater Horizon Litigation: A discussion of the Feinberg Process; 2010, Lecturer, Louisiana State Bar Association Annual Meeting ADR Section, Mediator Ethics; 2010 Lecturer, New Orleans Bar Association, Construction Mediations and Arbitrations in Louisiana; 2010, Lecturer at the Foreign Service Institute Training Center in Washington, D.C. on Basic Negotiation Techniques; 2010 Lecturer, American Arbitration Association Training, Mediator Ethics; 2009, Lecturer/trainer at the Universite D'etat D'Haiti Faculte De Droit and des Sciences Economiques, provided mediation training to 120 - 140 judges, lawyers, business people, graduates and social activists in Port-au-Prince, Haiti; 2009 Lecturer, American and Caribbean Law Initiative in Port of Spain, Trinidad and Tobago regarding the use of Alternative Dispute Resolution to address Human Rights concerns; 2009, Attended the United Nations Framework Convention for Climate Change, 15th Conference of the Parties in Copenhagen, Denmark to advocate for the use of mediation to resolve climate change disputes; "The Loyola Mediation Clinic and Other Recent Developments in ADR", LSBA 2008; Mediation Ethics lecturer; Basic Divorce Mediation Training, Loyola Law School, 2008; "Explaining the Louisiana Department of Insurance Hurricane Mediation Program," LSBA, 2006; "Ethics in Settlement and ADR, American Arbitration Association, 2004; "Ethics In Settlement And Mediation Of Employment Disputes, Loyola University Law School Employment Law Seminar, 2004; "Professionalism in Settlement and Mediation," American Arbitration Association, 2003; "Professionalism in Mediation and Settlement of Employment Disputes," American Bar Association Regional Committee for Liaison with EEOC, OFCCP, and the Department of Justice, 2003; "Special Problems Facing Attorney/Mediators: Is Peaceful Co-existence Possible Between Your Law Practice and Your ADR Practice?" Louisiana State Bar Association Dispute Resolution Section Meeting, 2003; "The Art of Negotiation", The Arts Council of New Orleans, 1998.

Locations Where Parties Will Not be Charged for

Greater New Orleans area.

Travel Expenses

Mediation Rate \$450 Per Hour

Languages English

Citizenship United States of America

Locale Mandeville, 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.