



AAA Mediation.org™

## **FN-4782107 MN-4782107 LN-4782107, Esq.**

Billings, Montana

**Current Employer-Title** Russ Fagg and Associates, PLLC – Owner

**Professional Summary** Loves helping parties resolve disputes, knowing it can save them thousands of dollars, time, and significant emotional distress.

**Profession** Arbitrator, Attorney, Mediator, Retired State District Court Judge

**Work History** Owner, Russ Fagg and Associates PLLC, 2017 – Present; District Court Judge, State of Montana, 1995 – 2017; Deputy Yellowstone County Attorney, State of Montana, 1993 – 1995; City Prosecutor, City of Billings, 1990 – 1993; Sandall Cavan Smith and Grubbs Law Firm (A-V rated), 1987 – 1990; Law Clerk, Montana Supreme Court, 1986 – 1987.

**Experience** During a distinguished 22-year career on the bench, conducted approximately 200 jury trials, 4,500 non-jury trials, and over 12,000 hearings.

As an attorney, tried over 100 jury trials and over 1,000 non-jury trials.

Three times appointed Chief Judge of the 13th Judicial District.

During career as a Judge handled approximately 25,000 cases, including complex civil litigation, constitutional law, commercial, banking, contract, employment, construction, real estate, negligence, professional malpractice, products liability, insurance coverage, health care law, and a multitude of other claims.

Have mediated hundreds of cases and arbitrated dozens of cases.

**Mediator Experience** Mediated over 500 cases, including civil negligence, construction, real estate, estate, family, professional negligence, insurance coverage, conversion, contract disputes, and other assorted issues. Mediated approximately 20 cases as counsel for litigants. Mediated numerous multi-party cases.

As a district court judge for 22 years, accustomed to tackling difficult cases, and making decisions. In handling over 25,000 cases typically made and rendered a decision within two weeks after the issue or case was submitted to the Court.

Currently mediate two to three cases per week.

**Mediator Style & Process Preferences** The purpose of mediation is to save the parties money, get to a solution, and let the parties move on. My job as a mediator is to get them there. I do this by letting the parties, first, tell their stories, second, put that story into context to allow the parties to see the best path forward to achieve settlement, and third, make sure a written settlement agreement is signed before the mediation is finished.

A mediator is part judge, part lawyer, part counselor, and part fellow traveler, depending on what is needed. A mediator must be creative, including assessing the case, med-arb proposals (high, low, baseball, etc.) and consider non-monetary solutions.

A mediator must also be willing to work late, be available later for settlement discussions, and never give up until the parties do. I am a middle child and have been mediating my entire life. As a judge handling over 25,000 cases, I bring a unique perspective to mediation solutions.

<b>Technology Proficiency</b>	Competent in computer usage, Zoom, etc.
<b>Education</b>	University of Nevada-Reno, National Judicial College (MJS-1999); University of Montana (JD-1986); Whitman College (BA Economics-1983).
<b>Professional Licenses</b>	Admitted to the Bar: Montana (1986); U.S. District Court: District of Montana (1986); U.S. Court of Appeals: Ninth Circuit (1989).
<b>Professional Associations</b>	Consults with accountants, real estate appraisers and agents, fellow attorneys, and others as necessary, with the permission of the client.
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Billings, MT
<b>Mediation Rate</b>	\$500 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Billings, MT

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.