



AAA Mediation.org™

**FN-4899970 MN-4899970 LN-4899970,
Esq.**

Topeka, Kansas



Profession

Arbitrator, Mediator, Special Master

Work History

Independent Mediator and Arbitrator, 2019-Present; Legal Counsel to Special Master David R. Cohen, 2019-Present; Chambers Counsel to Judge Kathryn H. Vratil, U.S. District Court, District of Kansas, 2000-2019; Assistant United States Attorney, Civil Division, District of Kansas, 1999-2000; Trial Attorney, Spencer Fane Britt & Browne LLP, 1996-1998; Chambers Counsel to Judge Kathryn H. Vratil, U.S. District Court, District of Kansas, 1993-1996; Trial Attorney, Lathrop & Norquist (now Lathrop GPM), 1991-1992.

Experience

Litigation Experience:

Served as a trial attorney in two major law firms and the United States Attorney's office, representing corporations, federal agencies, and individuals in 200+ cases involving employment (detailed below), commercial, and bankruptcy matters. Handled cases through all stages of litigation including first and second chair trial work, court hearings, all aspects of discovery including depositions and expert witnesses, pleadings, dispositive motions, and settlement negotiations. Types of cases included breach of contract; insurance coverage; fraud; negligent misrepresentation; negligence; personal injury; fair credit; debt collection; tax liens; bankruptcy matters including preferences and relief from the automatic stay; foreclosure; and multiple employment matters.

Served as chambers counsel to federal district judge for 20+ years assisting closely with legal and evidentiary rulings in cases involving employment matters (detailed below); breach of contract; insurance coverage; personal injury; negligence; intentional torts; fraud and misrepresentation; Uniform Commercial Code (UCC); consumer protection; products liability; arbitrability of claims; Fair Credit Reporting Act (FCRA); landlord/tenant; antitrust; intellectual property; franchise/franchisor; civil conspiracy; medical malpractice; complex multidistrict proceedings (MDL); class actions; attorneys' fees; attorney-client privilege; constitutional rights including First Amendment and Due Process; qualified immunity; res judicata; claim preclusion; statute of limitations; and injunctive relief. Assisted with 250+ jury and bench trials and court hearings. Drafted 1,000+ judicial opinions involving procedural, discovery, evidentiary, expert witness, summary judgment, trial, and post-trial matters.

Complex Cases:

Federal court experience (described above) includes significant class action and MDL proceedings. Worked closely with district judge for more than nine years to manage MDL comprised of 50+ cases asserting class claims under 25+ state laws, including breach of contract, breach of warranty, fraud, and consumer protection. Drafted 50+ judicial opinions regarding complex rulings on motions to dismiss, class certification, procedural and discovery issues including First Amendment and attorney-client privilege, class notice, expert testimony, summary judgment, class settlement approval, and reasonable attorneys' fees. Assisted with a two-week bellwether jury trial involving class action consumer protection claims.

Employment Experience:

Federal court experience (described above) includes 500+ cases involving claims of employment discrimination, hostile work environment, retaliation, wrongful termination, and adverse action under Title VII of the Civil Rights Act (Title VII), the Age Discrimination in Employment Act (ADEA), the Americans With Disabilities Act (ADA), the Family Medical and Family Leave Act (FMLA), and the Pregnancy Discrimination Act (PDA). Types of discrimination included race, sex, gender, age, religion, ethnicity, national origin, pregnancy, family or medical leave, disability, harassment, and failure to accommodate. Also handled cases involving whistle-blowers and worker's compensation retaliation claims, non-compete agreements, wage-and-hour collective actions under the Fair Labor Standards Act (FLSA), and Employee Retirement Income Security Act (ERISA). In practice, represented employers in 50+ cases involving employment-related claims including race discrimination, retaliation, sexual harassment, age discrimination, disability discrimination, and failure to accommodate under Title VII, ADEA, ADA, and FMLA, and also claims for breach of non-compete agreements. Handled court hearings, discovery including depositions and discovery disputes, pleadings, dispositive motions, and settlement negotiations.

Mediator Experience

Served as mediator in 80+ cases involving a wide variety of federal and state laws, including breach of contract, failure to disclose, and misrepresentation; tort/property damage; personal injury; real estate disputes; insurance coverage; class action claims of breach of contract and RICO; patent infringement; consumer protection; and alleged violations of the Fair Credit Reporting Act (FCRA), including wrongful background checks, mistaken identity, mixed files, inaccurate reporting, and duty to reinvestigate; and various employment matters (discussed below).

Approved Mediator in the States of Kansas and Missouri and in federal courts for the District of Kansas and Western District of Missouri.

Employment Mediations: conducted 40+ mediations involving employment matters including claims of discrimination, harassment, hostile work environment, and retaliation claims based on race, gender, national origin, disability, sexual harassment, and retaliation arising under Title VII of the Civil Rights Act, the Age Discrimination in Employment Act (ADEA), the Americans With Disabilities Act (ADA), and the Family Medical and Family Leave Act (FMLA); collective action and wage and hour claims arising under the Fair Labor Standards Act (FLSA); and worker's compensation retaliation. Conducted 20+ mediations as a pro bono mediator for the Equal Employment Opportunity (EEOC).

Mediator Style & Process Preferences

I am a quick study of complex legal and factual issues and use a facilitative and evaluative approach to help parties objectively assess the strengths and weaknesses of their cases and determine the best path to resolving their disputes. I approach each case with an open mind and work to connect with the parties and understand the perspectives of all sides. I arrive to each mediation fully prepared and prefer to visit separately with attorneys in advance of mediation to learn about the particular dynamics of each case.

Education

University of Pennsylvania (J.D. - 1991)
University of Kansas (B.S., Business Administration, with Distinction - 1988)

Professional Licenses

Admitted to the Bar: Missouri (1991), Kansas (1992);
U.S. District Court: Western District of Missouri (1991), District of Kansas (1992);
U.S. Court of Appeals: Tenth Circuit (1994), Eleventh Circuit (1996);
U.S. Supreme Court (1995).

Professional Associations

National Academy of Distinguished Neutrals (2023-present)
U.S. District Court, D. Kan., Magistrate Judge Merit Selection Panel (2022-2023)
U.S. District Court, D. Kan., Bench-Bar Committee (2022-present)

Johnson County (Kansas) Bar Association, Board Member (2018-2023); President (2022); Past-President (2023)
 Kansas City Metropolitan Bar Association (KCMBA), Board Member (2023, 2024)
 KCMBA Federal Courts Advocates Section, Board Member (2014-present); President (2023); Past-President (2024)
 The Earl E. O'Connor American Inn of Court, Board Member (2015-present); Treasurer (2020-2023); Secretary (2024)
 Kansas Bar Association (KBA), Employment Section President (2023)
 American Bar Association, Dispute Resolution Section
 Federal Bar Association
 The Missouri Bar
 Asian American Bar Association of Kansas City
 Association for Women Lawyers of Greater Kansas City
 Kansas Women Attorneys Association
 Heartland Mediators Association

Recent Publications & Speaking Engagements

Frequent speaker on continuing legal education (CLE) courses on ADR topics, including:
 Moderator, "Pre-Mediation & Pre-Evaluative Communications," Western District of Missouri (W.D. Mo.) Mediation and Assessment Program (MAP) Training (2022)
 Presenter, "The Ethics & Essence of Interruptions & Considerations Involving Righteously Indignant ADR Participants," W.D. Mo. MAP Training (2022)
 Panelist, Cultural Competency & Inclusivity in the Mediation Process, The Missouri Bar Solo and Small Firm Conference (2022)
 Moderator, Ethics in Mediation, Kansas City Metropolitan Bar Association (2022)
 Moderator, The Rise and Rise of Mediations, Johnson County Bench-Bar Conference CLE (2022)
 Speaker, Cognitive Biases and Their Effect on Negotiations and Decision-Making, Kansas Bar Association CLE (2021)
 Speaker, Hidden Bias and Its Impact on Negotiations & Decision-Making, Associates in Dispute Resolution CLE (2020)
 Moderator, Judicial Perspectives on Mediation, Kansas Bar Association CLE (2019)
 Speaker, Navigating Mediation in the District of Kansas, Associates in Dispute Resolution CLE (2019)
 Panelist, Tips for Practicing in Federal Court, Kansas City Metropolitan Bar Association, Federal Courts Advocates CLE (2017)
 Panelist, Nuts and Bolts of Summary Judgment Practice, Kansas City Metropolitan Bar Association, Federal Courts Advocates CLE (2017)
 Mediation Coach for mediation training at Johnson County Community College (Kansas).

Locations Where Parties Will Not be Charged for Travel Expenses

Within 100 miles of the Greater Kansas City area.

Mediation Rate

\$400 Per Hour

Languages

English

Citizenship

United States of America

Locale

Topeka, KS

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.

