



AAA Mediation.org™

**FN-2182934 MN-2182934 LN-2182934,
Esq.**

Hyannis, Massachusetts



Current Employer-Title Self Employed - Mediator, Arbitrator, and Facilitator

Profession Attorney, Mediator, Arbitrator, Facilitator

Work History Sole ADR Practitioner, 2012-present; Senior Counsel, Partridge Snow & Hahn, LLP, 2012; President and Chief Executive Officer/Chief Operating Officer, Blue Cross & Blue Shield of Rhode Island, 2000-2011; Founding Partner, Managing Partner and Chair of Litigation Department, Partridge Snow & Hahn LLP, 1988-2000; Partner/Associate, Tillinghast Collins & Graham, 1980-1988.

Experience Health Care and Insurance: Focused on disputes involving integrated healthcare systems, accountable care organizations, and insurers. As a practicing attorney, was completely immersed in virtually all aspects of healthcare, and was COO and CEO of Blue Cross & Blue Shield of RI (BCBSRI) for 12 years. Retired 1/1/12, and focused solely on ADR. Am knowledgeable regarding Accountable Care Organizations (member AHLA ACO Task Force), both capitalized and in lower case. Appreciative of the balances and nuances in such relationships, and has been involved in disputes and negotiations of that sort for two decades. Experienced in facilitation resolution of stalled contract negotiations amongst providers and other providers and insurers. Represented BCBSRI in negotiation and drafting of provider contracts and self insurance, AFA and TPA contracts. As a Blue CEO, was a board member of the Blue Cross and Blue Shield Association and attended quarterly board meetings with the other Blue CEOs. Was actively involved in Committees of the National Association, such as the Health Policy and Legislative Committee, Emerging Issues Committee, and the Administrative Committee.

Past board member of Blue Health Intelligence, the operational data warehouse created by the Association for Blues - probably the largest health care data warehouse in the world. Also a past board member of BCS Financial, a "captive" D&O, E&O and stop loss insurer located in Chicago and chair of its Investment Committee, and a board member of Plans' Liability Insurance Company, also located in Chicago. Was Chair of the Board of Directors of the Rhode Island Quality Institute (RIQI), a C-suite board of health care executives in RI. Testified before Congress in favor of Behavioral Health Parity Legislation. Was the recipient of the Providence Business News 2005 Business Excellence Award for Individual Business Leadership in Rhode Island and multiple other

community leadership awards. Chaired 8th Annual World Healthcare Congress Plans Summit in 2011. Chaired the Marcus Evans First ACO Payor Leadership Summit in September, 2014 and was a featured speaker on ACO/Insurer relationships.

Construction and Energy Disputes: Represented Energy Management, Inc. (EMI), in all of its litigation and arbitration for a number of years. The issues related to all aspects of the construction and ongoing operations of multiple co-generation, gas-fired electric generating plants in Massachusetts and RI, including a protracted, large exposure defense of EMI against claims by Ebasco Construction, Inc.; court litigation involving the interpretation of a tax treaty with the City of Pawtucket, RI; major energy contract arbitration with Commonwealth Electric over the pricing of natural gas. Each of these cases involved multiples of millions of dollars and EMI was successful in each one. Represented Stog Tec, Inc., a German manufacturer of environmental equipment, in an arbitrated contract dispute with a RI business, recovering for Stog full damages for breach of contract.

Business Torts and Unfair Competition Cases: The full range of cases alleging bad faith, breach of fiduciary duty, Massachusetts' ch. 93A claims, unfair competition, etc.

Corporate Governance, Compliance, Ethics, and Fiduciary Duty Matters: Became CEO of BCBSRI at a time of controversy. Has become expert in Corporate Governance, Compliance, etc. Has lived through six years of creating what has been described as the best ethics and compliance experts have ever seen. Has Chaired a number of other boards of large organizations. Understands the interrelationships between Boards and C Suites.

Mediator Experience

As a charter member of the United States District Court for the District of Rhode Island ADR Panel, conducted mediations and early neutral evaluations (perhaps 10) from 1995 until 2000 when became employed by Blue Cross & Blue Shield of Rhode Island ("BCBSRI"). The cases were varied in size and subject matter, but success rate was 90%. As a practicing litigator, participated in many substantial commercial mediations representing clients. As COO and later CEO of BCBSRI, has participated in mediations, and conducted own "informal" mediations between and amongst members of the Rhode Island health care community, helping them to resolve differences. A significant portion of responsibilities today as CEO is mediating disputes amongst Vice Presidents and others in the health care community. Since retirement from BCBSRI, has conducted two complex mediations, one involving dissolution of a healthcare provider group, and one regarding a construction dispute, both resolved at mediation. Member of the AAA Commercial Mediation Panel.

Representative Issues Handled as a Mediator

Healthcare disputes; construction disputes.

Mediator Style & Process Preferences

Preparation is key. As a mediator, if I do not understand and appreciate the business relationships between the parties, I am less likely to devise possible solutions that the parties themselves have not considered. Mediation is a process designed to make the parties more amenable to settling a dispute. Thus, earning the credibility and trust of both the advocates and their clients is equally important. The emotional aspect of settlement must be respected.

I expect the parties to submit reasonably short position papers and exchange them. At the mediation, counsel for each side would argue their case with the opposing party (decision maker) present. This is one of the most important elements, because the decision maker will hear how effectively opposing counsel makes their case. That in and of itself makes parties a bit more amenable to settle. There would be a question and answer period, and then I would separate the parties, conferring with each privately to give them my view of strengths and weaknesses, and as the circumstances dictate, my view of possible approaches to settlement. Particularly where there is an ongoing relationship between the parties, my job as mediator is to find a mutually satisfactory resolution that may go beyond the bounds of the immediate dispute. Each party has to give something, but be able to leave the mediation feeling they were treated respectfully; they had their day in "court," and that while not entirely happy with the settlement, it is acceptable. At the appropriate time in a mediation, I am evaluative (I let the parties know what I think). The key is to apply pressure in a professional, respectful, and empathetic way to move the parties toward "yes."

I would consider recessing and resuming in a week or two, if it would give the parties the opportunity to further consider their course of action.

Technology Proficiency	Available for both in-person and remote arbitrations. Have handled Zoom mediations and arbitrations.
Education	Cornell University (AB, History-1967); Boston University Law School (JD, magna cum laude-1974).
Professional Licenses	Admitted to the Bar: Maine (1974); Rhode Island (1980); Massachusetts (1985).
Professional Associations	Rhode Island Bar Association; American Health Law Association (Member and arbitration and mediation panelist); Massachusetts Dispute Resolution Services.
Recent Publications & Speaking Engagements	Numerous speaking engagements in present past position as President and CEO of BCBSRI; 10/10: Presenter at AAA first Healthcare Symposium in Chicago regarding ADR in healthcare disputes; 12/11: speaker at Blue Health Summit in Chicago regarding use of new AAA Payor/Provider Rules in disputes; 12/11: opening speaker at AHLA healthcare law seminar in Chicago; Op ed series in Providence Business News commencing Oct. 2013, on Seizing Healthcare Reform Opportunities. Opening speaker at Opal Events Risk Management Conference, Jacksonville, FL, on Apr. 24, 2014. Chair and Featured Speaker at the First ACO Payor Leadership Summit (Marcus Evans) in Atlanta on Sept. 11-12, 2014; Speaker at Employer Health Benefits Congress, Wash. DC., Sept. 23, 2014; ABA Dispute Resolution Spring Conference, April 16, 2015, Seattle, WA, "ADR in Healthcare Disputes From the CEO's Perspective"; American Association of Legal Nurse Consultants Educational Forum 2015, April 17, 2015, Indianapolis, IN, "Why Alternative Dispute Resolution is Critically Important in Resolving Healthcare Disputes".
Mediation Rate	\$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Hyannis, MA

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.