



AAA Mediation.org™

**FN-5494570 MN-5494570 LN-5494570,
Esq.**

Shaker Heights, Ohio



Current Employer-Title Bixenstine Resolutions, LLC - Member and Co-Owner

Profession Arbitrator, Attorney, Mediator, Consultant

Work History Co-Owner/Member, Bixenstine Resolutions LLC, 2019-Present; Chief Compliance Officer, University Hospitals, 2015-2019; Vice President/Deputy General Counsel, University Hospitals, 2003-2015; Vice President/Chief Litigation Counsel, TRW Inc., 2001-2003; Senior Counsel, TRW Inc., 1999-2001; Partner/Associate, Jones Day, 1983-1999; Law Clerk for The Honorable David Porter, U.S. District Court - Southern District of Ohio, 1982-1983.

Experience Has served exclusively as a neutral since May, 2019 mediating and arbitrating a broad range of commercial, employment, health care, personal injury and property damage matters, including multi-party matters and class actions. Before that, had over 35 years of litigation, litigation management, and compliance experience in handling complex health care, medical malpractice, False Claims Act, qui tam, Stark/Anti-Kickback, HIPAA, product liability, pharmaceutical, employment, commercial/business, antitrust, and environmental disputes.

Served as Chief Compliance Officer in charge of compliance and ethics for a major health care system with over \$4B in revenue, 27,000 employees, over 2,500 physicians, an academic medical center, 11 community hospitals, two large joint venture hospitals, home care and hospice services, and affiliated health-care entities. While in this role, the organization was awarded Ethisphere's award as one of the World's Most Ethical Companies all four years. Before that, served as Vice President and Deputy General Counsel of same health care system, in charge of claims, litigation and risk management. Established a best-in-class claims and litigation and risk management function and handled a wide range of matters including medical malpractice, employment, contract, antitrust, business/ commercial, physician peer review, governance, general liability, insurance, False Claims Act, Stark/Anti-Kickback, and HIPAA matters.

Prior to that, served as Vice President and Chief Litigation Counsel for a Fortune 500 company, and before that as a litigation partner at a major international law firm. In those roles, handled extremely complex matters, such as major government investigations, environmental, high-stakes business, and multi-party and multi-state product liability matters. Following Law School, served as Law Clerk to

The Honorable David Porter, Southern District of Ohio.

Currently serves as Leader-in Residence for Health Law & Policy for Cleveland State University College of Law.

Mediator Experience

Experience since May 2019 mediating numerous health care disputes (including medical malpractice, wrongful death, nursing home and assisted living matters), employment matters (including all types of discrimination, wrongful discharge, compensation matters, and class actions), personal injury, business/commercial and property damage matters. Mediation experience includes mediating multi-party and class action disputes.

Extensive mediation experience (over 100 cases) as an advocate and party/executive prior to becoming a neutral, including all types of medical malpractice cases, e.g., birth injury, wrongful death, paralysis, psychiatric and long-term care facility matters; employment disputes, including executive compensation, wrongful discharge, and gender, race, disability and age discrimination matters; business and commercial disputes of all kinds, including engineering, IT, general business, antitrust, marketing and fraud issues; qui tam and fraud and abuse matters; and environmental matters.

References:

Jeffrey Van Wagner, JVanWagner@bsphlaw.com, 216-875-2061

William B. Eadie, William.eadie@eadiehill.com, 216-777-8856

Charles Murray, Murray & Murray, 419-624-3000

Patrick Murphy, pmurphy@dworkenlaw.com, 216-861-4211

James L. Simon, jsimon@bdblaw.com, 330-643-0268

Samuel Meadows, smeadows@reminger.com, 216-430-2267

Mediator Style & Process Preferences

Each party is invited to submit a confidential mediation statement approximately 1-2 weeks before the mediation session. Following receipt of the confidential mediation statements, I hold separate phone calls with counsel for each party, without charge. I find that these calls help me prepare for the mediation and facilitate resolution. At the mediation session, I will generally hold an opening session and explain the process. I will give counsel an opportunity to make brief opening statements, if they wish to do so, and will also ask the parties if they have anything they would like to say. I then will move into separate caucuses. Each party is provided the opportunity to express their positions and the bases for their views. I then raise questions and share opposing party's views to help all parties understand the weaknesses in their positions and the risks of litigation. I ask the parties to agree at the outset of the mediation not to leave the mediation until I have agreed that the parties have reached impasse, because we can often find ways to overcome the obstacles to resolution. I will be diplomatically evaluative if requested to give my opinion by counsel or a party, and when I believe it would assist resolution.

Education

University of Chicago (JD-1982); Middlebury College (BA, Political Science and French, summa cum laude-1979).

Professional Licenses

Admitted to the Bar: Ohio (1982).

Professional Associations

Fellow, Cleveland Metropolitan Bar Association; Master Benchers, J. Manos Inn of Court; Lifetime Member, Elite Women Around the World

Locations Where Parties Will Not be Charged for Travel Expenses

Greater Cleveland, Ohio area.

Mediation Rate

\$425 Per Hour

Languages

English

Citizenship

United States of America

Locale

Shaker Heights, OH

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.