



AAA Mediation.org™

## FN-9782 MN-9782 LN-9782, Esq.

Dallas, Texas

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**Current Employer-Title** Independent Domestic and International Arbitrator, Mediator and Business Controversy Solutions Counsel

**Panelist Video** <https://www.adr.org/videoresume?paramName=229121272>

**Profession** Attorney, Arbitrator, Mediator

**Work History** Independent Arbitrator, Mediator and Business Solutions Counsel 2020-Present; Former Partner of Calhoun, Bhella & Sechrest, LLP, 2014-2020 and currently of-counsel for firm; Principal Shareholder Greenberg Traurig, 2008-2013; Equity Shareholder, Winstead (formerly Winstead Sechrest & Minick), 2000-2007; member of the Firm's Executive and Compensation Committees, Chair of the Recruiting Committee; Founder/Chairman/Managing Shareholder, Calhoun & Stacy, 1974-2000; Associate, Worsham Forsythe & Wooldridge, 1972-1974.

**Experience** Broad experience in litigation and alternative dispute resolution as an advocate and as settlement and business controversy solutions counsel, mediator and arbitrator, both domestically and internationally. Represent clients in varied industries including technology, telecommunications, transportation (rail, trucking and aviation), energy, finance and banking, real estate, and construction. Serve as counsel advocate and settlement counsel, arbitrator and mediator, confronting a wide spectrum of legal issues including international law, contracts, unfair trade practices, antitrust, partnerships, corporations, franchises, insurance, zoning and land-use, employment, unfair competition and conflict entity agreements as well as construction, real estate, oil and gas, energy, environmental, product and personal injury law.

ENERGY: Participates on complex case panels as arbitrator and before the AAA, ICDR and various arbitral institutions for energy disputes. Active in the oil and gas energy industry. Represented public drilling and exploration companies and operators in contract, tort, and royalty matters. Former outside general counsel and director for a public operating and drilling company operating drilling rigs and developing drilling partnerships with third-party investors. Represented operators as well as mineral interest owners in matters ranging from delayed payment issues, take-or-pay issues, lease interpretation, drilling/oil/gas production contracts.

REAL ESTATE FINANCE AND BANKING: Served on the Board of Directors of Texas Commerce Bank Dallas and as a Member of its Loan Committee. Outside counsel for large, mid-size and small independent lending institutions in matters including loan agreements, regulatory, accounting and finance default, deficiency and collateral issues. Represented construction lenders and construction entities in defect, bond, lien and financing related concerns. Lead trial counsel on numerous large commercial and tort cases including mass tort and class actions, complex arbitrations and trials for national and international clients.

TECHNOLOGY: Represented several large technology and telecommunications companies in matters involving product liability, intellectual property and real estate related litigation. Represented two of the largest global telecom companies in land use issues involving the building of fiber optic transmission systems in railroad rights-of-way. Recent lead trial counsel in an international dispute for a Fortune 50 technology manufacturing company in opposition to one of the world's largest original equipment manufacturers. The litigation encompassed disputes over parts

design, manufacturing processes, product defect claims, a CPSC recall, third party claims and contract issues with claims amounting to more than \$700,000,000. Arbitrator in cases involving these industries.

TRANSPORTATION: Represented aviation corporations, aircraft owners, and railroad companies in business and litigation matters, including real estate and land-use, labor and employment, regulatory/government relations, mass tort, product liability, leasing and finance, FAA regulatory matters, airport development, aircraft acquisition and disposition and municipal authority compliance. Represented Part 135 & Part 121 aircraft carriers as counsel and as an arbitrator in matters involving original equipment manufacturers, subcontractors and suppliers in issues related to product and contract matters. For the rail industry, has represented Class One Railroads and Railroad Short Lines in litigation, land-use, environmental and contract disputes.

Current and active multi-engine, instrument, commercial, and Learjet type rated pilot.

Owner/Operator of several aircraft including King Air and Learjets. Serves as part time as pilot for Navy contractor flying aggressor missions in Electronic Warfare Learjets.

## **Mediator Experience**

In the mid 1980's, Texas was an early leader in mediation and was part of that initial mediator group who founded and trained the original mediators and formed the Texas Association of Attorney Mediators. Mediated over 300 matters while still maintaining a practice as business and settlement counsel. Many early assignments as a mediator were through court ordered mediations when mediations were first coming into vogue. Serve as a mediator in recent years, due to handling of very large complex cases while a principal partner at Greenberg Traurig. Having retired from Greenberg Traurig several years ago, time constraints are no longer a problem and am now able to devote time to serving as a mediator and expand involvement in other alternative dispute resolution procedures including continued service as an arbitrator which service began in the 1970's serving on complex panels for commercial litigation, energy and labor and serving as settlement counsel for clients in large complex matters.

## **Representative Issues Handled as a Mediator**

Handled a large number of routine mediations involving single plaintiff and defendant issues related to matters from tort and employment to significant multi party complex commercial matters involving issues ranging from corporate and partnership disputes and business disputes between companies, shareholders and partners, energy disputes between operators and property owners, title and insurance, and finance and banking issues between banks and banks and borrowers. Also handled numerous matters involving international contract disputes and domestic and international contract disputes involving the rail aviation and airline businesses.

In the mid 1980's, Texas was an early leader in mediation and was part of that initial mediator group who founded and trained the original mediators and formed the Texas Association of Attorney Mediators. Mediated over 300 matters while still maintaining an active trial and business practice. Many early assignments as a mediator were through court ordered mediations when mediations were first coming into vogue. Not as much time has been devoted serving as a mediator in recent years, due to handling of very large complex cases while a principal partner at Greenberg Traurig. Having retired from Greenberg Traurig several years ago, time constraints are no longer a problem and am now able to devote time to serving as a mediator and expand involvement in other alternative dispute resolution procedures including continued service as an arbitrator which service began in the 1970's serving on complex panels for commercial litigation, energy and labor and serving as settlement counsel for clients in large complex matters.

## **Mediator Style & Process Preferences**

There are several overriding principals in a successful mediation. First is the opportunity for the parties to be able to present their position through counsel to the other side. Second is that once the positions are aired and tested by the mediator, the task is to, as rapidly as possible, move toward addressing the resolution needs of the parties and to move the parties as quickly as possible to a solution. Third, it is important that the mediator control the process to keep everyone focused on resolution and resist finality in positions by either party.

## **Education**

University of Texas (JD-1972; BBA-1969).

## **Professional Licenses**

Admitted to the Bar: Texas (1972), New York (2008-inactive); all Texas State Courts; U.S. District Court: Northern, Southern, Eastern, and Western Districts of Texas; U.S. Court of Appeals: Second and Fifth Circuits; U.S. Supreme Court (1973).

## **Professional Associations**

Life Fellow, State Bar of Texas; Life Fellow, Texas Bar Foundation; Life Fellow, Dallas Bar Association; Institution for Technology Commercial Institution IC2 Board, The University of Texas

at Austin (Served as Chairman of the Peer Review Committee for the University of Texas at Austin for IC2; Named, IC2 Fellow, 2008; Rated, AV® Preeminent 5.0 out of 5\*; Advisory Board Member); Former Dallas Opera, Board Member; The University of Texas at Dallas Executive Board The University of Texas at Dallas; Former Director of Texas Commerce Bank; Former Director of HLH Petroleum Corporation; Keeton Fellow, The University of Texas School of Law; Advisory Board Member, The Institute for International and Comparative Law; Advisory Board Member, The Institute for Transnational Arbitration; Member, Super Lawyers; Chartered Institute of International Arbitrators; Member, London Court of International Arbitration; Member, American Bar Association (Business Law, Litigation, International Law, Domestic and International Arbitrations, Construction, Public Utilities, Communications, and Transportation Sections); Member, International Bar Association; Member, Association for Conflict Resolution; Member, Association of Attorney Mediators; Member, International Association of Mediators and Arbitrators; Member, Past Member, The University of Texas at Austin Leadership Council, The Chancellor's Council, The President's Council for the University of Texas; Member, International Chamber of Commerce; Aircraft Owners and Pilots Association, Pilot with multi-engine, instrument and commercial ratings; type rating in Learjet; part-time pilot for Navy Contractor, flying aggressor missions in Electronic Warfare Learjets.

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## Recent Publications & Speaking Engagements

Spoken and written extensively on legal precedent topics related to international and domestic arbitration, business management and law firm administration. Most recent highlights: Speaker at the 10th Annual Miami International Arbitration Conference: The Greatest Hits, September 9-11, 2012, Session IV: Rapid-Fire Discussion Dispute Resolution Tour of North America; "Cost of Arbitration: Speed, Economy and Justice," American Arbitration Association, Dallas, Texas, 2010; Speaker, "Two Big Ticket Items (That Don't Have to Be)", AAA/ICDR Conference, San Antonio, Texas, 2010; Speaker, "23 U.S.C. 409 after Pierce Country - Revisiting the Sword/Shield Debate," National Association of Railroad Trial Counsel Winter Conference, 2004; Speaker, "Arbitration: Back in Vogue," Forum: State Bar of Texas Advanced Civil Litigation Conference, 2001; Speaker, "New Issues Arising From Telecommunications Facilities in Railroad Right-of-Way," Forum: Law Seminars International 4th Annual Local Telecommunications Infrastructure Conference, 2001; Speaker, "Local Franchise Issues: The Carrier's Perspective," Forum: Law Seminars International 4th Annual Local Telecommunications Infrastructure Conference, 2001; Speaker, "The Price of Progress: Defending Lawsuits Brought Against Railroads and Telecommunication Companies That Contract to Allow Installation of Fiber Optic Cable in Railroad Right-of-Way," 2001; Speaker, "Liability for Home-Built Aircraft," Forum: Southern Methodist University Air Law Symposium, 2000; Speaker, "Local Issues: Effective Negotiation Techniques," Forum: Law Seminars International, 1999; Speaker, "The United States Position on the Transboundary Movement of Hazardous Waste," Forum: Gathering of industry leads and attorneys practicing in the transportation industry in Europe (Basel, France), 1998; Speaker, "Grasping Gottshall: Be There or Be Square," Forum: Texas Association of Railroad Trial Counsel, 17th Annual Meeting, 1996; Speaker, "A New Challenge: Defending the Railroads Against Homeowners, Environmental Injury Lawsuits," Forum: the Chronicle, National Association of Railroad Trial Counsel, 1995; Speaker, "Designing and Implementing Effective Compensation Systems for Today's Law Firm," Forum: Professional Development Institute, 1995; Speaker, "The Managing Partner's Expectations of the Firm Administrator," Forum: Dallas Association of Legal Administrators, 1995; Speaker, "American with Disabilities Act: It Does Affect Your Business," Forum: Today's CPA, 1994; Speaker, "Positioning the Firm for Success: Strategic Planning in the Small and Mid-size Firm," Forum: State Bar of Texas, 1993; Speaker, "Making the Pitch for New Business," Forum: American Bar Association Section of Law Practice Management and National Association of Law Firm Marketers, 1992.

## Mediation Rate

\$7,000 Per Day

## Languages

Italian, English

## Citizenship

United States of America

## Locale

Dallas, 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.