



AAA Mediation.org™

## **FN-2102843 MN-2102843 LN-2102843, Esq.**

**Grand Rapids, Michigan**



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**Current Employer-Title** The Peace Talks, PLC

**Panelist Video** <https://www.adr.org/videoresume?paramName=286520116>

**Profession** Attorney, Arbitrator, Mediator

**Work History** Managing Member, The Peace Talks PLC, 2001 – Present; Senior Counsel/Principal/Senior Attorney, Miller Canfield Paddock & Stone PLC, 1987 – 2011; Shareholder, Stanley Davidoff & Gray PC, 1983 – 1987; Assistant Prosecutor, Kalamazoo County Prosecuting Attorney, 1980 – 1983.

**Experience** Primary areas of experience include secured transactions, commercial litigation, including bankruptcy. Has represented automotive suppliers to OEM, Tier I and Tier II suppliers, commercial lenders and financial institutions in various types of civil litigation matters, collection on guarantees, enforcement of secured claims and security interests, including defending various commercial suppliers against preferential transfer claims in bankruptcy; representing mortgage holders on behalf of title insurance companies in defense of actions brought by bankruptcy trustees to avoid liens. General business litigation including contract disputes, business law disputes, partnership dissolution, title insurance claims, banking/financial services and shareholder disputes. Former clients include: Comerica Bank, Citizens Bank (closed), Republic Bancorp (now Chemical Bank), PACCAR Financial Corporation, Volvo Financial, and Select Bank (now First Community Bank). No representation of any banking clients since 2010.

Real property disputes involving boundary lines, adverse possession claims, defending tort claims, etc. and construction claims, both prosecuting and defending general contractors, subcontractors and owners in cases involving claims for unpaid labor and material and defective or incomplete workmanship.

Employment litigation serving as a neutral mediator for the United States Postal Service in its

REDRESS program, local businesses in contract disputes with employees and wrongful termination cases and alleged civil rights violations.

## **Mediator Experience**

Over 1,000 mediations since 1987 with an average settlement rate above 80%, for disputes involving a wide and varied array of Subject Matters (and Clients), including:

Commercial Transactions - contract interpretation, closely-held businesses, buyer/seller (Georgia-Pacific), automotive suppliers & OEMs (ACEMCO; Ford Motor), lender/borrower (Banks: Bank of America; Chase; Citibank; Countrywide; Greenpoint Mortgage; Flagstar; Huntington; JP Morgan; Macatawa; Metlife; Nationstar Mortgage; US Bank; Wells Fargo; Wolverine), debtor/creditor, including bankruptcy (PACCAR Financial; Comerica Bank; Ford Motor Company)

Construction - contractor/subcontractor (Consumers Concrete; Lamar Construction); municipalities (City of Hastings; Meridian Township); title (Lawyers Title; Republic Title; Stewart Title); Builder's Trust Fund

Employment - wrongful termination (Employment Group), EEO & civil rights complaints (US Postal Service – excluding collective bargaining claims)

Governmental – wrongful prosecution/imprisonment (Newaygo County); municipal water/sewer rates (City of Hastings)

Insurance & Reinsurance - (Acuity; Auto Owners; Citizens; AAA; State Farm)

Probate Disputes - multi-party (private & confidential estate settlements); guardianships (adult & child)

**MEDIATION STYLE:** Trained in facilitative, evaluative and transformative mediation. Preferred style is facilitative, but will employ any type or combination of types as requested by parties or appropriate to the situation. Always willing to adapt to parties' needs and requests. Studies show much information is communicated non-verbally and "joint sessions" prove to be more efficient and effective in transferring information, reducing parties' investment of time and expense. So, multiple face-to-face sessions are encouraged, but not transferring information, reducing parties' investment of time and expense. So, multiple face-to-face sessions are encouraged, but not required, with multiple breakout sessions always available. Also, separate meetings with mediator and counsel only, no clients, are sometimes used to help break impasse. Other techniques include use of "Decision Trees," "bracketing" and over 35 other proven impasse-breaking techniques. Mediator's evaluation ("mediator's number") and "med/arb" are used as a last resort and only when requested and as agreed by all parties.

## **Mediator Style & Process Preferences**

I believe first and foremost in party self-determination. The parties own the dispute and its resolution. I favor the facilitative mediation approach simply because I have found it to be the most effective one for me to provide to others. It offers the broadest range of options, promotes better client involvement and gives them greatest control over the outcome. However, I describe my style as "chameleon-like" because I can change as the mediation progresses from elicitive ("what do you want") to more directive ("you have to give X to settle"). Ultimately, it is up to the parties and their lawyers to show me what they need from me.

I believe over 80% of all disputes which survive summary judgment will settle at some point because statistics show that only 1% of all civil cases filed in Michigan's state and federal courts end in trial verdicts. I help parties focus on what it will take to stay out of that terribly expensive 1% by developing a clear understanding of what the dispute is really about, focusing on solutions and suggesting options to overcome impasse.

I never quit trying. Unless instructed otherwise, I will not quit trying to help parties settle even if they could not come to an agreement on the day of the mediation. I will follow-up with phone calls and emails to see if positions have changed and to suggest new options.

## **Education**

University of Santa Monica (MA, Psychology-2001); Wayne State University (JD-1980); Western Michigan University (BA, Psychology/Philosophy, cum laude-1976).

## **Professional Licenses**

Admitted to the Bar: Florida (1996), Michigan (1980).

<b>Professional Associations</b>	American Bar Association-Dispute Resolution Section-Practice Management Committee (AV rated); State Bar of Michigan-Alternative Dispute Resolution Section; Federal Bar Association-Western District of Michigan (past chair, Bankruptcy Section); Professional Resolution Experts of Michigan; National Academy of Distinguished Neutrals; National Center for Dispute Settlement; DeMars & Associates (mediator & arbitrator); Best Lawyers; Super Lawyers.
<b>Recent Publications &amp; Speaking Engagements</b>	<p>PUBLICATIONS: "Alternative Dispute Resolution," LAW DIGEST - MICHIGAN, Martindale-Hubbell, 2005 – 2008; co-author, "Alternative Dispute Resolution," ATTORNEY FEE AGREEMENTS IN MICHIGAN, University of Michigan, ICLE, 2006; Preparing Your Client for Mediation," Grand Rapids Bar Association Newsletter, 2006; "How Litigators Can Steal from Mediators," State Bar of Michigan, Litigation Section Newsletter, 2006; "Ethical Issues for Mediators," FAMILY MEDIATION COUNCIL NEWSLETTER, 2005.</p> <p>SPEAKING ENGAGEMENTS: "The Role of Settlement Counsel," ABA, DR Section Annual Meeting, April 2008; "Effective Use of the Joint Session," Westshore Dispute Resolution Center, March 2008; "Why Mediate?," National Association of Legal Support Professionals, March 2008; "Educating Lawyers and Clients About YOUR Mediation Process," University of Michigan ICLE, March 2008; "ADR in Michigan," U.S. State Dept. - International Leadership Development Program - Latin American Delegation, March 2008; faculty, Annual Advanced Negotiation &amp; Dispute Resolution Institute, University of Michigan ICLE, 2004 – 2008; faculty, Advanced Mediator Training, ICLE, 2005 – 2008.</p>
<b>Mediation Rate</b>	\$350 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Grand Rapids, MI

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.