



AAA Mediation.org™

**FN-4024361 MN-4024361 LN-4024361,
Esq.**

Austin, Texas



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Panelist Video

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Profession

Attorney, Arbitrator, Mediator, Consultant, Educator

Work History

Mediator, Arbitrator, Trainer, Self-employed, 2014 - Present; Professor, Lecturer, Baylor University, 2013; Lecturer, Professor, South Texas College of Law, 2004 - 2013; Lecturer/Director Mediation Clinic, University of Texas, 1994 - 2004.

Experience

Has been a visionary and dedicated leader in the modern dispute resolution movement for over 35 years as a prominent teacher, trainer, scholar and practitioner in the field of dispute resolution processes. Has taught a variety of Alternative Dispute Resolution courses, primarily in legal education for the last 25 years, including arbitration, international commercial arbitration, mediation, negotiation, and special issues courses. Law Practice including general civil practice, commercial litigation and bankruptcy practice, 1983 – 1990.

Mediator Experience

Trained mediator since 1978, having mediated several thousand matters, covering numerous types of cases. Successfully mediated disputes involving commercial matters, contract disputes, employment and wrongful termination, discrimination, and sexual harassment; partnership dissolution; intellectual property; professional liability; environmental concerns; real estate and construction; landlord/tenant relationships; personal injury and products liability; consumer (DTPA) issues; probate; and inter-organizational disputes, within both private and public entities.

Conducted the first mediation training in Texas in 1980, and continues to teach and train advanced mediation topics.

Also authored the first text book on mediation in 1994 (Kovach, Mediation: Principles & Practice), as well as having published numerous articles on the mediation process, in both journals and law reviews.

Representative Issues Handled as a Mediator	Employment cases, grievance matters, as well as claims of discrimination; bankruptcy; personal injury; commercial cases, involving business to business matters as well as consumer and business.
Mediator Style & Process Preferences	<p>Since 1978, I have mediated quite a wide variety of matters. That experience provides the foundation for implementing the process in the most effective manner for each individual case. I also have several decades of experience in teaching and training mediation, and authored the first textbook on the process.</p> <p>Mediation provides parties (and their lawyers or other representatives) the opportunity to creatively problem solve in finding resolutions to disputed matters. While many approaches to the process exist, one of the primary tenets of the process is the potential to find solutions or settlements that are acceptable to all involved. It is the mediator's responsibility to be directive in the process - assisting the participants in overcoming the barriers in their direct negotiations. As part of the role in facilitating negotiation, mediators may certainly reality test with the participants, challenging some of their expectations, while remaining neutral. In the end, however, it is the participants who determine the final resolution.</p> <p>In terms of the approach or style, as a process expert, it is the mediator's responsibility to determine what approach or 'style' will be most effective in each case, dependent upon numerous factors. It is this assessment which will dictate the tools the mediator employs at any given time.</p>
Education	Capital University School of Law (JD-1980); The Ohio State University (BS-1976).
Professional Associations	American Bar Association, Section of Dispute Resolution; State Bar of Texas, ADR Section; Mediation Committee, International Bar Association.
Recent Publications & Speaking Engagements	<p>Publications: MEDIATION: PRINCIPLES AND PRACTICE, West Publishing Company (3rd Edition, May 2004) (4th Edition, forthcoming 2015); Mediation in a Nutshell, 2nd Ed. 2010) (3rd Edition, forthcoming 2014); Kovach, (with others), You've Got Agreement: Negotiating Via Email, in Rethinking Negotiation Teaching; (DRI Press, 2009); Kovach, The Duty to Disclose Litigation Risks and Opportunities for Settlement: The Essence of Informed Decision-Making, 33 LaVerne L. Rev. 71 (2011) Kovach,) Virtual Virtues: Ethical Considerations for an Online Dispute Resolution Practice, 17 Disp. Resol. Mag. 6 (2010) Expansion of the Lawyer's Role to Problem Solver: Increased Opportunities for Pro Bono Work, 51 S. Tex. L. Rev. 639 (2010); The Intersection (Collision) of Ethics, Law, and Dispute Resolution: Clashes, Crashes, No Stops Yields or Rights of Way, 49 S. Tex. L. Rev. 787 (2008)</p> <p>Recent Speaking Engagements: The Mystical Art of Mediation Ethics – Does the Success of Settlement Justify the Means, ABA Section of Dispute Resolution Annual Conference, April 3, 2014 Miami ; Keeping the “Good” Faith: Issues in Global Negotiation, ABA Section of Dispute Resolution Annual Conference, April 4, 2013, Chicago; Issues of Confidentiality in ADR Proceedings, Travis County Bar Association, February 21, 2013; Ethical Guidelines for Mediators, State Bar of Texas Annual ADR Conference, Austin, January 30, 2012 ; Cases and Conflict: Recent Trends in the Law & Limits of Settlement in Mediation (and Negotiation), Jefferson County Bar Association, September 2011; Ethical Considerations in Online Dispute Resolution, Houston Bar Association Dispute Resolution Section Annual Conference, May 6, 2011; Virtual Virtues, Part II, ABA Section of Dispute Resolution Annual Conference, April 14, 2011, Denver; New Ethical Considerations, at Forecasting the Future: Cutting Edge Issues in ADR, January 29, 2011, at the University of LaVerne School of Law; Luncheon Address, Mediation and Collaborative Law: Twin Daughters of Different Mothers, Houston Bar Association Family Law Section, January 5, 2011; Styles of Mediation, Mediation: Shaken, Stirred or Straight Up?, Texas Mediator Credentialing Association Annual Program, Austin, Texas, November 6, 2010; Current Trends in Mediation, Houston Bar Association Dispute Resolution Section Meeting, October 12, 2010.</p> <p>Panelist, Ethics in Online Dispute Resolution, ABA Annual Meeting, August 2010 San Francisco</p> <p>Panelist, Teaching the Dispute Resolution Survey Course, at Legal Educators Colloquium, ABA Section of Dispute Resolution Annual Conference, April 10, 2010 , San Francisco</p> <p>Moderator, Ethics and Deception in Negotiation and Mediation, ABA Section of Dispute Resolution Annual Conference, April 9, 2010, San Francisco</p>

Panelist, Virtual Virtues, ABA Section of Dispute Resolution Annual Conference, April 9, 2010, San Francisco

Presenter, Deceit and Deception in Mediation: Mediator's Role and Responsibility, Houston Bar Association Dispute Resolution Section Annual Conference, April 30, 2010

Speaker, Deception in Mediation: Duties and Responsibilities, Texas Association of Mediators Annual Conference, February 2010

Panelist, Did You Hear What I Heard, State Bar of Texas ADR Section Annual Conference, January 29, 2010, San Antonio

Presenter, Virtual Reality Testing: The Use of Technology in Connecting Evaluation with Realities of Courses and Practice, at the Legal Education at a Crossroads Assessment Conference, Sturm College of Law, Denver, September 12, 2009

Presenter, Collision of Dispute Resolution, Ethics, and Lawyering, Houston Bar Association Dispute Resolution Section Annual Conference.

Mediation Rate	\$2,800 Per Day
Languages	English
Citizenship	United States of America
Locale	Austin, TX

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.