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**FN-5466169 MN-5466169 LN-5466169,
Esq.**

Houston, Texas



Current Employer-Title Lewis Brisbois Bisgaard & Smith LLP - Partner

Profession Attorney, Arbitrator, Mediator

Work History Partner, Lewis Brisbois Bisgaard & Smith LLP, 2016-Present; Shareholder, Chamberlain, Hrdlicka, White, Williams & Martin 2002- 2016; Founding Partner, Magenheimer, Bateman & Helfand 1996-2003; Litigation Attorney/Mediator, Hirsch, Robinson, Sheiness & Glover 1987-1997; Student Intern/Assistant District Attorney, Office of the District Attorney Gretna, Louisiana 1986-1987; Police Officer/Paramedic, New Orleans Police Department, 1982-1985.

Experience Experienced litigator and arbitration and mediation advocate for almost 35 years. Experience in over 180 jury trials and tens of arbitrations representing both plaintiffs/claimants and defendants/respondents, primarily in the areas of civil rights, tort claims, constitutional, labor and employment, and commercial law. Over 200 reported appellate decisions, many in areas significant to the subject law.

Labor and Employment - Extensive experience in all aspects of labor and employment. Employment experience includes advice and counsel to employers and employees on policy formation, creation, writing, implementation, and interpretation. Considerable experience in drafting, interpreting, and enforcing employment agreements, including single-employee and executive employment and compensation agreements, work-for-hire agreements, non-compete and non-solicitation agreements, class and collective action waivers as well as agreements to arbitrate between employer and employee. Significant work in evaluating and handling claims, administrative complaints, and service as a litigation and arbitration advocate in disputes regarding claims of all forms of discrimination, including harassment, retaliation, ADEA/OWBPA, wage and hour (FLSA), disability (ADA), FMLA, USERRA, whistleblower, and others. Labor experience includes drafting and implementing employment policies, employment agreements, and resolving and advocating in the areas of concerted activity and unionizing claims and disputes, NLRB enforcement hearings, negotiating, drafting, and implementing collective bargaining agreements, and all aspects of civil service law.

Commercial - Substantial experience in "deal" and contract negotiation, drafting, and

implementation in numerous types of commercial endeavors. Extensive experience as a litigation and arbitration advocate in cases involving breach of contract, quasi-contractual claims, business ownership, buy-sell, and minority owner/shareholder oppression, deceptive trade practices, executive and other single-employee employment agreements, non-competition and non-solicitation agreements, real estate transactions (from single-family homes to multi-family housing and commercial properties), and professional liability claims involving architects, engineers, brokers, accountants, and attorneys.

Mediator Experience

Extensive experience serving as a mediator in cases of all types, including labor and employment, personal injury, commercial disputes, and family law. Almost all mediations have resulted in settlement.

Experience in a few multi-party mediations in the role as a mediator. Participation in hundreds of mediations as an advocate in the areas of civil rights, labor and employment, commercial disputes, and personal injury or death.

Representative Issues Handled as a Mediator

Mediation of personal injury and death cases of all types, numerous mediations of employment discrimination claims and lawsuits, and mediations of commercial matters of all types.

Mediator Style & Process Preferences

Mediation affords parties the opportunity to fashion remedies a court cannot always afford, even if it meets the parties' mutual desires. Mediation is most effective when the parties have a shared understanding of the facts, regardless of whether the parties agree on the effect of those facts, as well as when the parties share with each other their ability to meet their opposing party's expectations.

Education

Tulane University College of Law (JD-1987); Tulane University College of Arts and Science (BA-1984).

Attorney-Mediators Institute (1995).

Professional Licenses

Admitted to the Bar: Texas (1987), Illinois (1989), Utah (2018); U.S. District Court: Northern, Southern, and Western Districts of Texas; U.S. Court of Appeals: Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, Eleventh Circuits; U.S. Supreme Court.

Professional Associations

State Bar of Texas; State Bar of Illinois; State Bar of Utah; Texas State Bar of College; The Bar Association of the Fifth Federal Circuit; Houston Bar Association; American Inns of Court.

Recent Publications & Speaking Engagements

Salt Lake City Employment Law Breakfast Briefing, November 2021

Texas State Bar Advanced Personal Injury Course for 2020, "Advanced Tort Claims Act – What's Left?", Summer 2020

"Should employers include class-action waivers in their arbitration agreements?" Westlaw Journal on Employment, January 10, 2012;

Contributing Chapter Author, "Responding to Changes in the FLSA and Other Employment Legislation," The Impact of Recent Regulatory Developments in Employment Law (Aspatore Books 2009);

Contributing Chapter Author, "The Impact of Recent Regulatory Developments in Employment Law," Thomson Reuters Publishing, 2009;

"When Free Speech Isn't," The Corporate Counsel, July 2005 and

"Free Speech is Not Always Free: Employee Speech Has Its Limits," Houston Business Journal, April 2005.

"Employment Law and the Hiring Process." Texas Water Conservation Association Annual Meeting, Galveston, Texas, June 2002

"Individual Immunity of Governmental Employees in State and Federal Lawsuits," Suing & Defending Governmental Entities, State Bar of Texas Professional Development Program,

Galveston, Texas, July 25-26, 2002.

"Avoiding and Defending Workers' Compensation Retaliation Claims" and "An Overview of Status Discrimination in the Workplace," Texas Council Risk Management Fund Program on Managing Risks Related to Employment, Dallas, Texas, March 27, 2001 and San Antonio, Texas, March, 2002.

"Status Discrimination" and "Worker's Compensation Retaliation Claims" Texas Council Risk Management Fund Liability Workshop, Dallas, Texas, March, 1999 and Houston, Texas, March, 2000.

"Absence of Malice: The New 'Objective Reasonableness' Standard in Excessive Force Cases" Legal Insight, September 1989

"Identification of the Municipal Policymaker and Defenses to Municipal Liability in Civil Rights Cases" Legal Insight, April 1989

Locations Where Parties Will Not be Charged for Travel Expenses Salt Lake City, Utah and Houston, Texas

Mediation Rate \$425 Per Hour

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.