



AAA Mediation.org™

**FN-2139618 MN-2139618 LN-2139618,
Esq.**

Minneapolis, Minnesota



Current Employer-Title	University of Minnesota Law School – Assistant Dean of Experiential Education J. Stewart and Mario Thomas McClendon Professor in Law and Alternative Dispute Resolution
Professional Summary	Arbitrated and mediated over 175 cases. Chaired ADR professor and assistant dean at Top-20 US law school. Frequent presenter and author on issues relating to arbitration law and practice. Prior experience as General Counsel of Fortune 10 company and ADR practitioner at one of the world's largest law firms. Former member of AAA Board of Directors and advisory council. Active, hands-on approach informed by thorough preparation and years of experience as an arbitrator and mediator.
Profession	Professor, Assistant Dean, Arbitrator, Mediator
Work History	J. Stewart and Mario Thomas McClendon Professor in Law and Alternative Dispute Resolution & Assistant Dean of Experiential Education, University of Minnesota Law School, 2022 - Present Professor (Alternative Dispute Resolution), Litigation Program Director & Law in Practice Program Director, University of Minnesota Law School, 2017 – 2022 Partner, Hogan Lovells US LLP (Minneapolis, MN), 2013 – 2017 Co-Director, University of Minnesota Law School Mediation Clinic, 2012 – 2013 Executive Vice President and General Counsel/General Counsel, UnitedHealth Group, 2009 – 2012 General Counsel, UnitedHealthcare, 2008 - 2009 Partner, Hogan & Hartson LLP (Washington, DC), 2001 – 2008 Assistant U.S. Attorney, U.S. Department of Justice (Philadelphia, PA), 1996 – 2000 Associate, Hogan & Hartson LLP (Washington, DC), 1993 – 1996

Law Clerk to Hon. Richard L. Williams, United States Court for the Eastern District of Virginia (Richmond, VA), 1992 – 1993

Experience

Extensive experience in arbitration and mediation of commercial disputes as a neutral, advocate, and general counsel. Specific (non-exhaustive) experience and expertise is highlighted below:

CONSUMER LAW - Experience arbitrating, mediating, and litigating a wide range of consumer claims including breach of contract, false advertising, unfair pricing, antitrust, privacy, fraud and misleading conduct, lending and debt collection claims, and statutory and common law unfair competition claims.

CONTRACT LAW - Experience arbitrating, mediating, and litigating cases involving payment disputes, service agreements, exclusivity deals, employment and non-compete agreements, shareholder agreements, vendor and supplier contracts, and contracts for insurance.

COMPLEX DISPUTES - Experience arbitrating, mediating, and litigating complex disputes involving healthcare law, contract law, antitrust and competition law, insurance law, consumer law, employment law, alleged fraud and deceptive practices, alleged violations of statutes and regulations, compliance issues, and government investigations.

EMPLOYMENT LAW -- Experience arbitrating, mediating, and litigating disputes involving alleged employment discrimination, alleged sexual harassment, alleged violations of employment agreements, the enforcement of non-competition and non-solicitation provisions, and alleged violations of employment law statutes and regulations.

PHARMACEUTICAL/BIOTECHNOLOGY - Experience arbitrating, mediating, and litigating antitrust/intellectual property disputes, contract disputes, issues regarding compliance with federal and state law, the False Claims and Anti-Kickback Acts, coding and reimbursement issues and relationships between healthcare providers and pharmaceutical and medical device companies.

INSURANCE - Experience arbitrating, mediating, and litigating disputes between insurers and insureds involving health, GCL, D&O, employment practices, E&O and other insurance policies. Extensive experience in health insurance law.

ANTITRUST AND COMPETITION - Experience arbitrating, mediating, and litigating disputes involving alleged price fixing and other violations of the Sherman Act, claims involving pharmaceutical pricing, false advertising claims, claims relating

Mediator Experience

Experienced neutral with substantial experience in all aspects of arbitration and mediation. Able to draw upon experience as chaired professor of alternative dispute resolution, leader of ADR organizations, ADR practitioner at one of the world's largest law firms, and General Counsel of a U.S. Fortune 10 company to help parties resolve disputes of all shapes, sizes, and complexities. Arbitrated and mediated over 175 cases. J. Stewart and Mario Thomas McClendon Professor of Law and Alternative Dispute Resolution at University of Minnesota Law School. Professor and co-founder (and former co-director) of University of Minnesota Law School Mediation Clinic. Presenter, panelist, and author of articles on several ADR-related topics. Represented clients in numerous arbitration and mediation proceedings as partner at premier international law firm. Nominee for Trial Lawyer of the Year by Lawyers for Public Justice. Recognized by Guide to the Leading U.S. Litigation Lawyers. Responsible for oversight of all ADR proceedings on docket of Fortune 10 corporation. One of Corporate Board Member's "10 GCs to Watch" as GC of UnitedHealth Group. Former member of AAA Board of Directors, Council, and Healthcare Advisory Committee.

Representative Issues Handled as a Mediator

Complex commercial disputes, healthcare, contract disputes, employment law, tort claims, disputes over insurance coverage, antitrust and competition law, business law, federal and state government investigations, alleged fraud and unfair business practices, and consumer protection laws.

Mediator Style & Process Preferences

A good mediation process is one centered on disputant autonomy and procedural fairness. The mediator's role is, first and foremost, to facilitate a candid, robust and respectful exchange of information. Once the key information has been exchanged, the mediator will help the parties figure out whether they can find a pathway to resolution. The mediator's level of activism is dictated by the

desire of the parties, the nature of the dispute and the dynamics of the mediation. Where the mediator has a useful perspective - whether due to experience or expertise, or both - a range of evaluative techniques may be used to test whether the proposals (or lack of proposals) are meaningful and calculated to lead to a resolution of the matter. Where substantive knowledge of the dispute and related legal issues are important to the mediation, the mediator will solicit information and, perhaps, position statements in advance of the mediation.

Technology Proficiency	Extensive familiarity and experience with virtual meeting platforms such as Zoom, LoopUp, and GoToMeeting. Conducted several remote arbitrations and mediations since 2020.
Education	University of Virginia Law School (JD, Order of the Coif-1992); University of Virginia (BA with distinction-1989).
Professional Licenses	Admitted to the Bar: Minnesota.
Professional Associations	Association of American Law Schools ADR Section; American Bar Association (Dispute Resolution Section); American Arbitration Association (former member of Board of Directors, leadership Council, and Healthcare Advisory Committee); Conflict Resolution Center of Minnesota (Former Co-Chair of Board of Directors); Children's Law Center of Minnesota (Former Chairman of Board of Directors).
Recent Publications & Speaking Engagements	<p>Presentations and Speaking Engagements:</p> <p>Presenter, Do Arbitrators Have the Authority to Sanction Lawyer Misconduct?, American Arbitration Association (August 2023).</p> <p>Presenter, Protecting Confidential Arbitration Awards, American Arbitration Association (July 2023).</p> <p>Co-Presenter, Reforming the FAA: Forging a Path Forward, American Bar Association Dispute Resolution Section Spring Conference (May 2023)</p> <p>Presenter, "Criminalizing" Depositions in Arbitration, Association of American Law Schools, ADR Works-in-Progress Conference, University of Oregon Law School (October 2022)</p> <p>Presenter, Peering Into the Arbitrator's Brain: How is Your Large Complex Healthcare Case Evaluated, Presenter, 2022 AAA Healthcare Dispute Resolution Innovation & Strategy Conference (September 2022)</p> <p>Presenter, Proposed Guidelines for Arbitral Disclosure of Social Media Activity, American Bar Association Dispute Resolution Section Spring Conference (April 2022)</p> <p>Presenter, Safeguarding Confidential Commercial Arbitration Awards in Uncontested Confirmation Actions, Association of American Law Schools, ADR Works-in-Progress Conference, University of Maryland Law School (February 2022)</p> <p>Presenter, Proposed Guidelines for Arbitral Disclosure of Social Media Activity, Association of American Law Schools, ADR Works-in-Progress Conference, Straus Institute for Dispute Resolution (October 2021)</p> <p>Presenter, Say What? Arbitrator Disclosures – What Arbitrators Should Disclose, What Counsel Should Do With Disclosures and Why it Matters, American Bar Association Dispute Resolution Section Conference (April 2019)</p> <p>Faculty, American Arbitration Association, Healthcare Dispute Resolution Innovation & Strategy Conference</p> <p>Faculty, American Conference Institute, Managed Care Disputes and Litigation, Alternative Dispute Resolution: Streamlining the Arbitration Process in Light of the Healthcare Payor-Provider Rules</p> <p>Faculty, American Arbitration Association, Rx for Healthcare Disputes: Exploring Alternative Dispute Resolution Solutions</p>

Publications:

The FAA's Silence on Arbitral Disclosures: A Pressing Problem in the Social Media Age (book chapter), THE FEDERAL ARBITRATION ACT: SUCCESSES, FAILURES, AND A ROADMAP FOR REFORM, Richard A. Bales & Jill I. Gross, editors (forthcoming 2024 Cambridge University Press)

"Criminalizing' Depositions in Arbitration," Minn. L. Rev. (forthcoming 2024)

"Safeguarding Confidential Arbitration Awards in Uncontested Confirmation Actions," 59 Am. B.L.J. 505 (2022)

"Proposed Guidelines for Arbitral Disclosure of Social Media Activity," 23 Cardozo J. Confl. Resol. 1 (2022) (with Leslie Bellwood) (selected as Best ADR Scholarly Article of the Year by Association of American Law Schools ADR Section)

Locations Where Parties Will Not be Charged for Travel Expenses	Minneapolis, MN.
Mediation Rate	\$575 Per Hour
Languages	English
Citizenship	United States of America
Locale	Minneapolis, MN

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.