



AAA Mediation.org™

**FN-4048241 MN-4048241 LN-4048241,
Esq.**

Houston, Texas



Current Employer-Title Patricia J Kerrigan P.C. - Arbitrator and Mediator.

Profession Arbitrator, Mediator, Retired Sr District Court Judge and Visiting Judge

Work History Arbitrator and Mediator, Patricia J Kerrigan P.C., 2017 - Present; Visiting Judge by appointment 2017- Present.
Presiding Judge 190th District Court, Harris County Texas, 2007 - 2017;
Founding Partner, Werner Kerrigan & Ayers, L.L.P, 1997 - 2007;
Partner, Norton Rose (fka Fulbright & Jaworski), 1983 – 1997;
Registered Nurse, 1974 - 1978.

Experience Served as an arbitrator on over 150 arbitrations, including as a Panel Chair, primarily on complex commercial, energy and employment matters, having ruled on dispositive motions and presided over Final Hearings and entered Awards in many of the Arbitrations.

As a Civil District Court Judge handled a docket of over 1600 cases and ruled on dispositive motions, discovery disputes, injunctive relief, privilege and Daubert issues and presided over many jury and nonjury trials. Strong experience in complex business disputes, partnership claims, fiduciary duty cases, fraud and contract issues and real estate matters. In addition, have handled a significant number of oil and gas disputes involving royalties, fraud and production issues. Had a strong appellate record, was highly regarded by counsel and highly ranked in Harris County Bar Polls. Still serves as a Visiting Judge by appointment and TRCP Rule 151 Special Judge by Court Order.

An active trial lawyer for 24 years handling tort and commercial matters and as a member of national trial teams for various product manufacturers, including medical device litigation. Tried over 50 cases to verdict as the first chair attorney. Handled all pretrial matters, summary judgment motions, Daubert challenges, and declaratory actions in over 500 cases representing litigants in contract, commercial, business disputes, and complex tort cases, in federal and state courts. Additional experience in insurance coverage matters, and healthcare liability matters. Based on trial record and performance was invited to become a member of the American Board of Trial Advocates in 1997 and currently serves on the ABOTA National Board of Directors and is active in the Texas

and Houston ABOTA organization.

Prior to and during law school worked as a Registered Nurse. Received a Bachelor of Science in Nursing from Boston University and worked in major medical centers in the Boston area, primarily in cardiology and head and neck cancer units. In Houston worked in the ENT Department of Baylor College of Medicine. Interest in science led to participation in the ASTAR program and the National Courts and Science Institute.

Mediator Experience

Mediated civil cases full time since 2017 handling both commercial and tort cases, including multi-party commercial disputes and matters involving significant insurance issues, such as excess cases, cases where a reservation of rights is in place, subrogation issues and coverage disputes. Handled mediations, which require more than one day of mediation and mediations where telephone follow up results in a resolution. Retained as a mediator specifically to handle matters with emotional issues at the forefront due to expertise and ability to deal effectively with the parties under those circumstances and facilitate a resolution.

Representative Issues Handled as a Mediator

Often mediates cases with challenging legal issues complicated by conflicting factual allegations, such as business disparagement or fraud cases, cases based on oral representations in a sale of land or a business, warranties, malpractice and tort claims.

Examples of specific matters mediation include:

- a legal malpractice case against multiple firms and attorneys involving allegations of breach of fiduciary duty, DTPA and negligence in the provision of tax advice during a complex transaction;
- tortious interference claims arising out of international chemical company relationships;
- a medical malpractice case with claims against multiple practitioners and facilities involving brain injury to a newborn during delivery;
- disputes involving non-compete and non-solicitation issues with and without contracts;
- residential construction defects claims;
- broker agent liability claims in commercial and residential building loss cases;
- shareholder agreement disputes;
- employment benefit contractual disputes;
- auto and truck personal injury claims.

In several mediations involving business disputes, structured buyouts or sales agreements have been part of a resolution.

Mediator Style & Process Preferences

As a former Judge and experienced trial lawyer, I trust and support the jury system. However, based on my experience, I understand and can share with mediating parties that the outcome of any case may be significantly impacted by pretrial rulings and jury composition and that mediation is an important process whereby the parties may consider options to end the litigation and thereby reduce risk and expense.

Through the process, the parties may be creative in crafting a suitable compromised outcome. I believe that in mediation, the parties, with the assistance of an effective mediator, are given an opportunity to view their case through a different lens and weigh the pros and cons of submitting the dispute to a judge or jury for determination. Mediation is often the parties' final chance to exercise control over the resolution of their case.

My role as the mediator is to facilitate discussions between the parties and with each party separately, on critical aspects of the case and the potential impact of various issues on the outcome of the case. My role is to foster communication, develop knowledge, encourage candor and preserve confidentiality. While having suggestions on a type of solution or the structure of a solution, I do not view my role as requiring the parties to settle or strong-arming a party to accept any offer, rather it is to foster confidence, communications and a desire to resolve a dispute.

Technology Proficiency

Technically proficient.

Education

University of Houston Law Center (JD – 1983);
Boston University (BSN – 1974).

National Courts and Science Institute - Los Alamos Judicial Science Program (2015);
ASTAR Advanced Science and Technology Adjudication Resource Judge Fellow Program (2015).

Professional Licenses	Admitted to the Bar: Texas (1983); Admitted in all Texas State Courts; U.S. District Court: Eastern, Southern, Western and Northern District of Texas; U.S. Court of Appeals: Fifth Circuit. Board Certified Personal Injury Trial Law - Texas Board of Legal Specialization.
Professional Associations	American Board of Trial Advocates: Member (1997 – Present) (Currently serving on ABOTA National Board of Directors); Texas Association of Civil Trial and Appellate Specialists (2015 Trial Judge of the Year Award); State Bar of Texas; Houston Bar Association; Fellow, Houston Bar Foundation. State Bar Judicial Ethics Committee (2016 – 2018); Texas Mediator Credentialing Association 2017- present; Past or Emeritus: Association of Defense Trial Attorneys (President, 1999); Texas Association of Defense Counsel (President, 1998 – 1999); Defense Research Institute, Secretary 1997.
Recent Publications & Speaking Engagements	<p>Publications:</p> <p>Numerous papers on various trial and law topics. A more complete list may be available on request.</p> <p>Sample Speaking Engagements:</p> <p>2024 TADC Meeting Mediation and Arbitration Insights</p> <p>2022 Houston Bar Association, Mentor Gender Fairness Forum;</p> <p>2020 Invited Presenter, HCDC Judges Summer CLE- Insights on Being a Judge;</p> <p>2018 Panel Member, The Art of Negotiation, TADC Annual Meeting;</p> <p>2017 Judicial Independence, ADTA Annual Meeting;</p> <p>2015 Houston Bar Association, Civil/Appellate Bench Bar Conference, Judicial Panel, “Practice and Presentation Tips – A View from the Bench”;</p> <p>2014 South Texas College of Law Judicial Panel: Prevalent, Unique and Emerging Issues in Business Litigation;</p>
Locations Where Parties Will Not be Charged for Travel Expenses	There is no charge for travel under 2 hours.
Mediation Rate	\$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Houston, 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.