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**SUMMARY**

Seasoned trial lawyer, arbitrator, and mediator with a diverse practice involving complex disputes in many industries and substantive areas of law. A demonstrated ability to embrace new challenges requiring the acquisition of new legal knowledge and technical skill. An intense focus on litigation technology, including in E-Discovery and trial presentation.

PROFESSIONAL EMPLOYMENT

January 1987 to present, partner and member of Marshall & Melhorn, LLC.

Member, Litigation, Construction, Health Care, and Insurance Recovery Groups.
Chair, Litigation Group
Ethics and Professional Practices Counsel

January 2015 to January 2016, Director, M+M Trial and Litigation Consulting Ltd.

June 1980 to December 1986, associate with Marshall & Melhorn.

1978 & 1979, summer clerk with Marshall, Melhorn, Cole, Hummer & Spitzer.

EDUCATION

The University of Toledo
B.A., Magna Cum Laude, 1977

The Ohio State University College of Law
J.D., With Honors, 1980
Joseph M. Harter Trial Practice Award

BAR ADMISSIONS

Supreme Court of Ohio, 1980 (0015845)

State Bar of Michigan, 2009 (P72551)

United States District Court
Northern District of Ohio, 1981

United States District Court
Southern District of Ohio, 2003

United States District Court
Eastern District of Michigan, 1997

United States Court of Appeals
Sixth Circuit, 1983

United States Court of Appeals
Federal Circuit, 1995

United States Supreme Court, 2009

PROFESSIONAL SOCIETIES AND ORGANIZATIONS

American Bar Association
Section Memberships – Litigation, Law Practice Management

Ohio State Bar Association
Member, Federal Court Committee

Toledo Bar Association
Chair, Legal Technology Committee (2016 to Present)
Member, Federal Court Committee and Common Pleas Court Committee
Member, Grievance Committee (1989-1991)
Co-Chair, Grievance Investigation Committee (1987-1989)

American Arbitration Association, Commercial and Employment Arbitrator Panels and Mediator Panel

United States District Court for the Northern District of Ohio
Member, Panel of Neutrals
Member, Attorney Advisory Group, Co-Chair ADR Committee
Member, *Ad Hoc* Local Patent Rules Drafting Committee

Toledo Legal Aid Society
Board Member (1987-1996)
Vice-President (1989-1991)
President (1991-1992)

PROFESSIONAL EXPERIENCE

Complex litigation involving claims for changed conditions and fraud in construction contracts, claims against pension plan actuary, private anti-trust claims, patent infringement claims, automotive supply chain litigation involving Tier 1 and Tier 2 suppliers and automotive companies, and limited partnership derivative actions.

Healthcare litigation involving major hospital systems, including physician contracting and employment claims, disputes regarding privileges, trade secret misappropriation claims, anti-trust claims, unfair competition claims, and insurance coverage disputes.

Commercial litigation involving warranty claims, breach of contract, RICO, Business Opportunity Act, and large account claims.

Litigation involving valuation of corporate shares.

Employment relations litigation involving employment contracts, employment discrimination claims, enforcement of contracts and non-competition agreements, trade

secret misappropriation claims, sales commission claims, claims before the State Employment Relations Board and workers' compensation appeals.

Intellectual property litigation involving prosecution, defense, and appeal of patent infringement claims, Lanham Act claims, and unfair competition claims.

Insurance defense of health care related claims, nursing home negligence claims, attorney malpractice claims, aviation claims, lender liability claims, investor claims, general liability claims, and insurance coverage disputes.

Cases involving equitable relief, including temporary restraining orders, preliminary injunctions, and permanent injunctions.

Arbitration, mediation, and use of alternative dispute resolution mechanisms in Federal and State Courts.

Extensive involvement in the grievance and discipline process, including the investigation and prosecution of grievances for the Toledo Bar Association Grievance Committee.

Non-litigation experience in business organizations, commercial and real estate transactions, land use planning, software license negotiation, labor relations, immigration law, pension matters, college and university law, and hospital law.

Extensive experience with E-Discovery, including the identification, gathering, analysis, and production of e-mail and electronically stored information, and the forensic examination of computers and cell phones.

Extensive experience with trial presentation software, including Adobe Acrobat, TrialPad, Trial Director, and Sanction.

Martindale-Hubbell Rating: AV.

Alternative Dispute Resolution Activities

Arbitrator in disputes involving commercial agreements, professional employment agreements, insurance agent employment agreements, physician employment agreements, attorney employment agreements, law firm organization and operating agreements, claims of sexual harassment and employment discrimination, disputes between owners of closely held business organizations, and claims relating to the sale of businesses.

Mediator in disputes involving employment discrimination claims, disputes between manufacturers and independent representatives, commercial and contract disputes, insurance coverage disputes, and patent infringement.

Early neutral evaluator in disputes involving employment and insurance claims.

Appeals Committee Reviewer for Prudential Sales Practices Litigation Class Action Settlement. Conducted special mediation and arbitration procedures for claims submitted by policyholders arising out of insurance sales practices engaged in by the Prudential Life Insurance Company.

Speaker on mediation and arbitration in dispute resolution.

Member of the Federal Court Panel of Neutrals of the United States District Court for the Northern District of Ohio.

Training

American Arbitration Association

- Arbitrator Performance and Demeanor – Meeting Participant Expectations (ACE 18), 2018
- eDiscovery - Arbitration in a Digital World (ACE12), 2018
- A La Carte Services, 2017
- Managing Arbitrations Following the Preliminary Hearing (ACE007), 2015
- Maximizing Efficiency & Economy in Arbitration, 2014
- Dealing with Delay Tactics in Arbitration (ACE004), 2010
- Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2006
- Arbitrator Ethics and Disclosure (ACE003), 2004
- Arbitrator Update 2003
- Commercial Arbitrator II Training, 2002
- Commercial Arbitrator Training, 1999
- Employment Arbitrator Training, 1998

Northern District of Ohio, Mediator Training.

SELECTED PRESENTATIONS

Alternative Dispute Resolution

Speaker, United States District Court for the Northern District of Ohio, Topic - Mediation, New Strategies and Tactics.

Speaker, United States District Court for the Northern District of Ohio, Topic - Advanced Training for Federal Court Mediation Panelists, Cleveland Presentation.

Speaker, Ohio State Bar Association, Annual Convention, Intellectual Property Committee Breakout Session, Topic - The Use of Mediation in Intellectual Property Disputes.

Speaker, Ohio State Bar Association, Annual Convention, Computer Law Committee Breakout Session, Topic - Using Alternative Dispute Resolution in Technology Disputes.

Speaker, Toledo Bar Association, Alternative Dispute Resolution Seminar, Topics - Mediation: A Primer for the Advocate - Drafting Alternative Dispute Resolution Agreements.

Speaker, Toledo Bar Association, Representing Your Client During Mediation Seminar, Topic - Presentation Topic - How to Best Use the Mediator.

Speaker, Toledo Bar Association, Topic - Arbitration Advocacy.

E-Discovery and Technology

Speaker, Toledo Bar Association, Topic - E-Discovery and Protective Orders.

Speaker, Toledo Bar Association, Topic - E-Discovery Primer.

Speaker, Toledo Bar Association, United States District Court Electronic Filing Seminar, Topic - An Amateur's Guide to Becoming a Wired Lawyer.

Speaker, Ohio State Bar Association, Environmental Law Committee Seminar, Topic - Internet E-mail: Ethical Considerations.

Speaker, Ohio State Bar Association, Annual Convention, Topic - Computer Crime.

Speaker, Ohio State Bar Association, Topic - E-Discovery and Cell Phone Forensics.

Speaker, Ohio Women's Bar Association. Presentation Topic – Technology: Professionalism, Productivity, and Work-Life Balance.

Speaker, Toledo Bar Association, Topic - Litigation and the Y2K Problem.

Speaker, AMS's GLSS EDI Symposium, Topic - Legal Aspects of EDI.

Speaker, National Business Institute, Topics - Using the Internet to Enhance Your Practice, and Legal Resources in Cyberspace.

Speaker, Marshall & Melhorn Technology Law Group's Seminars, Topics - trade secret and non-competition programs, and legal aspects of electronic data interchange in commercial transactions.

Complex Litigation

Speaker and Breakout Section Coordinator, Ohio State Bar Association, Joint Conference of the Northern and Southern Districts, Topic - Presenting Complex Expert Testimony.

Speaker and Breakout Section Coordinator, Ohio State Bar Association, Joint Conference of the Northern and Southern Districts, Topic - Local Patent Rules and the Management of Intellectual Property Cases.

Speaker, Ohio CLE Institute, Managing Complex Litigation Seminar, Topic - Organizing the Evidence in Your Complex Case.

Speaker, Toledo Patent Law Association, Topic - Preparing for Patent Litigation.

Speaker, Toledo Patent Law Association, Topic – New NDOH Local Patent Rules.

Courtroom Presentation

Speaker, Toledo Bar Association, Topic - iPad for Trial Lawyers.

Speaker, Federal Court Bootcamp, Topic - Courtroom Presentation of Electronic Evidence.

Speaker, Toledo Bar Association, Topic - Using Acrobat as a Trial Presentation Tool.

Deposition Practice

Faculty Member, National Institute of Trial Advocacy, Topic - Advanced Deposition Skills: Financial Expert Testimony.

Speaker, Ohio CLE Institute, Seminar on Taking & Defending Depositions, Topic - Preparing Your Witness for Deposition

Speaker, Ohio CLE Institute, Ohio Civil Discovery Seminar, Topic - Preparing Your Witness for Deposition.

Speaker, Ohio CLE Institute, Ohio Pretrial Litigation Seminar, Topic - Preparing Your Witness for Deposition.

OTHER ACTIVITIES

Toledo Moderator for Ohio CLE Institute seminars.

Former Member of Board of Trustees, Kiwanis Club of Toledo.

Former Member, Vice-Chair, and Chair of City of Sylvania Planning Commission and Board of Architectural Review.

Former Member Sylvania City Council.

Chair, Sylvania City Council Zoning and Annexation Committee. Member, Sylvania City Council Safety, Utilities, and Employee and Community Relations Committees. Chair of Sylvania Internet Access Committee. Member of TAGRA Freenet Committee.

Founder and Former President of the Sylvania Electronic Village, Inc., an Internet Service Provider sponsored by the City of Sylvania.