



AAA Mediation.org™

**FN-4249996 MN-4249996 LN-4249996,  
Esq.**

**Memphis, Tennessee**



**Current Employer-Title** Private Legal Solutions

**Profession** Arbitrator, Mediator, Attorney, Judge

**Work History** Private Legal Solutions, 2014 - Present; Justice, Supreme Court of Tennessee State of Tennessee, 1996 - 2014; Judge, Circuit Court for the Thirtieth Judicial District at Memphis State of Tennessee, 1990 - 1996; Associate, James S. Cox & Associates, 1987 - 1989.

**Experience** Served as a special master for the Shelby County Circuit Court, a special judge by appointment of the Supreme Court.

Elected to the circuit court in 1990, appointed by the governor of Tennessee in 1996 to serve on the Supreme Court, and elected in 1998 and 2006 to eight-year terms on the Supreme Court. Served as chief justice from 2008–2010.

While serving as a Supreme Court justice for 18 years, authored published opinions and participated in cases involving all areas of civil and criminal law in Tennessee.

During the six years as a circuit court judge, conducted many jury and non-jury trials, hearings, and discovery disputes. Presided over a broad range of cases, including health care liability, personal injury, workers' compensation, Federal Employee Liability Act, contracts, products liability, and domestic relations.

Appeared in all levels of state court in Tennessee and in the U. S. District Court for the Western District of Tennessee. Areas of law included personal injury, products liability, employment and discrimination claims, domestic relations, and the Federal Tort Claims Act.

Represented clients in Pennsylvania in disputes arising out of state and federal law, including Section 301 of the Labor Management Relations Act. Served as the solicitor for the Borough of McDonald, Pennsylvania.

**Mediator Experience** No court-annexed mediation or other form of alternative dispute resolution existed in Tennessee

prior to 1996 when the Supreme Court adopted a rule governing alternative dispute resolution. In 1995, implemented a court pilot project and created a panel of attorneys willing to conduct mediation, non-binding arbitration, and case evaluation on a pro bono basis. Encouraged all cases on the docket to participate in some form of alternative dispute resolution and spoke to legal organizations about the evaluations completed by the participants and the success of the project.

Served as the Supreme Court's liaison to the court's Alternative Dispute Resolution Committee for 14 years and oversaw amendment to Supreme Court Rule 31 governing Alternative Dispute Resolution. Encouraged the Supreme Court to adopt a rule governing appellate mediation in Tennessee. Reviewed appeals of arbitration awards and participated in opinions involving the interplay between the Tennessee Uniform Arbitration Act and the Federal Arbitration Act.

After retirement from the Tennessee Supreme Court in 2014, began mediating a variety of cases: Multiple interstate trucking cases involving as many as eight parties, including claims for wrongful death, personal injury, and property damage; automobile cases; contract cases; declaratory judgment action filed by the Memphis Zoological Society, a/k/a Memphis Zoo, Inc., against the Overton Park Conservancy, the City of Memphis, and Memphis City Council involving the control of the Greensward portion of Overton Park Mediation mandated by the Mayor of the City of Memphis involving the City of Memphis, the Memphis River Parks Partnership, and the Memphis in May International Festival regarding the redesign of Tom Lee Park; MDL involving church employee retirement fund.

## **Representative Issues Handled as a Mediator**

Health care liability, including physician, hospital, and nursing home claims; product liability cases involving Smith & Nephew hip implants; legal malpractice; State and Federal claims of employment discrimination and violations of the Fair Labor Standards Act; divorce cases involving business evaluation and high, asset distribution of marital property; commercial disputes; commercial leases involving city entities; personal injury and wrongful death actions; complex international contracts involving medical devices; city civil service claims; declaratory judgment action involving governmental entities and park land; class actions involving hospital billing; non-competition clauses in employment agreements; premises liability.

## **Mediator Style & Process Preferences**

A successful mediation requires identification of the issues and an assessment of the facts, claims, defenses, and range of potential damages. During the mediation, the parties are asked to identify the critical issues of the dispute and to reevaluate their positions throughout the mediation. The parties should be prepared and provide the mediator with sufficient information to understand the parties' positions and the information they have developed that reinforces those positions.

Identifying potential non-economic solutions can also assist the parties in understanding motivation and uncovering other issues that may stand in the way of resolution. The mediator should help the parties appreciate the needs and objectives of the other participants so that the process is more than the exchange of substantive demands, but also reflects an understanding of the respective motivations and goals underlying those demands.

A mediator should not be a passive participant but should be able to assist the parties in the timing and packaging of proposals to have the most likelihood of success.

## **Technology Proficiency**

Proficient in providing a virtual platform for mediation.

## **Education**

Duquesne University School of Law (JD-1975); University of Pittsburgh (BS-1971).

## **Professional Licenses**

Admitted to Bar: Tennessee (1979); U.S. District Court: Western District of Pennsylvania (1975), Western District of Tennessee (1979); U.S. Supreme Court (1983); Tennessee Supreme Court Rule 31 Listed Civil and Family Law Mediator (2014).

## **Professional Associations**

American Bar Association; American Bar Foundation; Leo Bearman, Sr. American Inn of Court; Association for Women Attorneys; Memphis ADR Inn of Court, Founding Member and President; Memphis Bar Association; Tennessee Association of Professional Mediators; National Academy of Distinguished Neutrals, Tennessee Chapter; National Association of Women Judges; Tennessee Bar

Association; Tennessee Bar Foundation; Tennessee Lawyers' Association for Women; Tennessee Judicial Conference.

## **Recent Publications & Speaking Engagements**

"Advocacy in Action: Pro Bono Perspectives Panel," University of Memphis Cecil C. Humphreys School of Law, Alternative Spring Break, March 2023

"Medical-Legal Issues in Emergency Rooms," University of Tennessee Health Sciences Center, November 2022

"Tennessee Women Trailblazers in the Legal Profession, The Egyptians, November 2022

"From Law Clerk to the First Female Chief Supreme Court Justice in the State of Tennessee, Meet Trailblazer Judge Janice Holder," Realty Times, October 2022

"Mediating in a Post-Pandemic World," Memphis Bar Association, Bench Bar Conference, September 2022

"Handling the Business Emergency—Temporary Restraining Orders and Preliminary Injunctions," American Bar Association, Tort Trial and Insurance Practice Section, Baltimore, MD, April 2022

"Cooler Heads Always Prevail," Part II, "Identifying and Addressing the Needs of Parties During Mediation," Memphis Bar Association ADR Section, March 2022

"Preparing for Mediation," University of Memphis Cecil C. Humphreys School of Law, March 2022

"Cooler Heads Always Prevail," Part I: "Mediating with Cultural Competency; Recognizing and Resolving Implicit Bias and Microaggressions," Memphis Bar Association ADR Section, February 2022

"History of the John Dice Seminar," "Perspectives on Resilience: Good Health Through a Marathon Pandemic," Memphis Bar Association Wellness Committee, October 2021

Moderator, "Mentoring Done Right," TLAW, Empowerment Conference 2021: It Starts with Us," Tennessee Lawyers' Association for Women, September 2021

Panelist, "Preparing for a Tsunami (?): Tips to Help Post Pandemic, Tennessee Judicial Conference, Memphis, TN, June 2021;

Ethics Month Panel Discussion, American Inns of Court, May 2021;

Question and Answer Session, U.S. Women's and Gender History Class, University of Pittsburgh, Dietrich School of Arts and Sciences, April 2021;

"Alternative Dispute Resolution Today," Vanderbilt University Law School Alternative Dispute Resolution Organization, Virtual Presentation, April 2021;

"Resilience and Investment," Tennessee Tech University College of Business, 2020 Women's Leadership Conference, Virtual Presentation, October 2020;

"An Evening of Conversation with the Women of the Tennessee Supreme Court," The Fred D. Gray Institute for Law, Justice & Society and Lipscomb University's College of Leadership & Public Service, 2020;

"Mediation Preparation for Attorneys and Mediators," Corporate Counsel Seminar, Wyatt, Tarrant & Combs, 2019;

"Mediation Preparation for Attorneys and Mediators," CLE for In-House Counsel, FedEx World Headquarters, 2019;

"Preparing for Mediation, University of Memphis Cecil C. Humphreys School of Law, 2019;

“RBG, Documentary and Panel Discussion on the Transitions of Women in Law,” University of Memphis Cecil C Humphreys School of Law, 2019;

“Changing Courts: Court Reform,” and “Improving the Effectiveness of Civil Courts for Pro Se Litigants: Can Judges and Clerks Do Better,” Tennessee Bar Association Convention, 2018;

“Creation of the Tennessee Access to Justice Commission,” Legal Services Corporation Quarterly Meeting, 2018;

"A Complex Policy Problem, A Success Story: Mediating the Most Recent Overton Park Dispute, International Academy of Mediators, 2017;

"Ten Rules for a Successful Mediation," Memphis Bar Association Bench Bar Conference, 2017;

"Effectively Handling Conflict and Negotiations," Memphis Women's Summit, Elevating Memphis, Junior League of Memphis, 2016;

"Ethics in Mediation: Know the Gaps," Memphis Bar Association Alternative Dispute Resolution Section, 2016;

Judges' Panel, Mass Torts Made Perfect, Las Vegas, NV, October 2016

"Surrogacy in Tennessee and the United States," Nashville and Caen, France, Bar Association and Sister Cities Program, 2015;

<b>Mediation Rate</b>	\$500 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Memphis, TN

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.