



AAA Mediation.org™

**FN-267209 MN-267209 LN-267209,
Esq.**

Ft. Mill, South Carolina



Profession

Attorney (retired)

Work History

Vice President, Truist Bank (formerly BB&T), 2013 – 2020; Managing Director, Entrust Associates, 2002 – 2013; Chief Executive Officer, Custom Wood Shutters & Blinds, 2002 – 2013; Vice President/Secretary & General Counsel, Martin Marietta Materials, 1979 – 2002; Attorney, Howrey & Simon, 1977 – 1979; Law Clerk to The Honorable Mark A. Costantino U.S District Judge, Eastern District New York, 1975 – 1977.

Experience

More than 45 years of broad legal and business experience. Practice primarily focused on commercial and litigation matters. Commercial experience includes drafting, analysis, and counsel including: the IPO of Martin Marietta Materials; M&A transactions: joint venture agreements; international and domestic sales agency and distributorship agreements; securities law; directors and officers liability; sale of goods; real estate purchases, leases and brokerage agreements; underwriting agreements; employment law and consulting agreements; antitrust and trade regulation; environmental permits; zoning applications and litigation; loan agreements; and licensing agreements. Litigation experience includes active supervision and participation (including trial court and appellate arguments) in litigation of lawsuits involving breach of contract, employment and discrimination cases, antitrust, class action lawsuits, UCC, bankruptcy and a broad range of business and personal torts.

Mediator Experience

Served as a mediator in a variety of commercial cases, including cases involving business acquisitions, stockbroker/client relations, insurance policy disputes, construction disputes, and partnership disputes.

**Representative Issues
Handled as a Mediator**

Disputes have involved (1) representations and warranties issues in business acquisitions, (2) purchase price calculations in acquisitions, (3) breach of covenant claims in acquisitions, (4) tortious interference and breach of fiduciary duty claims arising out of partnership disputes, and (5) interpretation of insurance policy clauses regarding applicable coverage, and other commercial use.

**Mediator Style & Process
Preferences**

I am a strong believer in mediation on several grounds. Perhaps most importantly, it represents the parties' last chance to control the resolution of a dispute. When mediation fails, the parties will then be left to rely on the decisions of third parties (judges and juries). Mediation also allows parties to

attempt a resolution with a minimum of unnecessary posturing.

I am an active mediator. That means listening carefully to the parties concerns, issues and desires. It means actively exploring ideas - including "outside the box" approaches that can create win/win solutions. I'll express my opinions, but I don't twist arms other than through persuasion. I believe in exploring with parties their BATNA (best alternative to a negotiated agreement).

I don't give up easily, and have followed up with parties for several weeks in order to successfully resolve disputes.

Having negotiated approximately \$750 million in acquisitions and divestitures as well as countless other commercial agreements, I understand the importance of finding solutions that create a win/win solution for both parties. I've served as a law clerk to a federal district court judge and supervised hundreds of litigation cases. As a result, I can usually provide insight into possible trial results.

Mediation is most successful in my experience, when the parties approach the process with a willingness to explore whether there are solutions that can benefit them. When the parties view the mediation as a "problem solving" experience, it's often possible to find ways that, in fact, solve the problem.

Education	George Washington University (JD, with honors-1975); Johns Hopkins University (BA-1972).
Professional Licenses	Admitted to the Bar: Virginia (1975), New York (1977).
Locations Where Parties Will Not be Charged for Travel Expenses	North Carolina, South Carolina
Mediation Rate	\$375 Per Hour
Languages	English
Citizenship	United States of America
Locale	Ft. Mill, SC

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.