



AAA Mediation.org™

**FN-5368520 MN-5368520 LN-5368520,
Esq.**

Austin, Texas



Current Employer-Title

Rose Resolution Group - Founder
Texas State Trial Judge and Appellate Justice
Senior Judge (retired), Sitting by Appointment of Texas Supreme Court

Professional Summary

Voted one of Austin's top attorneys in arbitration and mediation in 2022 and 2023. Board Certified Civil Trial lawyer and Retired Texas State District Judge and Appellate Chief Justice. Now practicing solely as a neutral, mediating and arbitrating multi-party commercial, construction, insurance, real estate, technology, employment, and other complex cases.

Profession

Mediator, Arbitrator, Senior Judge (Retired, appellate and trial)

Work History

Founder, Rose Resolution Group, 2021-Present; Texas State Judge/Justice (sitting by special assignment), 2021-Present; Chief Justice, Texas Third Court of Appeals, 2014-2020; Justice, Place 2, Texas Third Court of Appeals, 2010-2014; Texas District Judge, 353rd Judicial District in Austin, 2009-2010; Texas Deputy First Assistant Attorney General, 2006-2009; Chief, Civil Litigation, Texas Office of Attorney General, 2003-2006; Partner, Strasburger & Price L.L.P. (now Clark, Hill), 1994-2003; Associate, Brown McCarroll (now Husch Blackwell), 1996-1998.

Experience

Board Certified Civil Trial lawyer. Recognized as a Texas Super Lawyer four times in the areas of commercial litigation and governmental practice, representing clients in commercial disputes across a broad range of issues including contract, real estate, business dissolution, construction, credit, negligence, personal injury, products liability, professional malpractice, insurance coverage, health care law, and intellectual property.

During a varied and distinguished career of 15 years as a practicing commercial litigator and 12 years as a Texas trial judge and appellate chief justice, argued and presided over countless civil litigation matters and resolution of thousands of jury trial and appellate matters. As Texas Deputy Attorney General, oversaw over 300 lawyers across 11 civil litigation divisions including consumer protection, Medicaid fraud, environmental protection, antitrust, administrative law, civil rights/law enforcement defense, and general civil and constitutional litigation. Tried as lead lawyer seminal cases involving Texas' education, tax, and healthcare systems.

Served two years as a Texas trial judge and then ten years on the Court of Appeals, culminating in six years as Chief Justice of the Texas Third Court of Appeals located in Austin, widely recognized as one of Texas' most important courts of appeals due to the complex governmental, commercial, administrative, and constitutional cases emanating from the state capitol. Elected to serve as Chair of the Texas Council of Chief Justices, organizing and advocating for the needs of the Texas judiciary in the Texas legislature and business community.

Mediator Experience

Full time mediator since 2020, mediating over 150 cases both remotely and in-office during that time. Voted one of Austin's top attorneys in mediation for 2022 and again in 2023. Certified by Mediators of America and the Harvard Negotiation Institute. Available for travel and conduct of mediations in-office, via Zoom, and hybrid combinations of the two where necessary.

Representative Issues Handled as a Mediator

Focus on complex and multi-million-dollar cases involving real estate, construction, oil and gas, pipelines and condemnation, banking, insurance, health care, business dissolution, software, manufacturing, trade secrets, class actions, false marketing, and contract disputes. Resolved an \$8 million dollar dispute over deceptive trade practices between the State of Texas and Google (public); regularly resolve disputes arising from the break up on business entities, medical practices, etc.; resolved numerous residential and commercial construction defect cases, including a number of swimming pool construct defect cases; resolved numerous pipeline disputes and condemnation proceedings; resolved a number of church/school disputes; regularly resolve employment, non-compete, and trade secret disputes; resolved state and federal securities fraud cases.

Mediator Style & Process Preferences

Every case is unique and requires a tailored approach to resolution, whether the parties are collaborative, combative, or sometimes just confused. The constant to resolution is advance work by the mediator to understand not just the facts of the case, but the parties' needs and potential routes to resolution. Also key is the parties working with their attorneys to understand their case, their interests that may affect the settlement model, and their best and worst alternatives to a negotiated resolution.

I see mediation as a process, not a one-day event. On booking I provide an intake packet with a suggested questionnaire for the parties to provide information, and I schedule pre-mediation calls or Zoom meetings with the attorneys, and their clients if desired, in each case. I review all information provided by the parties and work through settlement models in advance, and I encourage the lawyers to do the same. In complex cases, we may hold several Zoom calls with various constituencies in advance of the actual mediation.

Having had the experience of mediating with former judges who rule on the case rather than work with the parties to reach resolution, I respect the parties' positions and generally refrain from sharing my views on the merits of the case unless asked. I have represented hundreds of clients in mediations, and I try to understand the interests on all sides of the table.

I have my own mediation space in Austin, Texas. I also offer Zoom and am willing to travel to meet the needs of my clients. While many mediators avoid joint sessions, I am more inclined to consider them depending on the desires of the lawyers and the dynamics of the case – sometimes there is no substitute for a face-to-face encounter (and sometimes it is a bad idea). I encourage the parties to explore all available routes to resolution, both financial and other potentially creative ways to satisfy the parties interests.

Technology Proficiency

Proficient with word processing, spreadsheet, and legal research platforms as well as available online platforms for remote capability, including Zoom, Teams, etc. Experience conducting arbitrations and mediations in person, remotely, and hybrid combinations of both when needed to best serve the parties' needs. Encourage electronic exhibits and filings for paper-free, more efficient arbitration proceedings.

Education

Harvard Program on Negotiation (2009); Vanderbilt School of Law (JD-1994); Baylor University (B.B.A. Finance, Business Management, and Economics-1991).

Professional Licenses

Admitted to the Bar: Texas, 1994; U.S. District Courts: Northern, Eastern, and Western Districts of Texas; U.S. Court of Appeals: Fifth Circuit.

Board Certified, Civil Trial Law - Texas Board of Legal Specialization (2007-Present).

Professional Associations	Texas Association of Attorney Mediators; Texas Mediator Credentialing Association; Approved Arbitrator – Texas and Colorado Departments of Insurance; Austin Bar ADR Section; Austin Bar Construction Law and Alternative Dispute Resolution sections; Master Barrister Emeritus, Lloyd Lochridge Inns of Court.
Recent Publications & Speaking Engagements	<p>Speaking Engagements:</p> <p>Frequent CLE Speaker on the Texas Judicial System and Legal Ethics – Frequent speaker on the Texas Court System and trial and appellate procedure to judges and lawyers as well as non-lawyers; frequent lecturer on evidence and trial procedure to Texas Judicial Conference; served as a Director of the Texas Center for the Judiciary, which plans and carries out the training for all judges in Texas. Most recent speaking engagements - ‘Mediation Practice in the Pandemic,’ Austin Bench Bar Annual Meeting 2022; “Navigating the Shifting Tides: Helping Courts Handle Administrative Law Transfers and the Potential Effects of the new 15th Court of Appeals,” Texas Advanced Administrative Law Seminar; “Common Trial Mistakes and How to Avoid Them,” Austin Bar Association Ultimate Trial Notebook Seminar 2023.</p> <p>Publications:</p> <p>“Ethical Issues in the Arbitration Process,” The Advocate, Fall 2023, Texas State Bar publication; “Trying Austin’s First Paperless Trial,” Austin Bar Journal article, 2005; “Consumer Protection Laws” chapter in “Doing Business in Texas: A Guide for Foreign Investors Doing Business in the Lone Star State,” 1999; “Enhanced Injury/Crashworthiness Doctrine Under Texas Law,” American Bar Association Survey (1994); Authored over 1000 appellate opinions during time on the Third Court of Appeals.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Austin and San Antonio, Texas. Lodging expenses will not be charged in Houston or Dallas, Texas.
Mediation Rate	\$5,000 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.