



AAA Mediation.org™

**FN-5642288 MN-5642288 LN-5642288,
Esq.**

Lincoln, Nebraska



Current Employer-Title Governmental Law, LLC - Senior Partner

Professional Summary Highly experienced trial lawyer with over 30 years experience representing individuals and companies both as plaintiffs and defendants in state and federal court. Proficient in litigating complex cases many with substantial damages and handling multi-party litigation. Active appellate practice having prepared over 60 appeals, arguing most.

Profession Attorney, Civil Litigator

Work History Senior Partner, Governmental Law LLC, 2021-Present; Senior Partner, Erickson | Sederstrom, 1998-2021; Deputy County Attorney, Douglas County Civil Division, 1995-1998; Omnium LLC, 1993-1995.

Experience Represented clients in diverse industries including construction, telecommunications, entertainment and gambling, trucking, road construction, healthcare, real estate, insurance, agriculture, and government. Has represented both plaintiffs and defendants in federal and state courts including Nebraska Federal District Court, Southern District of New York, Northern District of Illinois, Southern District of Iowa, Nebraska, Iowa, California, Texas, New York, and Missouri. Continues a robust appeal practice in Federal Circuit Courts, and the Nebraska Supreme Court and Court of Appeals.

Commercial Litigation:

Litigated large complex commercial cases before judges, juries, administrative agencies, and arbitrators seeking relief ranging from declaratory judgments, to injunctions, to multimillion dollar damage claims for businesses and individuals. Significant experience litigating cases involving breach of contract, breach of fiduciary duty, breach of confidentiality, misappropriation of trade secrets and confidential information, employee versus independent contractor, promissory estoppel, fraud in the inducement, tortious interference, business dissolution, member dissociation, derivative actions, deceptive trade practices, unfair competition, anti-trust, tort liability, will contests, trust disputes, and government regulation.

Construction Litigation:

Litigated disputes with general contractors, subcontractors, and owners, involving commercial, residential, and civic construction projects. Construction litigation cases have been a cross section of industry disputes and have included critical path analysis, general conditions, standard specifications, Federal Acquisition Regulations (FAR), Manual on Uniform Traffic Control Devices (MUTCD), Occupational Safety and Health Administration (OSHA), substantial completion, construction defects, payment disputes, delay damages, liquidated damages, value engineering, scope of work, scope of changes, change orders, bidding documents and warranties. Disputes have encompassed large-scale ground up projects such as office buildings, parking garages, or interstate highway construction, medium-scale projects involving sewer separation, road expansion, and recreational facilities and small-scale projects such as renovations and residential construction. Often, construction defects or workplace hazards lead to tort litigation implicating owner or general contractor liability and litigation about the scope of control over independent contractors' work, workplace safety, duty, proximate cause, and efficient intervening cause.

Employment Litigation:

Has represented employers and employees on discrimination claims, including age, disability, gender, ethnicity, national origin, race, religion, and sexual orientation discrimination. Works with clients to resolve a variety of employment issues involving the Americans with Disabilities Act (ADA), ADA Amendments Act (ADAAA), Age Discrimination in Employment Act (ADEA), Title VII and Family and Medical Leave Act (FMLA), harassment, wrongful termination, and retaliation. Experience litigating cases in federal and state court and administratively resolving EEOC and NEOC complaints. Has litigated Executive Employment Contract disputes, non-compete covenants, non-solicitation, at-will employment, and constructive discharge. Regularly litigates pro se cases. As the Chairperson of the Nebraska State Personnel Board, drafts the Board's decisions on employee grievances appealing administrative actions under various collective bargaining agreements or state personnel rules.

Mediator Experience

Completed three-day Mediation Training for Lawyers at the Werner Institute for Negotiation & Conflict Resolution at Creighton University School of Law. As a mediator, has mediated over ten cases with 80% being settled. As an advocate, has participated in numerous mediations over the last 25 years, many with substantial damages and several involving complex multi-party lawsuits.

Representative Issues Handled as a Mediator

Successfully mediated contract disputes involving franchise agreements, real estate purchase agreements, lease agreements and service agreements. Also, successfully mediated personal injury and wrongful death cases, involving premises liability, motor vehicle accidents and trespass.

Mediator Style & Process Preferences

Mediation is a party centric process. My role is to get the parties invested in the process and, if the case resolves, accept that the outcome is fair, even if it is not everything a party wants. Important to the process is each party has a chance to speak their mind. Whether it is explaining the impact of the event, explaining the history of the claim, or voicing a grievance, many parties need to tell their story before there can be an effective exchange of information and my job is to be that sounding board.

My preference is to have mediation statements a week in advance summarizing the case and key issues, providing a procedural history, summarizing material testimony, providing copies of key documents and evidence, and dispositive briefing. From there, I may request pre-mediation conferences with counsel only, depending on the complexity of the issues, the amount of damages, the case dynamics and the history of parties.

My involvement in the process is party driven and depends on where the mediation nuances lead. I treat each mediation uniquely and allow the parties to teach me the significance of their case. No one mediation technique fits all when guiding parties to a resolution, but asking probing questions, questioning perceptions, and challenging counsel's legal interpretations are common evaluative techniques I use.

Technology Proficiency

Proficient using Word and Excel over many applications. Experience moderating hearings and conferences over Zoom. Working knowledge of file sharing applications such as Dropbox, and document management systems such as AgileLaw and ProLaw. Electronic documents and exhibits are preferred. Paper documents and exhibits will be accepted in expedited and less document

intensive arbitrations.

Education

University of Nebraska College of Law (JD-1993); University of Nebraska (BS-1990).

Professional Licenses

Admitted to the Bar: Nebraska (1993); Iowa (2024); US District Court: Nebraska (1993); US Court of Appeals: 8th Circuit (2007).

Professional Associations

Nebraska Bar Association; Nebraska State Bar Foundation (Fellow); Nebraska Defense Counsel Association; Nebraska Association of Trial Attorneys; Omaha Bar Association; Nebraska State Personnel Board (Chairman); Iowa Bar Association.

Recent Publications & Speaking Engagements

Panelist and Presenter at Nebraska Risk Management Association Annual Conference – “County Government Hot Topics;” “Conditional Use Permits and Scope of Discretion,” 2022.

Panelist at Nebraska County Government Annual Conference - "Sovereign Citizens and Pro Se Litigants," 2023

Locations Where Parties Will Not be Charged for Travel Expenses

One hundred and fifty miles from Omaha. Lincoln, Des Moines, Sioux City, Sioux Falls, Grand Island, etc.

Mediation Rate

\$300 Per Hour

Languages

English

Citizenship

United States of America

Locale

Lincoln, NE

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.