



AAA Mediation.org™

**FN-2129764 MN-2129764 LN-2129764,
Esq.**

Overland Park, Kansas



Current Employer-Title Hoffmann ADR – Principal and Owner

Profession Arbitrator, Mediator; Attorney; Educator; Executive

Work History Principal and Owner, Hoffman ADR, 2006 – Present; President and Owner, Hoffmann Consulting Services LLC, 2006 – 2012; Chief Executive Officer and Co-Owner, The ME Companies, 1995 – 2006; Partner and Shareholder, Green, Hoffmann & Dankenbring, 1976 – 1996; Former Assistant Attorney General - State of Missouri.

Experience Unique experience as career involves serving as (i) a practicing Commercial, Securities, Franchise, Intellectual Property and Business attorney and litigator and (ii) the CEO/co-owner of a privately-held group of companies involved in the world-wide licensing of intellectual property, including software, publishing and animated film. Experience has provided a thorough understanding of commercial and business litigation, process and procedure in both a legal and corporate context.

As an attorney and litigator, spent over 25 years handling commercial, intellectual property, securities, commodities, franchise and other business disputes in various courts throughout the United States. Among other matters, has (i) been co-lead counsel in multi-district class action securities matters, (ii) tried patent and other intellectual property matters, (iii) represented the franchisee/master regional franchisor of a large, nationally known franchise operation in both the growth and development of their franchises, and franchising within their exclusive territories, (iv) represented publicly-traded and privately-held businesses, shareholders, and employees in numerous corporate, commercial and business contexts, (v) represented franchisees and franchisors in matters related to licensing, disclosure, contract fulfillment; intellectual property protection, trade secrets, confidentiality, regulatory and standards review and enforcement, franchisee performance and termination, franchise territorial restrictions and disputes, franchise transfers and retained liabilities, employment, real estate issues and supply chain disputes, and (vi) represented banks, trust companies and professionals in litigation matters involving negligence, fraud and breach of contract.

As a corporate CEO, developed and managed a group of privately-held companies involved in nearly every aspect of Intellectual Property licensing, publishing and product and software development. Under management, the company developed a chain of retail stores, an animated

movie and published a national magazine with 500k+ net paid circulation. Operations spanned the United States, involved hundreds of employees, contractors and licensees and achieved brand lifetime retail sales in excess of US \$1 billion. Among other awards, company was named Entrepreneur of the Year in 1998.

As an educator, a professor in the Webster University International MBA program in the United States and China. Areas of teaching include International Law, Corporate Responsibility, Business Ethics, Entrepreneurship, and Labor and Employment Law. In 2017, received the Kemper Award for Excellence in Teaching, an international teaching recognition.

In addition to the forgoing, experienced in the following areas of civil law: Arts; Banking & Finance; Commercial/Business; Commodities; Commercial Litigation; Contract Disputes; Consumer Fraud; Copyright; Entertainment; Franchise; Insurance; Intellectual Property; Legal Malpractice; Business Negligence; Non-Profit Organizations; Partnerships; Patents; Professional Fees; Real Estate; Securities; Technology; Title VII; Trade Dress; Trademark.

Consistently ranked AV Preeminent, Highest Possible Rating In Both Legal Ability and Ethical Standards by Martindale-Hubbell Peer Review Ratings.

Mediator Experience

Over 100 matters mediated to date include: issues related to construction contracts and non-performance, insurance and reinsurance matters, fraud and deception in the purchase and sale of businesses, intellectual property infringement, licensing and agency issues and other corporate contractual matters. In addition, developed and delivered multiple workshops on leadership communication skills for mediators for the Florida Supreme Court Dispute Resolution Conference.

Representative Issues Handled as a Mediator

Matters mediated to date include: issues related to construction contracts and non-performance, insurance and reinsurance matters, fraud and deception in the purchase and sale of businesses, intellectual property infringement, licensing and agency issues, business "divorce" and other corporate contractual matters. In addition, developed and delivered multiple workshops on leadership communication skills for mediators for the Florida Supreme Court Dispute Resolution Conference.

Mediator Style & Process Preferences

Mediation is a process designed to assist parties in the resolution of disputes. My experience as a litigation attorney and a corporate executive lead me to believe that, absent underlying motives, most parties desire to resolve their differences without resort to further proceedings. The primary job of the mediator is to assure that all parties have clearly enunciated their best alternatives to litigation, that each party understands the parameters of those alternatives and that each party has the opportunity to determine whether those parameters are reasonable, best alternatives to further proceedings. Resolution occurs when all parties discover and adopt their best alternatives to further litigation.

In this process, a mediator acts as a leader, not an advocate, assisting the parties in developing and clearly enunciating their proposals. Mediation is not a process involving pushing or brow-beating parties to settlement. Rather, using good leadership communication skills, mediators can diffuse emotional differences, assist the parties in evaluating their options, and help them to understand their alternatives and evaluate them in light of their option to continue litigation or other proceedings.

Parties are expected to come prepared and to have a key decision maker present at the mediation proceeding. Prior to any mediation, each party will provide a confidential memo (i) outlining the party's views of the critical issues for resolution, (ii) a brief list key facts that support the party's position and (iii) any specific legal issues and citations that may be relevant to resolution. This memo is kept strictly confidential between the mediator and the providing-party. A specific outline of mediation procedures will be provided prior to meeting or will be provided in advance.

Education

Washington University (JD, Honors Scholar-1974); Purdue University (BS, Economics with honors-1971).

Professional Licenses

Admitted to the Bar: Florida (1974), Missouri (inactive), Alaska (inactive); U.S. District Court: Eastern District of Missouri, Middle District of Florida; U.S. Court of Appeals, Eighth Circuit; U.S. Court of Claims.

Professional Associations

Admitted to the Bar: Florida, Missouri (inactive), Alaska (inactive); U.S. District Court: Eastern

District of Missouri, Middle District of Florida; U.S. Court of Appeals, Eighth Circuit; U.S. Court of Claims.

Recent Publications & Speaking Engagements

1. Speaker, "Current Ethical Considerations for Mediators and Arbitrators," Sarasota County Bar Association, 2011.
2. "Applying Principles of Leadership Communication to Improve Mediation Outcomes," DISPUTE RESOLUTION JOURNAL, American Arbitration Association, Fall 2009.
3. Lecturer and trainer at numerous Homestead Foreclosure Mediation training seminars sponsored by the American Bar Association in Broward and Dade County, Florida, 2010.
4. Lecturer and trainer at Homestead Foreclosure Mediation Seminar, sponsored by the Florida 12th Judicial Circuit, 2010.
5. "Mediation from a Business Perspective: Applying Principles of Leadership Communication to the Role of the Mediator," Annual Florida Supreme Court Dispute Resolution Conference in Orlando, Florida. This program has also been delivered at the University of Miami School of Law and the Sarasota County Bar Association.
6. "Effective Strategic Planning in IP Licensing," THE LICENSING JOURNAL, Fall 2006; a business and legal journal related to intellectual property licensing.
7. Professor, Webster University, Walker School of Business and Technology, St. Louis, Missouri, St. Petersburg and Sarasota, Florida, Shanghai and Chengdu, China 2006-present; Recipient of 2017 Kemper Award for Excellence in Teaching
8. Visiting Professor, University of Trinidad and Tobago, 2007.
9. "Entrepreneurship Pedagogy in Global Settings" a workshop delivered at the annual conference of the United States Association of Professors of Small Business Entrepreneurship (USASBE) in 2008.

Locations Where Parties Will Not be Charged for Travel Expenses

Greater Kansas City metropolitan area

Mediation Rate

\$400 Per Hour

Languages

English

Citizenship

United States of America

Locale

Overland Park, KS

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.