



AAA Mediation.org™

**FN-422737 MN-422737 LN-422737,
Esq.**

Denver, Colorado



[View Video](#)

Current Employer-Title Sherman & Howard, LLC – Attorney

Panelist Video <https://www.adr.org/videoresume?paramName=274151486>

Profession Attorney

Work History Attorney, Sherman & Howard LLC, 2009 – Present; Attorney, Netzorg McKeever Koclanes & Bernhardt LLC, 2000 – 2008; Attorney, Netzorg & McKeever P.C., 1984 – 2000; Attorney, Krendl & Netzorg P.C., 1981 – 1984; Attorney, Gordon W. Netzorg P.C., 1980 – 1981.

Experience Has extensive trial experience in complex commercial cases on both the plaintiff and defendant sides. Typical cases have involved breach of contract, breach of fiduciary duties, corporate governance, business and investment fraud, real estate, debtor-lender disputes, officer and director liability, intellectual property, and natural resources. Has represented a range of clients from chief executive officers, board members, and multinational corporations to small businesses and individuals, both plaintiff and defendant. Has extensive familiarity with corporate, partnership, limited liability company, and banking statutory requirements. Has successfully tried and obtained verdicts, judgments, and arbitration awards in a wide variety of complex commercial cases including eight-figure awards, nine-figure settlements, and defense verdicts and awards. Is a Fellow of the American College of Trial Lawyers, and a Fellow of the International Academy of Trial Lawyers.

Mediator Experience Mediated cases involving breach of fiduciary duty; breach of trust; registered representative (stock broker) misconduct; entity breakups; professional malpractice (including medical, legal and accounting); personal injury; insurance coverage; breach of contract; divorce, auto accidents, large, complex estate and trust matters; and antitrust. Many of the cases have been multiparty and multi-jurisdictional. Member of the American Arbitration Association's Large, Complex Case Panel.

Representative Issues Handled as a Mediator Breach of fiduciary duty, unauthorized trading, suitability, oppression of minority shareholders, churning, misrepresentation and omission, officer and director misconduct, corporate governance,

uniform commercial code, selling away, self-dealing, estate disputes, partnership and professional breakups, auto fault, comparative fault, coverage and subrogation, insurance bad faith and damages.

Mediator Style & Process Preferences	<p>My style tends to be evaluative. I have developed a unique approach to mediations which emphasizes the importance of mutual disclosures so parties can meaningfully evaluate the strengths and weaknesses of their own and their adversaries' cases. I ask the parties to exchange mediation statements with each other in advance of the mediation. I talk with counsel for each party in advance of the mediation to determine how I can best facilitate resolution. During the mediation, I help each party drill down on the positive as well as negative attributes of its case. In the appropriate case I will effectively utilize mediator's proposals proactively rather than as a last resort. This process has yielded a number of successful settlements of multiparty disputes in the \$100 million to \$300 million range at the high end. Mediation is often a process, and if appropriate, I will follow up with the parties to move the process to completion.</p> <p>I have developed an effective approach to mediating pre-filing disputes. The approach focuses on accelerating the exchange of sufficient information for the parties to be able to accurately assess their cases and the risks and costs of going forward.</p>
Education	Syracuse University (JD, cum laude-1976); University of Pennsylvania (BA, History-1970).
Professional Licenses	Admitted to the Bar: Colorado (1976); U.S. District Court: District of Colorado (1976); U.S. Court of Appeals: 10th Circuit (1976); U.S. Court of Federal Claims (1984).
Professional Associations	Fellow, College of Commercial Arbitrators; American College of Trial Lawyers, Fellow (Colorado State Committee, Past Chair); International Academy of Trial Lawyers (Fellow); Colorado Trial Lawyers Association (Past President; Past Chair Commercial Law Section); International Mediation Institute (IMI) Certified Mediator.
Recent Publications & Speaking Engagements	<p>SPEAKING ENGAGEMENTS:</p> <p>Faculty, "Plenary: Discovery & Motion Practice," ABA 15th Annual Arbitration Training Institute, 2022; "The Floodgates Open: Managing Mass Arbitration in the Wake of Epic Systems and Lamps Plus," The College of Commercial Arbitrators (CCA), 2022; "Awards & Post-Award Issues," and Facilitated Break-Out Session on the Evidentiary Hearing, ABA 14th Annual Arbitration Training Institute, 2021; "Plenary: The All-Important Preliminary Conference," ABA 13th Annual Arbitration Training Institute, 2020; "Peace Making on Neutral Ground: The Use of ADR on Settling Tribal Conflict Disputes," ABA Section of Dispute Resolution, 2011; "Rethinking the Rules - Begin with the End in Mind," 10th Circuit Bench and Bar Conference, August 2010; Numerous lectures on various trial practice subjects for Colorado Bar Association, Colorado Trial Lawyers, South Dakota Trial Lawyers, and Lorman Enterprises.</p> <p>PUBLICATIONS:</p> <p>Co-author, "Significant Changes for Business Cases Under the Colorado Civil Access Pilot Project," The Colorado Lawyer, Jan. 2012; co-author, "Colorado at the Crossroads: Civil Access Pilot Project," The Colorado Lawyer, Jan. 2011; co-author, "Proportional Discovery: Making It the Norm, Rather Than the Exception," University of Denver Law Review, March 2010; co-author, "Due Diligence in Life Insurance Selection," PROBATE AND PROPERTY, March/April 1994; co-author, RIGHTS OF OLDER PERSONS, Avon Books, 1979; co-author, "The Employee Retirement Income Security Act of 1974: Policies and Problems, 26 SYRACUSE LAW REVIEW 539, 1975.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Colorado
Mediation Rate	\$750 Per Hour
Languages	English
Citizenship	United States of America
	Denver, CO

Locale

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.