



AAA Mediation.org™

**FN-419935 MN-419935 LN-419935,
Esq.**

Houston, Texas



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Current Employer-Title Mills Shirley L.L.P. - Partner

Panelist Video <https://www.adr.org/videoresume?paramName=276491994>

Profession Attorney

Work History Partner, Mills Shirley L.L.P. (and predecessor firms), 1980-Present.

Experience Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization. Conducted arbitrations on ERISA matters, alleged failure to properly pay executive bonuses, FLSA wage and hour matters, including collective actions for failure to pay overtime, exempt vs. nonexempt status, the motor carrier exemption under the FLSA, non-competes, trade secrets and all types of discrimination, including sexual harassment and retaliation. Mediated many cases for FLSA violations concerning overtime and improper classification. Also regularly mediates all types of discrimination cases, non-competes, trade secrets, wrongful discharge, harassment and retaliation cases.

Investigations

Been conducting investigations into workplace issues for the last 20 years. Spoken to companies about the proper way to investigate as early as 2002. Performed over 60 investigations as a neutral investigator. Not only investigates but acts as an expert supporting investigative results. Recently in 2016, testified in federal court concerning the investigation and recommendation which resulted in a positive verdict for the client. Reputation as a neutral and fair investigator and provides a detailed report of the findings and conclusion. In the last 10 years, has consistently been retained to investigate claims of discrimination and sexual harassment.

Mediator Experience Specializes in employment law, non-competes, trade secrets, wrongful termination, discrimination, Fair Labor Standards Act, disability, school law, municipal law, civil rights, commercial disputes, class actions and collective actions.

Experience has included disputes involving the oil industry, airline, banking, construction, financial services, grocery, healthcare, manufacturing, hospitality, and retail. Mediated cases related to: Title VII, ADA, ADEA, ERISA, FMLA, Equal Pay Act, FLSA, USERRA, and Whistleblower cases.

Trial lawyer for 21 years before becoming a mediator and is an approved Mediator for the Southern District of Texas.

Frequently mediates disputes before litigation is filed. Mediated all issues relating to wage and hour violations, ERISA disputes, contract disputes, employment contracts, physical assaults in the workplace, sexual harassment, governmental disputes, and mental health issues.

Mediated numerous collective actions involving a large number of individuals. Also mediated multi-party claims involving death and/or injuries involving governmental entities and private individuals.

Twenty years of practice as a mediator. Began in 1999 when appointed by a federal judge to mediate a case.

900+ Cases Mediated

Mediation References:

Larry Simmons, ljsimmons@germer.com; 409-654-6700

Melissa Moore and Curt Hesse of Moore & Associates; melissa@mooreandassociates.net; chesse@mooreandassociates.net; 713-222-6775

Michael Starzyk; Starzyk Law; mstarzyk@starzyklaw.com

Joe Ahmad; Joeahmad@azalaw.com; 713-655-1101

Carolyn Russell; Ogletree deakins; carolyn.russell@ogletreedeakins.com

Gregg Rosenberg; gregg@rosenberglaw.com; 713-960-8300

Mark Jodon; mjodon@littler.com; 713-652-4739.

Representative Issues Handled as a Mediator

FLSA: overtime issues, disputes concerning whether the motor carrier exemption, disputes of overtime and calculations of the daily rate, and fluctuating work week. Settled collective actions involving hundreds of employees and several million in damages.

Title VII: sexual harassment concerning emotional distress damage element, Faragher affirmative defense, and all types of discrimination and wrongful termination cases.

42 USC 1983, and 1981: issues concerning standing, acting under color of state law, immunity issues, and first amendment violations.

Retaliation for FMLA or EEOC filing (causal connection issues and factual disputes).

Excessive force cases filed against governments involving injuries and death.

Covenants not to compete, trade secrets, issues regarding the restraint on the employee and time and area restricted.

Business and commercial disputes: Non subscriber cases. Excessive Force cases against police and sheriff's departments involving issues of reasonable force and legal standards concerning same.

First Amendment cases against the government: issues of private vs. public concerns.

Wrongful termination. Mediated all types of discrimination cases, retaliation cases, and harassment cases.

Mediator Style & Process Preferences

My mediation philosophy is to do whatever it takes to help the parties successfully settle their case. I don't give up. I continue the process with no additional cost even after the mediation is over. What matters to me is settling your case if there is any possibility to do so.

When I was a litigator, I did not like the mediator that just carried offers between rooms. I wanted a mediator that got involved with the process while respecting the parties' positions and this is the way I mediate. Mediating involves psychology and understanding people. It requires a concern for all

types of people. It does not involve a mediator bragging about their personal war stories. A good mediator instead listens to the parties. I want the parties to feel comfortable during the mediation.

There is nothing more rewarding for me than settling a case. My motto is: Never Give Up.

Education

Baylor University (JD-1980), Texas A&M University (BA, Economics-1977).

Professional Licenses

Admitted to the Bar: Texas (1980); U.S. District Court: Eastern (1981), Southern (1981) and Western (1987) Districts of Texas; U.S. Court of Appeals, Fifth Circuit.

Professional Associations

Houston Bar Association; Association of Attorney-Mediators.

Locations Where Parties

Houston, Texas.

**Will Not be Charged for
Travel Expenses**

Mediation Rate

\$4,500 Per Day

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.