



AAA Mediation.org™

**FN-5517713 MN-5517713 LN-5517713,
Esq.**

Houston, Texas



Current Employer-Title	Hawash Houston Mediation - Founder
Profession	Attorney, Mediator, Arbitrator, Early Dispute Resolution Neutral, Adjunct Professor
Work History	Owner, Hawash Houston Mediation, 2018-Present; Partner, Hawash Cicack & Gaston LLP, 2008-Present; Attorney, Seyfarth Shaw LLP, 2004-2008; Attorney, Adams & Reese LLP, 2001-2004; Attorney, Verner Liipfert Bernhard McPherson and Hand Chartered, 1999-2001; Attorney, Meyer Orlando & Evans PC, 1993-1999.
Experience	Three decades of experience handling complex commercial litigation, negotiation, and resolution of disputes, primarily in the construction, real estate, and insurance industry, on both sides of the bar. Extensive experience representing both the owner and contractor in construction defect cases; multiple design professional malpractice matters involving architects, structural engineers, civil engineers, as well as mechanical, electrical and plumbing (MEP) engineers; multiple cases involving attorney malpractice, particularly with regard to fiduciary duties, standards of care, and conflicts of interest; medical billing; AIA contract litigation; oilfield indemnity disputes; workplace accidents and injury; admiralty and maritime law claims; all facets of insurance industry litigation, including coverage, bad faith, prompt pay, first and third-party claims, as well as insurance agent/broker liability.
Mediator Experience	Served as a mediator in over 300 cases, including construction, real estate, breach of warranty, landlord-tenant, first- and third-party insurance, insurance broker liability, partnership dissolution, fiduciary duties, debt collection, professional malpractice, negligence, auto, breach of contract, and other general business disputes.
Representative Issues Handled as a Mediator	In construction cases: design defects, deficient performance, delay claims, change orders, liens, and subcontractor disputes. In insurance cases: causation, coverage, policy interpretation, covered v. uncovered losses, bad faith, prompt pay, attorney's fees, statutory damages, and expert sufficiency. In negligence cases: liability analysis, interpreting medical records, realistic risk assessment, economic and non-economic losses. In business cases: contract interpretation, valuation, fiduciary duties, fraud, and contractual as well as statutory defenses.

Mediator Style & Process Preferences	Relentless pursuit of resolution with the overarching goal of avoiding the inherent uncertainty, expense, and frustration of the courthouse, while maintaining high ethical standards that preserve the integrity of the ADR process. Initial focus is to obtain a deep understanding of the parties' needs (financial, emotional, tangible and intangible) as well as an understanding of each side's position (factual, legal, and other relevant factors, such as leverage). If necessary, facilitate the exchange of information pre-mediation to ensure each party has sufficient knowledge to develop an informed position on settlement. During mediation, engage in extensive risk-analysis, primarily through neutral, non-adversarial questioning and reality-testing, to help the parties evaluate the strengths and weaknesses of their own case, as well as that of their opponents. Facilitate resolution by encouraging the parties to evaluate proposals based on a reasoned examination of the pros and cons of settlement.
Education	University of Houston (JD-1994); The University of Texas at Austin (BA, History/Government -1991).
Professional Licenses	Admitted to the Bar: Texas (1994); US District Court: Northern, Southern, Eastern, and Western Districts of Texas; US Court of Appeals: 5th Circuit.
Professional Associations	Trustee, Early Dispute Resolution Institute; American Bar Association, Committee on Early Dispute Resolution; American Bar Association, Committee on ADR Practice Management, Business & Skills Development; American Bar Association, Committee on Mediation; Association of Attorney-Mediators; Texas Association of Mediators; Texas Mediator Credentialing Association, Houston Bar Association - ADR Committee
Recent Publications & Speaking Engagements	<p>Recent Publications:</p> <p>Michael Hawash, Zealous Advocacy & Zealous Problem Solving: Ethical Duties in Mediation, The Houston Lawyer (2021); Michael Hawash & Judge Jim Kovach, No Jury, No Trial, No Problem: A New Form of Dynamic Mediation Is Helping to Unclog Harris County's Civil Dockets, The Houston Lawyer (2021); Michael Hawash, Early Dispute Resolution Comes of Age During the Pandemic, American Bar Association Just Resolutions (2020); Michael Hawash & Peter Silverman, An Introduction to Early Dispute Resolution: Fairly and Ethically Resolving Disputes Within 30 Days, Association of Attorney-Mediators (2020); Michael Hawash, Normandy, The Magnificent Eleven and Mediation (2019).</p> <p>Recent Speaking Engagements:</p> <p>Adjunct Professor, University of Houston Law Center (2022-2024), Visiting Lecturer, Various ADR Topics, South Texas College of Law (2023-2024); How to Analyze Risk, AAA - International Centre for Dispute Resolution (2023); Settling Cases Early, Equitably & Economically, Houston Bar Association (2023); Arbitrating Insurance Cases, State Bar of Texas (2023); Early Dispute Resolution for Mediators, Frank Evans Center for Conflict Resolution (2023); Managing Impasse Through Risk Analysis Settlement Tools, AAA (2023); Resetting the Bar, AAA (2022); Early Dispute Resolution, University of Texas - Annual Labor & Employment Law CLE (2022); Litigation Risk Analysis, New York State Unified Court System (2022); Decision Trees & Risk Analysis, Southern California Mediation Association (2021); Early Dispute Resolution: Protocols for Smarter Processes & Swifter Outcomes, ABA Advanced Mediation & Advocacy Skills Institute (2021); Early Dispute Resolution, EDR Institute Neutral Training (2021); The Future of Alternative Dispute Resolution, AAA (2020); An Introduction to Early Dispute Resolution: Fairly and Ethically Resolving Disputes Within 30 Days, Association of Attorney-Mediators (2020).</p>
Mediation Rate	\$3,500 Per Day
Languages	English
Citizenship	United States of America, United Kingdom
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.