



AAA Mediation.org™

**FN-4888634 MN-4888634 LN-4888634,
Esq.**

Houston, Texas



Current Employer-Title Dan Hinde PLLC

Professional Summary Served as the Judge of the 269th District Court of Harris County, Texas for over 10 years. Over that time, tried nearly 300 cases and resolved over 15,000 lawsuits. A member of several AAA arbitration panels. Board Certified in Civil Trial Law and continues to serve as the Chair of the Pattern Jury Charge Oversight Committee of the State Bar of Texas, responsible for reviewing new editions of the Texas Pattern Jury Charges.

Profession Arbitrator, Visiting Judge, Mediator, Special Judge, Consultant

Work History Visiting Judge/Arbitrator/Mediator, Dan Hinde PLLC, 2022 – Present; Partner, Schiffer Hicks Johnson PLLC, 2019 – 2022; State District Judge, 269th District Court - State of Texas, 2008 – 2018; Senior Counsel, Steele Sturm PLLC, 2008; Associate, Vinson & Elkins LLP, 1999 – 2008; Assistant District Attorney, Dallas County District Attorney's Office, 2003; Law Clerk, U.S. District Judge Sim Lake - Southern District of Texas, 1997 – 1999.

Experience Served for more than 10 years as a state trial judge of the highest level trial court, trying civil cases with no maximum limit on the amount in controversy and conducting nearly 300 jury and nonjury trials while handling more than 15,000 cases.

Experience handling, hearing, and resolving the full range of civil litigation, with a focus on complex commercial disputes; oil, gas, and energy-related lawsuits; internal-governance controversies; noncompete and nondisclosure cases; employment controversies; healthcare-industry disputes; insurance coverage cases; partnership disputes; construction cases; fiduciary-duty, fraud, breach-of-contract, and real-estate claims; and trade-secret litigation.

As a judge, handled and decided numerous large, complex, high-stakes cases in Houston, Texas, a venue well-known for large, complex cases and talented attorneys. In this capacity, handled numerous Daubert motions, motions for summary judgment, motions to dismiss, and evidentiary hearings, including nonjury trials requiring the judge to weigh the evidence and the credibility of the witnesses.

Extensive experience in oil, gas, and energy cases. For example, presided over a two-week bench trial between an upstream oil producer and a railroad tank car lessor concerning alleged corrosion in 500+ tank cars. Tried a case brought by a non-operating working interest owner against a joint operator for allowing an oil-and-gas lease to lapse. Presided over a suit over the rights to lease-bonus payments for offshore leases. Tried a drilling contractor's trade-secret case concerning a drill-bit design. Tried a products-liability case against a pipe manufacturer when downhole pipe failed. Presided over multi-week pipeline construction dispute.

Deep experience handling noncompete disputes. Presided over innumerable temporary-injunction hearings brought to enforce noncompete agreements, as well as several trials in both employment and nonemployment contexts. In the latter category, tried a multimillion-dollar noncompete claim brought by a company that acquired several grocery stores and against the seller for allegedly setting up competing grocery stores. Mediated numerous such cases as a mediator since leaving the bench.

Additionally, significant experience trying complex commercial and internal-business disputes. For example, tried several complicated partnership disputes over alleged misuse of partnership profits and funds. Additionally, tried a dispute over a joint venture to mine iron ore, a multimillion-dollar real-estate case in which the seller claimed he was defrauded, a complicated fraudulent-transfer claim arising out of a bankruptcy, and a lawyer's claim to profits after he resigned from his law firm.

Moreover, substantial experience handling trade-secret and high-technology suits. For example, tried several trade-secret cases involving methods for mining pot ash in the Moab desert, synthesizing and using fluorine gas to harden portable gasoline cans, and methods for extracting zinc from recycled metal, as well as a claim for theft of a drill-bit design.

Substantial experience with complex construction cases as both a judge and a lawyer, including disputes over construction of multistate pipelines, high-rise buildings, and industrial chemical plants, as well as home construction suits.

Broad experience handling a wide variety of healthcare-related claims. For example, tried several malpractice claims against medical providers, as well as business disputes between physicians, hospitals, and other providers. Appointed as the special judge overseeing hundreds of billing disputes between out-of-network providers and insurance carriers in Texas.

Significant experience handling first-party insurance claims, especially residential and commercial property claims, as a judge, mediator, and umpire/arbitrator.

Mediator Experience

Mediated innumerable noncompete, nondisclosure, and trade-secret cases, both early in the case as well as after extensive discovery. The settlement rate on these has been quite high. Also mediated several partnership break ups involving business partners in deadlock. Additionally, mediated numerous construction claims—both commercial and residential—and contract and fraud cases. Moreover, mediated insurance coverage disputes and several workplace injury and personal injury suits.

Representative Issues Handled as a Mediator

The noncompete, trade-secret, and nondisclosure cases usually include questions about enforceability (including whether the agreement has reasonable limitations on the scope of prohibited activity and the temporal and geographic scope of the noncompete) and duty, as well as challenges to the confidentiality of the information and, ultimately, the amount of damages that resulted.

Business disputes have run from partnership break ups to commercial contract and fraud claims. The partnership disputes often involve claims of fraud and self-dealing as well as valuation.

Construction mediations have dealt with a wide range of issues, including comparative fault, privity, liens, and causation.

Personal injury and workplace injury mediations have involved issues spanning from duty and comparative fault to causation and economic and noneconomic damages.

Mediator Style & Process Preferences

Mediation provides the parties a unique opportunity to resolve their differences efficiently and creatively. I approach mediations with an open, optimistic mind and work tirelessly with the parties

to search for options that may result in settlement.

It is crucial to listen to the parties and their counsel first and then look for discussion pathways that might work. My role is to listen and communicate. Sometimes, I may make some observations or comments based on my experience as a trial judge on how courts and juries have resolved similar issues or reacted to similar evidence. When discussions seem to bog down, I encourage parties to think creatively to propose terms that may address the sticking points.

But throughout, my approach is that of a helper. I assist the parties as they work to try to find a settlement. I am also a guide, a facilitator, and a messenger. When the parties engage thoughtfully and earnestly with an open mind, the combination of my approach and their efforts has very often yielded an agreement that all parties find satisfying.

Technology Proficiency

Proficient in the use of the Zoom videoconferencing platform as host and administrator set up, hosted, and conducted innumerable zoom mediations and hearings. Also adept at using Microsoft and Apple operating systems, MS Word, MS Excel, MS Powerpoint, and MS Outlook, as well as Adobe Acrobat.

Earned a Bachelor of Science in Electrical Engineering with a focus on optics, signal communications, and power technologies.

Education

College for Judicial Studies, Texas Center for the Judiciary (2018);
University of Texas School of Law (Doctor of Jurisprudence with Honors, 1997);
Texas A&M University (Bachelor of Science, Electrical Engineering, Magna Cum Laude, 1994).

Professional Licenses

Admitted to the Bar: Texas (1997); US District Court: Southern, Northern, and Eastern Districts of Texas; US Court of Appeals: 5th Circuit; US Supreme Court.

Board Certified in Civil Trial law, Texas Board of Legal Specialization; College for Judicial Studies - Civil Jurisprudence.

Professional Associations

American Law Institute; Texas Association of Civil Trial and Appellate Specialists; Chair, State Bar of Texas Pattern Jury Charge - Oversight Committee; State Bar of Texas; Credentialed Mediator, Texas Mediator Credentialing Association; Association of Attorney Mediators; College of the State Bar; Texas Bar Fellows; Bar Association of the Fifth Federal Circuit; Federal Bar Association; Houston Bar Association; American Bar Association; American Inns of Court – Garland Walker Chapter; Asian-American Bar Association; Association of Women Attorneys; Hispanic Bar Association; Mexican-American Bar Association of Houston.

Recent Publications & Speaking Engagements

PUBLICATIONS:

- "What'd I Miss? An Update on the Texas Pattern Jury Charges," 31st Annual Conference on State and Federal Appeals, June 10, 2021
- "Special Judges Could Relieve Local Civil Trial Backlog," HOUSTON BUSINESS JOURNAL, Apr. 26, 2019, at 42
- "The Jury Charge," Civil Appellate Practice 101 Course Materials, September 2017 (update of conference material)
- "Motions for Continuance," THE ADVOCATE, Fall 2015, at 54
- "Judicial Perspective," TEXAS ADR HANDBOOK (State Bar of Texas Alternative Dispute Resolution Section), 2014 (co-authored with Judge John Coselli)
- "A Glossary of Common Trial Objections," THE HOUSTON LAWYER, July/Aug. 2013, at 18
- "What Law Applies?," THE HOUSTON LAWYER, July/Aug. 2012, at 16

SPEAKING ENGAGEMENTS:

- "Confidentiality Orders," 46th Annual Advanced Civil Trial Course (July, October 2023)
- "What'd I Miss? An Update on the Texas Pattern Jury Charges," HBA Appellate Section (May 2023); HBA Litigation Section (April 2023); 31st Annual Conference on State and Federal Appeals (June 2021)
- "Jury Charges: Perspectives from the Bench and Bar," HBA Appellate Section (July 2020)
- "The Courts' Role at the Apex of State Power: Public Health Restrictions in the Time of Pandemics," Houston and Austin Chapters of the Federalist Society (April, May 2020)

- “Polishing Your Evidence: Technology in the Courtroom, Including Apps,” Houston Bar Association Bench-Bar Conference (2019)
- “Trying Your Maritime Case in State Court,” 26th Annual Admiralty and Maritime Law Conference, Sept. 2017
- “Litigation on the Gulf Coast,” Panel Discussion, Marine and Energy Law Conference, Oct. 2017
- “Effective Voir Dire,” Mexican-American Bar Association of Houston (2018)
- “Pleading, Discovery, and Defending cases as an Attorney ad Litem,” Harris County District Courts’ Seminar on “Fundamentals of Serving as an Attorney ad Litem” (2018)
- “The Texas Citizens Participation Act: An Effective SLAPP on Injunctive Overreach or an Impediment to Just Relief in Workplace Disputes?” (Panel Discussion) State Bar of Texas Annual Convention, Labor & Employment Track (2018)
- “Effective Voir Dire,” Houston Northwest Bar Association (2017)
- “The Jury Charge,” State Bar of Texas Civil Appellate Practice 101 Seminar (2017)
- “The Ins and Outs of Early Dismissal,” Texas Regional Judicial Conferences (2017)
- “Effective Voir Dire,” Houston Bar Association Litigation Section (2016)
- “Implementing, Enforcing, and Amending Discovery Orders,” Texas Regional Judicial Conferences (2016)
- “The Courts in Harris County,” Cy-Fair Chamber of Commerce (2016)
- “60 Apps in 60 Minutes,” Houston Bar Association Bench-Bar Conference (2015); Texas Regional Judicial Conferences (2012)
- “Objection!” Litigation Section, Houston Bar Association (2015)
- “Trial Objections,” Mexican-American Bar Association of Houston (2015)
- “Effective Voir Dire,” Association of Women Attorneys (2014)
- “Top Mistakes Attorneys Make in Civil Litigation” (Panel Discussion), CLE Conference: As Judges See It (2014)
- “Effective Voir Dire,” Houston Northwest Bar Association (2014)
- “Jury Service,” Houston Reveille Club (2014)
- “iJudging,” Texas Annual Judicial Conference, 2013; Texas Regional Judicial Conferences (2012)
- “There’s an App for That,” Advanced Civil Trial Course (2012).

Locations Where Parties Will Not be Charged for Travel Expenses	No travel expenses (except for parking fees) for arbitrations in Houston or Harris County, Texas.
Mediation Rate	\$4,000 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.