

# ARBITRATOR RESUME

## (Energy Arbitration)

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**Current Employer - Title** Whitaker Chalk Swindle & Schwartz PLLC - Partner.

**Profession** Attorney - Commercial Litigation, Employment, Insurance, Corporate and Project Finance, Arbitration, Mediation, Appellate, Healthcare, General Corporate, Business Transactions, Energy, and International Transactions.

**Work History** Partner, Whitaker Chalk Swindle & Schwartz PLLC (and predecessor firm), 1987-present; Partner/Associate, Gandy, Michener, Swindle, Whitaker & Pratt, L.L.P., 1986-87; Executive Vice President, Dabney Corporation, President, Dabney Capital Co., 1984-86; Vice President/Secretary/General Counsel, LaJet, Inc. 1978-84; Partner, Rhodes Doscher, Chalk & Heatherly Law Firm, 1973-78.

**Energy Experience** Represented exploration and production parties (producers, royalty and working interest owners, drilling and service providers, lessors and lessees, refined products distributors) in private law practice from 1973-1978; General Counsel, Vice President, and Secretary for LaJet, Inc., Abilene, Texas, a petroleum refiner (St. James, Louisiana refinery) and marketer of crude and refined products from 1978-1984 (domestic and international); designed and funded a U.S. drilling fund for U.K. Limited Partnership and later negotiated sale of partnership assets to a U.K. public energy company (1979-1983); negotiated tax-exempt bond and bank funding for the construction of 10 million barrels of crude and refined products storage with combined barge and ship dock on the West Bank of the Mississippi River in St. James Parish, Louisiana (1980-81); opened office for LaJet, Inc. in London (U.K.) and in Fribourg, Switzerland, for the international trading of crude and refined products (1979-80); legal consultant to large solar concentrator electricity generation project in Southern California (1982-84); member, Executive Committee, American Association of Small Refiners, Washington, D.C. (1979-81); negotiated and documented approximately US\$100 million in infrastructure projects in the Republic of Kazakhstan after independence from the Soviet Union and arranged payment for projects through

in-kind crude oil payments realized by sale into the international crude oil market; assisted the Republic of Kazakhstan in obtaining recognition of Kazakhstan's Central Bank by the U.S. Export-Import Bank (1993-94); lead litigator in solar concentrator license dispute with Fortune 100 company (mid-1990s); represented multiple landowners (urban and rural) in natural gas and petroleum products pipeline condemnations (2005 to present); lead lawyer for oil and gas leasing company with major holdings of net mineral acres within Fort Worth, Texas (2007-2010).

**Alternative Dispute Resolution Experience** Member of National Roster of Neutrals (Arbitrator and Mediator) for American Arbitration Association since 1992, American Health Lawyers Association ADR Service since 1999, National Arbitration Forum since 1999, the International Centre for Dispute Resolution since 2004, the CPR International Institute for Conflict Prevention & Resolution since 2005, and the Arbitration Panel of the Chartered Institute of Arbitrators since 2009. Arbitrated and mediated many energy, oil and gas, commercial, intellectual property, business-entity issues, insurance, employment, healthcare, technology, consumer, mass torts, real estate, aviation, and international disputes. Represented numerous clients in arbitrations with awards in excess of \$1 million. Named arbitrator for international arbitrations administered by ICDR, AAA, ICC, and Geneva (Switzerland) Chamber of Commerce and Industry. Member, AHLA ADR Service Task Force (2007- present). Named arbitrator (sole neutral, panel member, chair) in approximately 450 arbitrations (through November 2012) and mediator in 151 mediations (through November 2012); Adjunct Professor (Law 1632: Arbitration Practice and Advocacy), Pepperdine U. School of Law, Malibu, California (Summer 2011); Adjunct Professor (Introduction to Arbitration), Lipscomb University, Nashville, Tennessee (Summer 2008).

**Alternative Dispute Resolution Training** “Fundamentals of Negotiation,” Texas Society of Certified Public Accountants, Fort Worth, Texas (June 6, 2014); “Principled Deliberations: Decision-Making Skills for Arbitrators,” AAA ACE8, Dallas, Texas (May 1, 2014); “Conducting Research & Investigations: The Arbitrator’s Authority” AAA ACE9, Dallas, Texas (May 1, 2014); “11<sup>th</sup> Annual Energy Litigation Conference,” Institute for Energy Law, Center for American and International Law, Houston, Texas (November 15, 2012); “Annual Meeting, College of Commercial Arbitrators,” New York, New York (October 25-28, 2012); “Handling Dispositive Motions and Evidentiary Objections in Arbitration,” DFW Arbitration Group (October 24, 2012); “Texas Law of Arbitrator Disclosure and Award Vacatur,” DFW Arbitration Group, Dallas, Texas (September 19, 2012); “Disclosures, Depositions and Dispositive Motions in Employment Arbitration,” AAAU (ED7312011, September 12, 2012); “What We Have Here, Is ... Failure to Communicate,” AAA ACE Seminar, Dallas, Texas (August 16, 2012); “The Final Curtain: Post-Hearing Submissions, Deliberations and

Enforcement,” 24<sup>th</sup> Annual ITA Workshop, Dallas, Texas (June 11, 2012); “Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing,” (12ACE6), Dallas, Texas (April 24, 2012); “ABA DR Section Annual Meeting - Arbitration Track,” Washington, D.C. (April 19–20, 2012); “2012 AAA/ICDR Neutrals Conference (March 9–10, 2012); “Deal or No Deal: An Empirical Look at the Negotiation Dance,” State Bar of Texas Webcast (November 29, 2011); “Arbitration Practice and Advocacy,” Law 1632, Straus Institute, Pepperdine University School of Law, Malibu, CA (July 19-30, 2011); “Arbitration Clause Drafting and Practice in the Wake of *AT&T Mobility, LLC v. Concepcion*,” State Bar of Texas Webinar (07/14/11); “Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics,” 10ACE57101, AAA, Dallas, Texas (12/14/10); “Jackson v. Rent-A-Center Raises Unconscionability Challenges: Who Decides What, the Court or the Arbitrator, and Why Does It Matter?” ABA ADR Section Teleconference (July 20, 2010); “Arbitrator Ethics and Disclosures,” 10ACE3, AAA, Dallas, TX (July 8, 2010); “Arbitration - A Beautiful Process,” AHLA Annual Meeting, Seattle, WA (June 28, 2010); “Commencing an International Arbitration: Fundamentals and Strategy,” ITA Workshop, Dallas, TX (June 17, 2010); “U.S. Law on International Commercial Arbitration,” ALI Consultative Group, Philadelphia, PA (01/31/10); “Arbitration for Advocates and Arbitrators,” American Health Lawyers Ass’n ADR Service (01/20/10); “Arbitration Roundtable,” State Bar of Texas ADR Section (11/07/09; 01/16/10; 02/20/10); Protecting Patient Safety & Quality Care: Embracing the Joint Commission’s Leadership Standard on Conflict Management,” AAU Webinar (09/16/09); “International Awards: Remedies, Damages and Interest,” ICDR-105, AAA/ICDR Neutrals Conference, San Diego, CA (02/27-28/09); “Chairing the ICDR International Arbitral Tribunal,” ICDR-205, AAA/ICDR Neutrals Conference, San Diego, CA (02/27-28/09); “Managing the ICDR Guidelines on Information Exchange,” AAA/ICDR Neutrals Conference, San Diego, CA (02/27-28/09); “Electronic Discovery in Arbitration,” AAA-401, AAA/ICDR Neutrals Conference, San Diego, CA (02/27-28/09); “Arbitrating the Mega-Case,” ABA ADR Section, Los Angeles (02/08/08); “ADR Texas Style - 20<sup>th</sup> Anniversary and Beyond,” State Bar ADR Section Seminar (10/15/07); “Arbitrator Training,” Conflict Solutions of Texas, Inc., San Antonio, Texas (09/22/07 and 10/13/07); “Best Practices in Commercial Arbitration,” JurisConference, Washington, D.C. (04/30/07); “Arbitration Roundtable,” Fort Worth, TX (04/14/07); “Arbitration Training Institute - Comprehensive Training in Commercial Arbitration,” ABA ADR Section, New York (02/22-24/ 07); “Comprehensive Guide to Arbitration Success,” Texas Institute of CLE, Austin (11/30-12/01/06); “ADR Update,” State Bar ADR Section Meeting, Austin (06/16/06); AAA Neutrals Conference (Courses 103, 205,303, 405), Miami (03/24-25/06); “Chairing an Arbitration Panel,” AAA-Dallas, 11/2/05; “Pro Se: Managing Cases Involving Self-Represented Parties,” ACE002, AAA-Online (09/17/05); “Flexible Solutions for Evolving World,” ICC International Court of

Arbitration, 09/11-13/05; "How to Arbitrate a Class Action - or Not," ABA Teleconference, 06/14/05; "Advanced Case Management Issues," ICDR (03/03/05); "AAA Neutrals Conference (ACE3 and 4)," Palm Springs, CA, 03/04-05/05); "International Advanced Arbitration Practice," ICC Institute of World Business Law, Paris, 2/21-22/05; "Arbitrator Training," National Arbitration Forum, Houston, Texas, 11/12/04; "ICC International Dispute Resolution," ICC International Court of Arbitration, Chatham, MA, 9/19-21/04; "Neutrals Conference," AAA, San Antonio, Texas, 3/5-6/04; "International Commercial Arbitration & Energy Disputes - A Global Perspective," Canadian Bar Association, Calgary, Alberta, 5/29-31/03; "Arbitration Clauses - The Good, the Bad, and the Ugly," ABA-ADR Section Annual Meeting, NY, NY, 4/16-17/04; San Antonio, Texas, 3/21/03; "Arbitration Track Courses," ABA-ADR Section Annual Meeting, San Antonio, Texas, 3/20-22/03; "Developments in International ADR," AAA Dallas, Texas, 11/05/02 (Presenter); "Arbitration Advocacy Training," AAA, Dallas, Texas, 10/29/02; "Tools and Tactics in International Commercial Arbitration," Hawksmere Seminar, Paris, France, 09/30-10/01/02; "Technology Transfer Disputes and the Role of Technology in Arbitration," Institute for Transnational Arbitration Workshop, Dallas, Texas, 06/20/02; "Contractual Arbitration: Drafting Effective Clauses/Can Non-Signatories Be Compelled to Arbitrate?" AAA Seminar, Dallas, Texas, 11/01; "International Commercial Arbitration Assessment/Workshop," The Chartered Institute of Arbitrators (London), New Orleans, LA 11/01; AAA Arbitrator Update 2001; AAA Commercial Arbitrator II Training, Dallas, Texas 1/01; attended AAA Mediator Conference, Chicago, Ill. 9/00; "International Commercial Arbitration," The Chartered Institute of Arbitrators (London), Houston, Texas, 4/00; AAA Mediator Retreat, Denver, 3/00; AAA Effective Employment Conflict Management Seminar in Dallas, 2/00; National Arbitration Forum, Arbitrator Training Course, St. Paul, 11/99; AAA Commercial Arbitrator Training, Orlando, 10/98; Arbitration Panel Breakfast Briefings, 1997-98; AAA Panels Retreat, Kerrville, 10/97; AAA Award Drafting 8/97; Dispute Resolution Services of Tarrant County (Texas), Mediator Training, 10/92; AAA Basic Arbitrator Training, Dallas, 6/92.

**Professional Licenses** Admitted to the Bar: Texas, 1973; District of Columbia, 1978; U.S. District Court, Northern (1974), Western (1978, 2007), and Southern (2003) Districts; U. S. Court of Appeals, Fifth Circuit, 1978; U.S. Supreme Court, 1978.

**Professional Associations** Fellow, College of Commercial Arbitrators; Fellow and Chartered Arbitrator, The Chartered Institute of Arbitrators (London); Member, London Court of International Arbitration; Texas Bar Association (Former Chair, ADR Section Council); District of Columbia Bar Association; American Bar Association; Federal Bar Association; American Health Lawyers Association (Member, ADR Service Task Force); Tarrant County (Texas) Bar Association

(Former President, Former Chair of ADR Section); Fellow, College of State Bar of Texas; American Bar Association (Fellow); Texas Bar Foundation (Sustaining Life Fellow); Tarrant County Bar Foundation (Sustaining Charter Life Fellow); Advisory Board Member, Southwestern Legal Foundation Institute for Transnational Arbitration; Advisory Board Member, Institute for Energy Law, Center for American and International Law; Texas Association of Mediators; Member, American Law Institute.

**Education** Freed-Hardeman College (AA-1956); Tennessee Tech University (BS-1962; MA-1967); University of Texas (JD-1973).

**Publications and Speaking Engagements** “The Award,” State Bar of Texas CLE Seminar on Arbitration, Austin, Texas (December 6, 2013); “Arbitrator Disclosure and Evident Partiality,” DFW Arbitration Group, Dallas, Texas (December 4, 2013); “Federal Arbitration Act Preemption,” *The Arbitration Newsletter* (December 2013); “Evident Partiality Revisited,” *The Arbitration Newsletter* (November 2013); “Arbitrator’s Inherent Power to Sanction,” *The Arbitration Newsletter* (October 2013); “Managing the Arbitration Process for Efficiency & Economy Through the Preliminary Hearing,” 13ACE6, AAA Facilitator, Dallas, Texas (October 16, 2013); “Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing,” 13ACE7, AAA Facilitator, Dallas, Texas (October 16, 2013); “Employment Arbitration Update,” Labor & Employment Lawyers of Dallas, Dallas, Texas (September 12, 2013); “Texas Law of Arbitrator Disclosure and Award Vacatur,” DFW Arbitration Group, Dallas, Texas (September 19, 2012); “Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing,” (12ACE6), AAA Facilitator, Dallas, Texas (April 24, 2012); “Arbitration Clause Drafting and Practice in the Wake of *AT&T Mobility, LLC v. Concepcion*,” State Bar of Texas Webinar (July 14, 2011); “Texas Licensure of Trades and Professions,” City Center Luncheon, Fort Worth, Texas (May 12, 2011); “Negotiating Pipeline Rights-of-Way in Pennsylvania,” Contributor, The Pennsylvania State University College of Agricultural Sciences, Marcellus Education Fact Sheet, Code No. UA465 (2010); “How to Stay Out of the Courthouse,” City Club Luncheon, Fort Worth, Texas (June 17, 2010), Fort Worth (Texas) Club Breakfast (August 13, 2010); “Settling of Commercial Disputes in the U.S.,” Russian Delegation, U.S. Dept. of State International Visitor Leadership Program, Fort Worth, Texas (July 26, 2010); “Arbitration - A More Beautiful Process,” AHLA Annual Meeting (June 28, 2010); “Arbitration: Boilerplate Which Avoids the Court (If the Court will Enforce It),” TCBA CLE Seminar (May 21, 2010); “Having Your Cake and Condemning It Too: When Asserting the Power of Eminent Domain Constitutes Breach of an Oil and Gas Lease,” TWU School of Law Energy Symposium,” (April 17, 2010); “Arbitration for Advocates and Arbitrators,” American Health

Lawyers Ass'n (January 20, 2010); "Arbitration Roundtable," State Bar of Texas ADR Section, Fort Worth, Austin, and Houston, Texas (November 7, 2009; January 16, 2010; February 20, 2010); "Eminent Domain Power Granted to Private Pipeline Companies Meets with Greater Resistance from Property Owners in Urban Rather than Rural Areas," 16 Tex. Wesleyan LR 1, 17 (Fall 2009); "Arbitration Under Attack," Tarrant County Trial Lawyers Ass'n (May 27, 2009); "White Paper on Arbitration," (January 2009); "Arbitration: What Every Lawyer Needs to Know," *Texas Lawyer* (December 15, 2008, Vol. 24, No. 37); "Choosing a Party-Appointed Arbitrator (Without Breaching Impartiality and Independence)," *Alternative Resolutions* (Winter 2008), Texas Bar Ass'n ADR Section; "Mediating Healthcare Disputes," AHLA ADR Service Telecast (March 10, 2008); "Arbitrator Training," Conflict Solutions of Texas, Inc., San Antonio, Texas (September 22, 2007 and October 13, 2007); "Arbitrator Immunity for Bias or Failure to Disclose," *Alternative Resolutions* (State Bar of Texas), Vol. 15, No. 3 (Summer, 2006); "The Flexible Arbitral Process," *Alternative Resolutions* (State Bar of Texas), Vol. 15, No. 3(Summer, 2006); "Arbitration Clauses-The Good, the Bad, and the Ugly," ABA-ADR Section Annual Meeting, San Antonio, Texas, March 21, 2003, New York, New York April 16, 2004; "International Arbitration," AAA Seminar, Dallas, Texas, November 5, 2002; "Drafting Arbitration Clauses," Tarrant County Young Lawyer Association, Fort Worth, Texas, December 18, 2001; "Introduction to Arbitration," Tarrant County Bar Association ADR Section, December 12, 2001; "The Use of Conflict Management and Alternative Dispute Resolution for Claims Adjuster," Handling Tough Non-subscriber Claims Seminar, Dallas, Texas, October 11, 2001; "Review of Recent U.S. Department of Education Regulations, U.S. Department of Education, April 2, 2001; "Handling Condemnation Proceedings," Tarrant County Bar Association, August 25, 2000; "Summary of Final Regulations for the 1998 Amendments to the Higher Education Act of 1965," region VI, U.S. Department of Education, Advisory Counsel of Private Career Schools, Irving, Texas, May 7, 2000; "The Work Product Doctrine - How to Keep Secrets," 38<sup>th</sup> Risk and Insurance management Society, Inc., San Francisco, May 4, 2000; "Summary of Final Regulations for the 1998 Amendments to the Higher Education Act of 1965," National Student Aid Services, Inc., Annual Conference, Irving, March 27, 2000; "How to Prepare and Present an Arbitration Case," Tarrant County Bar Association, October 1999; "International Arbitration," Tarrant County Bar Association, September 1998, 2001.

**Compensation**                    \$395.00 per hour for all hearing, pre-hearing and study time; reimbursement for all out-of-pocket expenses; advance deposits required; no travel time charged.

**Citizenship**                      United States of America

**Locale**

Ft. Worth and Dallas, TX (available for other locations including international)