



AAA Mediation.org™

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Austin, Texas

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Current Employer-Title Schulwolf Mediation – Founder, President

Panelist Video <https://www.adr.org/videoresume?paramName=818436310>

Professional Summary After graduating from Michigan Law School, career began in Big Law. Previously a Soviet Studies major and while in law school the Soviet Union dissolved. Left Big Law to teach at a law school in Plovdiv, Bulgaria. Upon returning to the US, worked for a smaller law firm and then was a founding partner for an insurance coverage litigation boutique in Chicago with a national practice. Now a full-time ADR professional in Austin.

Profession Attorney, Mediator, Arbitrator

Work History Founder/President, Schulwolf Mediation PLLC, 2019-Present; Founding and Managing Shareholder, Michaels Schulwolf & Salerno P.C. (f/k/a Michaels & May P.C.), 2004-2019; Associate, Fedota Childers & May P.C., 2000-2004; Visiting Lecturer, University of Plovdiv Law School, 1998-2000; Associate, Lord Bissell & Brook (n/k/a Locke Lord), 1994-1998. Prior to law school taught tennis and was an oyster bar man and busboy.

Experience Over 25 years of experience representing international and domestic clients in complex commercial litigation matters in state and federal courts throughout the country. Significant experience in insurance coverage for multi-million dollar environmental (CERCLA, RCRA, the Clean Air Act and the Clean Water Act), asbestos and mass tort cases. Successfully argued appeals in Illinois and Indiana. With respect to insurance coverage, significant experience in bad faith involving extra-contractual demands, CGL disputes involving the duty to defend and indemnify, construction defect, first-party property, and long-term care coverage issues. Familiar with subrogation, contribution, allocation, excess/primary insurance, retrospective premiums, self-insured retentions, reinsurance, captive insurance, professional liability, errors and omissions, directors and officers, and failure to settle.

Litigation highlights include:

Cinergy Corp. v. St. Paul Surplus Lines Ins. Co., 873 N.E.2d 105 (Ind. Ct. App. 2007); Cinergy Corp. v. St. Paul Surplus Lines Insurance Company, et al., 785 N.E.2d 586 (Ind. Ct. App. 2003); Cinergy Corp. v. St. Paul Surplus Lines Insurance Company, 810 N.E.2d 786 (Table) (Ind. Ct. App. 2004). Obtained no liability judgment in a CGL environmental insurance coverage dispute brought by the owner and operator of coal-fired utility plants worth almost one billion dollars. See Shoultz, Richard K., Survey of Recent Developments in Insurance Law, 44 Ind. L.Rev. 1337 (Including Cinergy as one of the most significant insurance coverage decisions in the area of complex environmental coverage decisions).

City of Evansville v. United States Fid., 965 N.E.2d 92 (2012). Lead attorney for all aspects of the case: developed discovery plan, supervised multiple attorneys, assessed settlement demands, deposed key expert witness, prepared meritorious summary judgment briefs and was selected by joint defense group to be sole defense attorney to argue to trial court and Indiana Court of Appeals. Summary judgment in favor of client because costs sought were business costs and not an occurrence affirmed despite only the other side having presented experts.

Nat'l Farmers Union Prop. & Cas. Co. v. Degroate Petroleum Serv., Inc., 2013 IL App (3d) 120917-U. Lead attorney for all aspects of the case. Obtained no duty to defend ruling from trial court and successfully argued appeal on behalf of all defendants to the Illinois Third District Appellate Court. Case involved issues concerning the scope of the duty to defend as well as the pollution exclusion.

Litigated alleged violations of Lanham Act and Uniform Deceptive Trade Practices Act involving construction competitors as well as multiple insurance coverage for constructive defects cases.

While predominantly a defense attorney, have overseen plaintiff personal injury cases and successfully obtained a seven-figure award during arbitration on a commercial breach of contract dispute.

Was a founder and sole managing shareholder of law firm for 15 years. Prepared business plan to obtain financing and annual reports to shareholders analyzing cash flow, profitability and compensation issues. Responsible for all hiring, compensation and termination decisions.

Mediator Experience

Represented clients in over 50 mediation sessions over the country involving matters ranging from \$500,000 to over \$100,000,000. As a mediator, have overseen approximately 60 mediations on a variety of commercial and family law matters. First mediator to successfully conduct on-line mediations for the Central Texas Dispute Resolution Center.

Representative Issues Handled as a Mediator

Insurance coverage, estoppel, personal injury, auto accidents, employment disputes, landlord-tenant, breach of contract, debt collection, divorce, slander, custody and property damage. Approved by the Texas Department of Insurance for mediation panel for "surprise billing" legislation involving billing disputes between out-of-plan health care providers and health insurers.

Mediator Style & Process Preferences

I am persistent in my efforts to facilitate a positive environment for a constructive dialogue to assist the parties in achieving their goals. I strive to assist the parties in evaluating their risks and bring an understanding of the legal, factual, psychological and mathematical aspects of evaluating and settling cases. I am creative, flexible and hard working.

Technology Proficiency

Experienced with different litigation document and case management systems. Conduct online mediation and arbitration hearings.

Education

University of Michigan Law School (JD, cum laude-1994); University of Illinois (BA, summa cum laude, bronze tablet-1991).

Professional Licenses

Admitted to the Bar: Illinois (1994), Texas (2019); US District Court: Northern and Southern District of Illinois, Northern and Southern Districts of Indiana, Middle District of Tennessee, Eastern District of Wisconsin.

Professional Associations

Academy of Court-Appointed Neutrals, Austin Mediators Association, Director; Austin Bar Association, Chair of Alternative Dispute Resolution Section; Texas Mediator Credentialing Association, Credentialed Advanced Mediator; Council Member of the Insurance Section of the Texas State Bar; American Bar Association TIPS: Dispute Resolution Committee, Chair-Elect; American Bar Association, ABA Section of Litigation Insurance Coverage Litigation Committee, ADR Subcommittee; Chicago Bar Association; DRI; CLM; The Pro Bono College of the State Bar of Texas; Texas Bar Association (member of Insurance, Constructions and Alternative Dispute Resolution Sections).

Recent Publications & Speaking Engagements

Articles: Litigation Funding: A Mediator's Perspective, ABA TIPS Dispute Resolution Journal; Counterpoint: Mediators' Discussing the Merits at Mediation Meets Expectations and Allows for People to Feel Heard, ABA TIPS Dispute Resolution Journal; AGLIC v. ACE: Anatomy of a Stowers Breach, Journal of Texas Insurance, Vol. 19, No. 1 (Spring/Summer); Adding it All Up:

Psychology and the Law, ABA TortSource, Vol. 24, No. 4, Summer 2022; Online Mediation: Reflection on its Impact and Future Use, ABA TIPS Dispute Resolution Committee Newsletter (Summer 2022); Let's Make a Deal: The Psychology of Mediation, ABA TIPS Dispute Resolution Committee Newsletter (Fall 2021); A Mediator's Take on COVID-19 Business Interruption Cases, Parts I and II (Website for Insurance Section of State Bar of Texas, 2020).

Speaking Engagements: Artificial Intelligence and its Impact on the Law, moderator, ADR Section of the Austin Bar Association (October, 2023); Ethical Issues with Litigation Funding: Chicago II, Moderator, FETTI (September, 2023); Nuclear Verdicts (Mediators Panel) CLM Dallas (April, 2023); Court Appointed Neutrals (moderator, Interviewed Deborah Greenspan) Austin and San Antonio Bar Association Dispute Resolution Sections and Austin Mediators Association (April, 2023); Concurrent Causation: An Analysis of Texas Insurance Coverage Law, (Moderator, panel with Brendan McBride and Bruce Wilkin) Insurance Section of State Bar of Texas (April, 2023); Ethical Issues with Litigation Funding: Scottsdale, AZ, Moderator, Part of Conference on PFAS for ABA TIPS Toxic Tort and Environmental Section (April, 2023); Cognitive Biases and the Law, San Antonio, 34th Annual Construction Law Symposium by Construction Section of State Bar of Texas (March, 2023); Resolving Environmental Disputes, (moderator) Webinar co-sponsored by Environmental and ADR Sections of Austin Bar Association (March, 2023); Meet the Authors, (Webinar with authors of articles in the Winter 2023 publication) ABA TIPS Dispute Resolution Committee (March, 2023); COVID-19 Business Interruption Claims, (Moderator with Robin O'Neil and Chris Martin) Insurance Section of State Bar of Texas (Dec., 2022); Cognitive Biases and Mediation (June 2022), 19th Annual Advanced Insurance Law Course, San Antonio, Texas Bar Association; Psych!: How Psychology Impacts Negotiations and Trial (May 2022), American Bar Association TIPS (Co-Presenter with Shari Belitz); Turning Eight Corners into a New Era: Life After Monroe Guarantee v. Bitco (April 2022), Insurance Section of the Texas Bar (Moderator, Panel with Jody Stasney and David Farmer); Mediating Insurance Coverage Cases (May 2022), Chicago Bar Association (Co-Presenter with the Hon. Thomas Mulroy); Online Mediation is Here to Stay: How Do we Make the Most of Coverage Cases (March 2022), American Bar Association 2022 Insurance Coverage Litigation Committee CLE Roundtable, Tucson, AZ (Co-Presenter with Jeff Kichaven); Mediating Insurance Coverage Claims (Moderator), Insurance Section of Texas Bar (2021); Biases and Ethical Consideration for Mediators, Austin Mediator's Association (2020); Cognitive Biases, Math and Case Evaluations: A Mediator's Perspective, Chicago Bar Association (2020); Odds are this Will Settle: How Probability and Biases Impact Negotiations, Central Texas Dispute Resolution Center (2020); Surprise, Surprise, New Surprise Billing Legislation, Austin Bar Association (2020); and Opening Doors to Resolution: A Mediation Podcast (2020-2021).

University of Plovdiv: Taught course on International Dispute Resolution and co-taught seminar (in Bulgarian) on Alternative Dispute Resolutions.

Locations Where Parties Will Not be Charged for Travel Expenses Do not bill any travel expenses for matters involving two or more full hearing days. Furthermore, do not bill any travel for any matters in Chicago, Dallas, Houston or San Antonio.

Mediation Rate \$3,800 Per Day

Languages English

Citizenship United States of America

Locale Austin, 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.

