



AAA Mediation.org™

**FN-29054 MN-29054 LN-29054, Jr.,
Esq.**

Birmingham, Alabama

Current Employer-Title Dentons Sirote, P.C. – Attorney

Profession Attorney, Arbitrator, Mediator

Work History Attorney, Sirote & Permutt P.C., 1980 – Present; Attorney, Law Offices of Kenneth D. Wallis, 1977 – 1980.

Experience Actively engaged in the practice of law in Birmingham, Alabama since 1977. During that time, has focused work on the handling of matters in state and federal civil courts and since the 1990's also serving as a mediator and arbitrator. Has also represented clients in construction disputes, domestic relations and probate matters. The preponderance of practice has included serving banks, lenders, and other businesses in regards to various Civil Litigation, Uniform Commercial Code, Bankruptcy, and Negotiations such as lender liability defense, enforcing contract rights, commercial litigation, defending all types of matters arising whether from contract or tort, as well as negotiations and workouts.

Has also periodically represented parties in various construction disputes in representing owners of properties, contractors, subcontractors, vendors, and materialmen in various phases of construction litigation, arbitrations and mediations. By virtue of representation of businesses, banks, and other lenders, has also had significant experience in consumer litigation and transactional matters.

Mediator Experience Mediated approximately 10 complex construction disputes, more than 50 complex disputes over banking, commercial, or contract enforcement issues, in excess of 10 labor and employment Title VII related disputes, one dispute arising from the negligence and outrageous cremation of a misidentified corpse, five to ten wrongful death cases, and the remainder arising from other unique contractual disputes, property division disputes, or personal injury tort claims.

Representative Issues Handled as a Mediator Issues in wrongful death cases regarding liability and damage amounts for death of party, Title VII litigation regarding wrongful termination, back pay, and lost wages, reinstatement issues, consumer fraud disputes regarding claims of violations of RESPA, PILA, recycling of loans for inappropriate fees, fraudulent disclosure of insurance, and emotional distress, commercial business disputes involving sales of businesses, valuations of compensation, enforcement of commission terms and termination with or without cause issues, one dispute regarding outrage involving the cremation of a misidentified corpse, mobile home litigation filed by consumers alleging fraud, breach of warranty, Magnusson-Moss issues, banking disputes with commercial and individual consumer customers relating to unauthorized checks drawn on accounts, as well as lost safe deposit box and alleged unlawful entry into safe deposit box, family property disputes regarding division of estate assets relating to devised property, dispute over enforcement for purchase of condominium and negligent construction and breach of contract issues, disputes over issues relating to breach of contract and negligent repair in large commercial plant renovation issues, disputes in construction litigation of claims brought by contractor and subcontractors for payment of sums claimed to be due for construction.

Mediator Style & Process Preferences I have great confidence and optimism in the possibility of all disputes settling at mediation. This is the perspective with which I approach any mediation in which I attend, either serving as the mediator or as a party representative. As the mediator, I encourage parties to provide me with pre-mediation position statement so that I can educate myself and be prepared to commence the mediation from a perspective of understanding the basic factual dispute and position of the parties the moment the mediation begins. In most instances, I still believe that it is valuable to have an opening session. I do not require the parties to make opening statements if they prefer not to, but in most instances, I still believe it is valuable for the parties to sit around the table and for me as the mediator to provide an overview of what they should expect throughout the day insofar as the usual activities that take place at the mediation and to provide all with general comments about the necessity of exercising patience, creativity, and the benefits of a negotiated settlement as to alternatives that lie ahead if a negotiated settlement is not achieved at the mediation. I find that my role as a mediator varies from mediation to mediation, given the factual issues, the personalities of the parties, the personalities of the lawyers representing the parties, and the dynamics of the emotions, facts, and circumstances that these factors bring to the mediation table. Depending on the circumstances, sometimes my style is more facilitated and at other times, more evaluative. In assessing the preparation and conducting of any mediation on a case by case basis, I endeavor to determine which style of mediation is best for the circumstances at hand and oftentimes find that the classic definitions of mediation styles come together as a blended group by the end of the day to reach closure and settlement.

In the early phases of the mediation caucuses, I work very hard particularly with less sophisticated parties to allow them the opportunity to simply tell me their story and to vent in private with no one present but me and their attorney. It has been my experience that, brief though it may be, that the development of this initial rapport proves to be very helpful throughout the day, particularly at the point in time when hard decisions have to be made and compromise may begin to move toward settlement, but at a level lower than the parties' expectations when they arrived earlier in the day. At the outset of the mediation in explaining the customary course of the day, I tell the parties that it is not uncommon for mediations to seem to move slower than they would like, but that they should remain patient and hopeful, and to resist the normal human emotions of frustration and anger that could result as the day progresses and things don't go from move to move as they feel they should. I am quick to point out to them that their focus and measure of the success of the day's mediation should be measured at the time that they leave my offices with their case settled versus judging move to move as the caucuses proceed.

I tell the parties at the outset that I expect them to exhibit these traits and that I promise them that if I see that the day appears to be hopelessly deadlocked, that I will tell them that. I am quick to follow that by telling them that I rarely see that occur and that I am very optimistic that any case can settle as long as the parties are willing to stay at the table and continue to work toward a negotiated compromise of which they can bring immediate closure, exchange of consideration, and often times even more creative solutions that a court of law could not grant even if victory was achieved.

Education Samford University, Cumberland School of Law (JD-1977); University of Alabama (BS, Marketing-1971).

Professional Licenses Admitted to the Bar: Alabama, 1977.

Professional Associations Birmingham Bar Association (Past President 2009);
Commercial Law League of America (Past Executive Council);
Alabama Board of Board Commissioners (Commissioner 2002-2013);
Alabama Bar Foundation (Trustee 2002-2013);
Alabama Bar Mandatory Continuing Legal Education (Board Member 2002-2013);
Alabama State Bar Disciplinary Panel (Member 2002-2013);
Alabama Bar Foundation - Atticus Finch Society (Charter Member)
American Bar Association (Life Fellow);
Alabama Law Foundation (Fellow);
Birmingham Bar Foundation Board Member;
Birmingham Bar Foundation (Fellow, 2009 - 2014);
Birmingham Bar Foundation (Life Fellow - 2015);
Birmingham Legal Professionals Association - Lawyer of the Year 2011;
Secretary/Treasurer Alabama State Bar Dispute Resolution Section 2018/2019.

Recent Publications & Speaking Engagements	"Do's and Dont's of Mediation," Talladega County, Alabama Bar Association, August 29, 2008; "Mediation Can Be Fun," Birmingham Bar Association, November 19, 2003 and November 9, 2004; "Mediation Basics," Birmingham Bar Association, August 21, 2003; "What Every Lawyer Should Do to Prepare for Mediation Advocacy," Birmingham Bar Association, December 20, 2000. Chapter author, "Alabama," DIGEST OF COMMERCIAL LAWS OF THE WORLD, Oceana Publications, Inc., June 1996.
Mediation Rate	\$400 Per Hour
Languages	English
Citizenship	United States of America
Locale	Birmingham, AL

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.