



AAA Mediation.org™

FN-20554 MN-20554 LN-20554, Esq.

New Orleans, Louisiana



Current Employer-Title Stone Pigman Walther Wittmann, LLC - Senior Attorney

Professional Summary Over 45 years of experience representing clients in litigating and arbitrating complex and diverse commercial cases and in advising clients in a variety of business contexts. Decades serving as an arbitrator and mediator deciding and assisting in the resolution of scores of disputes involving a wide array of subject matter and legal issues across many industries and types of businesses. Practical experience is complemented by 24 years of law school teaching experience in the areas of intellectual property and alternative dispute resolution. Both litigation and arbitration matters include cases presenting complicated substantive and procedural issues and in which tens of millions of dollars were in dispute.

Profession Attorney, Educator

Work History Senior Counsel/Member/Partner/Associate, Stone Pigman Walther Wittmann LLC, 1978-Present; Counsel, Governor's Pardon Parole & Rehabilitation Commission, 1977-1978; Law Clerk to Hon. James L. Dennis, Hon. James Bolin and Hon. Mack Barham, Louisiana Supreme Court, 1975-1976.

Adjunct Professor, Loyola University of New Orleans College of Law, Copyright Law, 1999 to Present, Mediation and Arbitration, 2002-2003; Adjunct Professor, Tulane University Law School, Negotiation and Mediation Advocacy, 2004-2017.

Experience Over 45 years' experience as an attorney engaged primarily in litigating commercial cases pending in federal and state court, generally involving complex and diverse subject matter, including trademarks, copyrights, intellectual property, contracts, licensing, professional and directors and officers' liability, business torts, insurance, banking, products liability, and construction, many involving multimillion-dollar claims. Matters involve many industries, including insurance, financial institutions, food and beverage, restaurant, entertainment, retail sales, financial services, telecommunications, educational services, internet services, visual art, interior furnishings including carpet and upholstery design and manufacturing, oil and gas, oilfield service, medical, construction, franchising, clothing manufacture, wholesale and retail grocery, electrical services, professional sports, regulatory, architectural, non-profit, ship manufacturing, investment, financial advisory, and mutual fund.

Matters include: represent major national university in connection with multiple patent licensing

disputes, a complex class action relating to medical school cadaver procurement and related liability insurance issues, public record matters and an insurance coverage dispute under an educators liability policy for nullity of a patent license; represent insurance holding company owners in dispute with co-owner regarding foreclosure on their interests; represent national wholesale distributor of arts and crafts products in contractual dispute with international brand owner; represent carpet design and manufacturing companies in copyright infringement lawsuits; represent testing laboratory in breach of contract and unfair trade practices claim; represent former employees and employers in claims for violation of non-competition and non-disclosure agreements; national intellectual property counsel for franchisor of art education studios in scores of litigation and non-litigation matters involving service marks and copyrights; represent clients in insurance coverage disputes relating to such matters as trademark and copyright infringement claims under comprehensive general liability policies, directors and officers and professional liability claims under financial institution, educators' liability and healthcare professional liability policies, including issues such as excess, DIC, and drop-down coverages; represent major league professional sports franchise in copyright dispute regarding mascot images; represent grocery wholesaler in domain name dispute; represent homeowners in architectural copyright infringement action; represent national electrical service franchisor in prosecuting trademark infringement action against local company; represent ship manufacturer in copyright infringement claim; represent national non-profit charitable organization in service mark infringement claim; represent carpet retailer in service mark infringement claim by national electronics retailer; represent produce wholesaler in trade dress infringement action involving packaging and display; represent two major national insurance companies in service mark infringement matters; represent global private equity energy investment firm in litigation seeking to recover from hundreds of millions of dollars it for alleged fraud and unfair trade practices; represent FDIC in litigation on behalf of failed financial institutions against former directors and officers and their D&O insurers; defended actuarial consulting firm in professional liability claim and pursuing coverage under professional liability insurance policy; negotiated settlement of claims against lead bank by participants in failed loans; defended NASCAR racing team against trademark infringement claim by sponsor; represented insurer in suit declaring administrative procedures unconstitutional.

Mediator Experience

Mediated cases relating to alleged trademark and copyright infringement, including case involving unauthorized manufacture and sale of merchandise marked with colors of colleges and universities; litigation brought manufacturer of sporting products against seller of sportswear for trademark infringement and breach of previously entered settlement agreement; dispute between two manufacturers of adjustable height desks; case brought by owner of upscale beach resort against proprietor of beauty salons; case involving regional business newspapers; and suit by textbook publisher against U.S. book sellers of imported products.

Also served as mediator in various other types of business disputes including one between an investor group and the developer of a large condominium project; a "legacy" oil and gas clean-up case; suit between landowners and oil and gas companies and company spraying herbicide on right of way for breach of contract and damage to property; a matter involving a large disability insurance claim; controversy between an insured and its agent relating to coverage for property damage losses; a dispute between a software manufacturer and national hotel chain regarding cancellation of scheduled event; suit for alleged breach of contract relating to the improper operation of manufacturing equipment; and another in which a licensed clinical psychologist brought suit against a health insurer in whose network she was a participating provider.

Mediated dispute between a female river pilot and the river pilots' association and related parties in which the plaintiff alleged discrimination and various other claims; claims for personal injury and a wide variety of consumer claims, landlord-tenant disputes, contract claims and similar matters in small claims court. In addition, has conducted numerous employer-employee mediations using the transformative mediation model.

Representative Issues Handled as a Mediator

Trademark cases mediated have involved issues such as: likelihood of confusion; protectability of colors as a trademark; product configuration; trademark fair use and free expression; generic, descriptive, and geographical marks; famous mark dilution; and unfair competition. Mediated issues in commercial cases including: contract interpretation, warranties, remedies, implied contracts, insurance coverage, breach of fiduciary duty, fraud, and negligent misrepresentation. Other issues in cases mediated have included constitutional issues, including due process and equal protection, employment discrimination, product liability, copyright importation and unfair trade practices.

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| Mediator Style & Process Preferences | I view mediation as a process that facilitates the parties' settlement negotiations in a number of ways. First, it adds the mediator to the process as an advocate for settlement who reminds the parties of the advantages of settlement, offers creative settlement alternatives, acts as a conduit of information and settlement proposals, is a neutral recipient of confidential information which the parties are unwilling to disclose to one another but which can be crucial to settlement, and is an agent of reality for the parties. I believe the precise role the mediator plays in any particular mediation will depend on the circumstances. In general, I approach a mediation expecting that my initial role will be to facilitate the parties' discussions. If called for by the circumstances, my role often becomes more directive and I will express to the parties my view of the strengths and weaknesses of their respective cases and the possible outcome scenarios should the case not settle. |
| Technology Proficiency | Extensive experience hosting, conducting and participating in arbitrations, mediations, classes and other meetings using the Zoom online platform. Acted as arbitrator in matters involving exchange by parties of electronically stored information and entry and enforcement of orders relating to the management and protection of such information. |
| Education | Louisiana State University (JD, order of the coif, Law Review Senior Associate Editor-1975); University of Southwestern Louisiana (BA, summa cum laude-1972). |
| Professional Licenses | Admitted to the Bar: Louisiana (1975); U.S. District Court: Eastern (1978), Middle (1987), and Western (1989) Districts of Louisiana; U.S. Court of Appeals: Fifth (1982) and Eleventh (1982) Circuits. |
| Professional Associations | American Bar Association; Louisiana Bar Association; Lawyers Helping Homeless. |
| Recent Publications & Speaking Engagements | "Proving a Claim Under the Federal Trademark Dilution Act - Are the Courts Diluting the FTDA?" 3 LOYOLA INTELLECTUAL PROPERTY & HIGH TECHNOLOGY JOURNAL, 1, 2000; "Trademarks and Tradenames: Choosing Among Alternative Remedies for Infringement in Louisiana," 46 LOUISIANA BAR JOURNAL, p. 392, 1999; "Surveying the State of the Mediative Art: A Guide to Institutionalizing Mediation in Louisiana," 57 LOUISIANA LAW REVIEW, p. 885, 1997; contributing author, LOUISIANA APPELLATE PRACTICE HANDBOOK, 1986-1996; "Title VII Symposium, The Focal Issue: Discriminatory Motivation or Adverse Impact?" 34 LOUISIANA LAW REVIEW, vol. 34, p. 572, 1974; Various speaking engagements. |
| Mediation Rate | \$400 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.