



AAA Mediation.org™

**FN-4608832 MN-4608832 LN-4608832,  
Esq.**

Atlanta, Georgia



**Current Employer-Title** The Flake Law Firm, LLC - Managing Member

**Profession** Arbitrator, Attorney, Mediator

**Work History** Member, The Flake Law Firm, LLC, 2021 - Present; Partner, Arnall Golden Gregory LLP, 1999 - 2021.

**Experience** Over 24 years of experience in complex commercial, business, technology, intellectual property, and employment matters, representing both plaintiffs and defendants in a wide range of disputes both domestically and internationally, across industries including software, manufacturing, real estate, healthcare, life sciences, pharmaceuticals, network and cloud computing, and technology.

Corporate/Securities: Investor, member, shareholder rights; entity formation; corporate governance; business divorce and dissolution/wind-down; corporate opportunities; fiduciary duties; business valuation; family-run and owned businesses; stock grants and shareholder disputes; UCC; manufacturing; receiverships and insolvency; breach of commercial contract; domestic and foreign corporate affiliate relationships.

Employment: Breach of employment agreements; negligent hiring and retention; commission, bonuses and compensation; change of control agreements; stock options and executive compensation; termination and reduction in force; performance management; employee handbook and policies; harassment and discrimination; breach of fiduciary duty; non-compete and non-solicits; restrictive covenants; corporate opportunities; interference with business relations; business valuation; trade secrets and trade secret misappropriation; confidentiality; global mobility.

Real Estate: Joint ventures; purchase and sale contracts; commercial, residential, office, industrial, multi-family, hospitality, and shopping center/retail; title disputes and quiet title; land-use; commercial landlord-tenant; development disputes.

Healthcare: Physician-practice contracting; long-term hospital contracting; medical device warranty and compliance; computer software contracting and licensing; practice management and EMR; health IT; facility-vendor contract; medical staff credentialing; life sciences, including pharma and

biotechnology; research and development; generic and branded drug disputes; FDA clearance and approvals; provider and facility malpractice claims; HIPAA data security and privacy; insurance claims processing; physician agreements; restrictive covenants including non-solicit and non-compete; reimbursement and billing disputes; medical practice ownership/governance disputes; cybersecurity.

Technology: Software development; blockchain and cryptocurrency; healthcare IT; software and internet; licensing agreements; technology joint ventures; telecommunications; technology hardware manufacture and supply chain; SOW scope and implementation disputes; robotics and industrial automation; corporate startups; invention and inventorship disputes.

Intellectual Property: Copyright, trademark and patent infringement; royalty and IP valuation; Lanham Act (false advertising and trademark infringement); Georgia unfair competition; rights of publicity; trademark and copyright infringement; trade secrets and confidential information.

Business Torts/Competition: Lanham Act and false advertising; RICO; copyright, defamation; rights of publicity; online disparagement; trade secrets and confidential information.

International: Range of cross-border transactions and disputes; letters rogatory and requests for discovery in aid of foreign proceedings; international arbitration; assisting parties in multiple jurisdictions in South and North America, Asia, and Europe; active internationally and sensitive to cultural and jurisdictional nuance and difference.

Fluent in German, led German litigation practice and active in CLE and publication concerning cross-border and international business disputes. Familiar with comparative legal issues including civil law and EU governance.

## **Mediator Experience**

As a mediator, brings decades of commercial dispute resolution experience, along with tenacity and creative problem-solving, to help parties and their lawyers resolve their disputes. In mediations as both advocate and neutral, experience spans a wide-range of complex disputes, including: commercial and contracts; UCC; intellectual property, including patents and trade secrets; partnership and shareholder disputes; technology and software; banking and financial services; employment; real estate; life sciences; healthcare.

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

Breach of contract; business torts, including breach of fiduciary duty; unfair business practices and credit reporting; real estate; quiet title and interpleader; manufacturing; IP; investor and financial; business divorce.

## **Mediator Style & Process Preferences**

From the beginning of a case, I work proactively and diligently to understand its particular needs. To this end, I believe early discussion with each counsel is critical, as is exploring the possibility of dialogue and information exchange even before the plenary/in-person mediation. Having served myself as an advocate in scores of mediated matters over two decades, I know what makes for a successful resolution, how to draw out and help the parties meet the objectives and interests necessary to resolution, and what the barriers are that need to be overcome. I am able to help counsel with evaluation where necessary, generating creative solutions, managing expectations, and keeping focus on the value of a signed settlement, which I will work for as long, late, and persistently as needed.

## **Technology Proficiency**

Innovative and proficient user of technology in ADR, including fully virtual exhibit and case management technology; member of AAA arbitrator working group studying generative artificial intelligence; conversant in all major technology platforms, including Zoom, Teams, LoopUp, GoToMeeting; manages complex ESI and related protective order and production issues in technology arbitrations.

## **Education**

Duke University (LL.M., International and Comparative Law – 1999); Duke University School of Law (JD – 1999); Vanderbilt University (BA, German – 1996).

## **Professional Licenses**

Admitted to the Bar: Georgia (1999).

## **Professional Associations**

Arbitration and Mediation Committees, International Bar Association; Atlanta International Arbitration Society (Secretary and Executive Committee Member); Dispute Resolution Section, American Bar Association; Section of International Law, American Bar Association; Dispute

Resolution Section, State Bar of Georgia; Lawyers Club of Atlanta (Past President and Executive Committee Member).

**Recent Publications & Speaking Engagements**

Publications:

Early Dispute Resolution and Our Business Cases, The Atlanta Lawyer (Aug./Sept. 2023); Contributing author, Handbook on Third-Party Funding in International Arbitration (Juris 2017); Faculty member, Cutting Edge Issues in International Arbitration, 10th Annual Arbitration Institute, Atlanta, Georgia (2016).

Speaking Engagements:

Speak and presents on alternative dispute resolution topics clauses across a range of areas, on issues of international and cross-border litigation and dispute resolution, on how companies can protect competitive advantage, and on the intersection of law and technology.

**Mediation Rate**

\$395 Per Hour

**Languages**

English, German

**Citizenship**

United States of America

**Locale**

Atlanta, GA

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.