



AAA Mediation.org™

**FN-2228291 MN-2228291 LN-2228291,  
Esq.**

**Akron, Ohio**



**Current Employer-Title** Roderick Linton Belfance LLP - Partner

**Professional Summary** Attorney, judge, arbitrator and mediator since 1973. Still in fully-active practice as an arbitrator, mediator, advocate and business counselor. Litigation and arbitration matters in state and federal courts across the country and with the AAA.

Due to the nature of past and current practice and judicial experience, is especially conversant with all aspects of the UCC, as well as with health care, franchising, financial, securities, non-competition, accounting and computer issues. Has used highly sophisticated computer-based storage and search systems and has been involved with issues concerning difficult data retrieval and the proof of attempted spoliation. Very comfortable with determining issues of credibility.

**Profession** Attorney, Judge, Arbitrator, Mediator

**Work History** Partner, Roderick Linton Belfance LLP, 2009 – Present; Judge, Court of Common Pleas Summit County Ohio, 2008 – 2009; Partner, Goldman & Rosen Ltd., 2004 – 2008; Partner, Thompson Hine LLP, 2000 – 2003; Principal, Buckingham, Doolittle & Burroughs LLC, 1975 – 2000; Prosecutor, 1975; Executive Director Ohio Real Estate Commission, 1974; Assistant to Director, Ohio Department of Commerce, 1973.

**Experience** Judge of the Court of Common Pleas (Ohio court of general jurisdiction for both civil and criminal matters) by appointment of the Governor, on the recommendation of a bi-partisan commission. Adjudication and litigation of complex matters in state and federal courts across the country for over 40 years. Since 2009 in private practice as arbitrator, mediator, transactions and litigation counsel. Very comfortable in matters of legal and factual complexity.

Experience with a wide variety of matters, as judge, arbitrator, mediator and attorney. Notable arbitration matters include: Mattress dealer franchisee multi-million dollar claim against national franchisor; Point of sale technology provider multi-million dollar claim against national retailer; Commercial real estate development hundred thousand dollar cross-claims; Long-distance provider and marketer multi-hundred thousand dollar cross-claims; National health insurance carrier and large regional medical practice group multi-million dollar claims; Hedge fund investor claim against

manager. Other commercial matters.

As judge, decided a number of significant civil cases, as well as several of the most serious criminal matters, including a capital murder case tried to a three-judge panel. Significant civil decisions included issues involving the commercial reasonableness of a lender subordination agreement; application of new professional conduct standards to attorney conflict of interest disqualification; public employee immunity; shareholder rights to corporate records; major environmental standards violations; enforcement of a veterinarian non-competition agreement; a physician practice dispute and several zoning and private easement matters.

Primary emphasis as an attorney has been business litigation and counseling, particularly in the areas of franchise law, commercial transactions, securities, intellectual property, corporate and government-related matters. Has represented individuals, businesses, government agencies and not-for-profit organizations, as both plaintiffs and defendants.

Some of the notable cases handled as lead counsel have involved representation of a national franchisor in the mobile tool industry; a park district concerning a proposed hydroelectric facility; the bankruptcy trustee of a large national law firm in several major adversary proceedings; a class of securities fraud victims; a manufacturer concerning trade dress infringement; public officials and citizens concerning campaign finance regulation; a foundation concerning deceptive trade practices; school districts concerning desegregation, construction disputes and special education; individuals and businesses concerning non-competition agreements; and agencies, businesses and citizens concerning zoning, appropriation and other real property matters. Has also successfully prosecuted several difficult attorney disciplinary matters for local bar association.

Has litigated health-related matters, concerning reimbursement fraud claims and physician licensure.

Due to the nature of past and current practice and judicial experience, is especially conversant with all aspects of the UCC, as well as with franchising, financial, securities, accounting and computer issues. Matters have often involved hundreds of thousands of documents, if not sometimes more. In recent years, has used highly sophisticated computer-based storage and search systems and has been involved with issues concerning difficult data retrieval and the proof of attempted spoliation. Expert evidence has very frequently been involved in litigation, as both an attorney and as a judge.

## **Mediator Experience**

Served as a mediator for many years, having received extended mediation training. Mediation work prior to going on the bench as a trial judge was normally through the courts, involving approximately a dozen tort and commercial matters involving \$50,000 to \$100,000. As a judge, was willing to engage in the active mediation of disputes on request, so long as there was a jury demand. Was able to resolve three complex matters, involving property, legal malpractice and tort disputes that had previously eluded settlement. The successful mediations all went over two days, with devoting extended time to them.

## **Representative Issues Handled as a Mediator**

The property matter mediated as a judge involved a dispute among two groups of property owners in a landowners association. The two groups, totaling about 30 owners, had very different histories, property values and expectations. The differences were in many ways cultural and went to how the association would be governed and what requirements would be made of owners. The matter had been in bitter litigation for several years. Through extended effort, was able to assist the parties to reach a satisfactory settlement agreement involving the sale of the lots owned by one group.

The legal malpractice matter involved the representation of an oil and gas well drilling company, which contended that the attorney had given incompetent advice in the course of the settlement of a major dispute over the sale of the rights, involving millions of dollars. Drawing on experience as a practicing attorney, as well as with some oil and gas disputes, as a judge was able to bring about a settlement of the malpractice claims.

The tort matter involved no unusual issues, but concerned claims in the hundreds of thousands of dollars and had parties that were particularly difficult. With significant effort, a settlement was reached within the applicable policy limits.

## **Mediator Style & Process Preferences**

Mediation must be viewed as a facilitation, not an adjudication by another name. The mediator must become familiar with the particulars of the dispute and may come to his own preliminary view of the parameters of likely settlement, but he must not pre-judge the expected outcome. The role is

fundamentally one of listening carefully, explaining positions clearly and accurately and suggesting ideas only within appropriate bounds. That is not to say that the mediator is simply a scribe and a messenger. The mediator may be the source of independent ideas for settlement. More importantly, the mediator should establish and draw on the parties' perception of him as knowledgeable, experienced and wise, in order to persuade them of the merits of settlement, if a reasonable agreement appears within reach. Above all, the mediator must remain dispassionate. It is the parties' choice to settle or not. The mediator succeeds regardless of the outcome, if he has used the full range of his skills and made all reasonable efforts to attempt to assist the parties.

<b>Technology Proficiency</b>	Very good technological ability for conducting electronic hearings and other proceedings, including mediations. Skills also include a very good ability to manage and use electronically created and stored documents and other media.
<b>Education</b>	Harvard Law School (JD-1973); Dartmouth College (AB-1969).
<b>Professional Licenses</b>	Admitted to the Bar: Ohio, 1973; U.S. District Courts: Northern and Southern Districts of Ohio, Eastern District of Michigan, and Western District of Pennsylvania; U.S. Court of Appeals, Sixth and District of Columbia Circuits; U.S. Supreme Court.
<b>Professional Associations</b>	American Bar Association; Ohio Bar Association; Akron Bar Association (ADR Committee, Past Chair); Federal Bar Association; Inns of Court
<b>Recent Publications &amp; Speaking Engagements</b>	Has spoken often at Continuing Legal Education seminars, particularly concerning ethics, professionalism, school law and real property litigation.
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	With two driving hours of Akron, Ohio.
<b>Mediation Rate</b>	\$300 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Akron, OH

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.