

FRANK A. LIGHTMAS, JR.

Current Employer

Partner, Lightmas & Delk
Suite 1150, The Peachtree
1355 Peachtree Street, N.E.
Atlanta, GA 30309
(404) 876-3335 (telephone)
(404) 876-3338 (telecopy)
(404) 274-1080 (mobile)
franklightmas@mindspring.com

Profession

Attorney, Mediator and Arbitrator
AV rated with Martindale-Hubbell.

Employment History

1989-present: Partner, Lightmas & Delk
1988-1989: Sole practitioner
1980-1988: Partner, Litigation Department, Kutak Rock
1976-1980: Associate, Kutak Rock (and predecessor firms)

Employment Experience

I have been a trial lawyer and commercial and business litigator for over 35 years and have tried jury and non-jury cases in federal and state courts, before arbitration panels of the AAA, FINRA, the NYSE, the CBOE, the Municipal Securities Rulemaking Board, federal and state agencies, and federal, state and professional licensing, enforcement, regulatory and disciplinary boards. Most of the cases have involved issues relating to contracts, commercial and business disputes, employment agreements, covenants not to compete and trade secrets, negligence and torts, real estate, employment, EEOC and Title VII claims involving allegations of race and sexual discrimination, banking and finance, partnership disputes, securities fraud, officers and directors liability, professional liability and negligence, including accountants and attorneys, claims of breach of fiduciary duty, insurance and insurance coverage, civil rights, sports and entertainment, environmental, franchise, personal injury, technology, trusts/estates and probate, transportation and education.

I am certified by and registered with the Georgia Office of Dispute Resolution as a neutral in the areas of arbitration, general mediation and early neutral evaluation.

I have served as an arbitrator in approximately 50 cases for

parties who have privately retained me over the last 25 years. Over the last 15 years, I have also mediated several hundred cases privately for parties.

Before forming Lightmas & Delk in 1990, I originally practiced with the Atlanta law firm then known as Huie, Ware, Sterne, Brown & Ide which in 1978 merged with Kutak Rock & Campbell to form Kutak Rock & Huie (now Kutak Rock). I practiced there as a partner in the litigation department until 1988.

Representative Cases Handled as Mediator

Since 1995, I have mediated over 300 cases, and over 85% of these cases have been settled. Most of them have been commercial and business cases. These cases have generally involved the same issues as outlined above under the section *Employment Experience*. I try to employ all aspects of evaluative, facilitative and transformative techniques to aid the mediation process, and I also actively use evaluative techniques and reality testing approaches to advance the process.

Representative Cases Handled as Arbitrator

Since the mid-1980's, I have served as an arbitrator in approximately 50 cases for parties. As with cases I have mediated, these arbitrations have generally involved the same issues as outlined above under the section *Employment Experience*. These arbitrations have included 1-person arbitrations, 1-person arbitrations decided on the basis of the written submissions only, 3-person panels and 5-person panels. On all but a few of these, I served as chairperson. As the chairperson, I have conducted and participated in various types of pre-hearing conferences, issued discovery, non-dispositive and dispositive rulings, and held arbitration hearings that have resulted in final awards being issued. The longest of these arbitration hearings lasted over twenty (20) sessions spread over several weeks.

Multi-Party Dispute Resolution Experience

I have arbitrated and mediated numerous complex, multi-party disputes. The largest mediations in which I have served as mediator involved over 100 parties.

ADR Experience

I have served as an arbitrator in approximately 50 cases and as a mediator in over 300 cases. In addition, I have represented clients as an advocate and lead counsel in approximately 50 arbitrations and approximately 50 mediations.

ADR Panel Memberships and

Member, Panel of Arbitrators, FINRA (1985-present)

Organizations

Member, Panel of Mediators, FINRA (1997-present)
Member, Panel of Neutrals, International Institute for Conflict Prevention & Resolution (CPR) (2011-present)
Associate, Chartered Institute of Arbitrators (2011-present)
Member, North American Branch of Chartered Institute of Arbitrators (2011-present)
Member, Panel of Neutrals, International Chamber of Commerce/United States Council for International Business (2011-present)
Member, Panel of Neutrals, National Futures Association (2010-present)
Member, Panel of Neutrals, Gwinnett (Ga.) Judicial Circuit ADR Program (2010-present)
Member, Panel of Neutrals, Macon and Houston County (Ga.) Judicial Circuits ADR Program (2010-present)
Member, Georgia Academy of Mediators & Arbitrators (2009-present)
Member, National Academy of Distinguished Neutrals (2010-present)
Member, International Mediation Institute (2010-present)
Certified by and registered with the Georgia Office of Dispute Resolution in areas of general mediation, arbitration and early neutral evaluation (1996-present)

ADR Teaching and Training – Arbitration

“Lie to Me: Secrets for Negotiators, Mediators and Arbitrators”, ABA Section of Dispute Resolution, 11/10
4th Annual Arbitration Institute, Georgia Institute of Continuing Legal Education, 8/10
16th Annual ADR Institute and Neutrals Conference, Georgia Institute of CLE, 12/09
FINRA Dispute Resolution Revised Code of Arbitration Procedure Training, 7/07
13th Annual ADR Institute and Neutrals Conference, Georgia Institute of CLE, 10/06
12th Annual ADR Institute and Neutrals Conference, Georgia Institute of CLE, 10/05
“Best Practices and Recent Developments in Arbitration”, Georgia Institute of Continuing Legal Education, 3/05
“Expungement”, FINRA, 10/04
Co-chair and Instructor, FINRA Employment Law Seminar, 8/97
Instructor, “Approaches to Managing the Arbitration Proceeding”, FINRA Arbitration Education Program/Arbitrator Skills Program, 6/94 and 10/94
“Vacating Arbitration Awards”, FINRA Arbitration Education, 1/94

“Misrepresentation Claims”, FINRA Arbitration Education, 8/93
“Failure to Supervise Claims”, FINRA Arbitration Education, 6/93
“Alternative Dispute Resolution”, Atlanta Bar Association, 6/93
“Broker-Dealer Operations”, FINRA Arbitration Education, 5/93
“Discovery in Arbitration”, FINRA Arbitration Education, 4/93
“Damages Calculations”, FINRA Arbitration Education, 2/93
“Discovery in Arbitration”, FINRA Arbitration Education, 4/93
Instructor, “Securities Arbitration - Hearing Procedure”, American Arbitration Association, 1990

***ADR Teaching and Training –
Mediation***

“Lie to Me: Secrets for Negotiators, Mediators and Arbitrators”, ABA Section of Dispute Resolution, 11/10
“Mediation Advocacy”, Georgia Institute of Continuing Legal Education, 3/10
16th Annual ADR Institute and Neutrals Conference, Georgia Institute of CLE, 12/09
13th Annual ADR Institute and Neutrals Conference, Georgia Institute of CLE, 10/06
Negotiation and Conflict Resolution, Georgia Institute of CLE, 2/06
12th Annual ADR Institute and Neutrals Conference, Georgia Institute of CLE, 10/05
Instructor, Joint Mediator Training Program, Consortium on Negotiation and Conflict Resolution, Georgia State University College of Law, 2/00
“Alternative Dispute Resolution”, Atlanta Bar Association, 6/93
Completed comprehensive training course given to individuals who seek to be mediators, Resolution Resources Corporation, 6/95
Completed mediator observation seminar, Resolution Resources Corporation, 2/96

Professional Licenses

Member, State Bar of Georgia

Court Admissions:
Georgia, 1976
U.S. Supreme Court, 1981
U.S. Courts of Appeal for the Fifth Circuit (1979 and 1981), Sixth Circuit, and Eleventh Circuit (1981)

U.S. District Courts for the Northern District of Georgia, (1976) and Middle District of Georgia (1983)
Certified by and registered with the Georgia Office of Dispute Resolution in areas of general mediation, arbitration, and early neutral evaluation (1996–present)

Other Professional Associations and Memberships

American Bar Association (Sections on Dispute Resolution, Litigation, Tort and Insurance Practice, Law Practice Management)
State Bar of Georgia (Sections on General Practice and Trial, Insurance Law and Legal Economics of Law)
Atlanta Bar Association (Sections on Dispute Resolution [Board of Directors, 1999-2001], Litigation, Sole Practitioner /Small Firm)
Lawyers Club of Atlanta

Education

1976, J.D., Vanderbilt University School of Law
Articles Editor, *Vanderbilt Law Review*
Member, Moot Court Board
Research Assistant on the Restatement (2d) of Torts to Dean John W. Wade, the reporter
Course assistant, Legal Methods

1973, A.B., *Cum Laude*, in Government from Harvard University

Additional Publications and Speaking Engagements

“Avoiding Liability in a Tax Practice,” GSCPA 2011 Tax Forum, Savannah, GA 12/1/11
“Avoiding Liability in a Tax Practice,” GSCPA 2011 Tax Forum, Atlanta, GA 11/3/11
“Practical Steps to Avoid Malpractice Claims,” GSCPA North Atlanta Chapter, Atlanta, GA, 4/20/11
“Malpractice and the Compilation and Review Engagement: Practical Steps to Avoid Malpractice Claims,” GSCPA 2008 Accounting Institute, Athens, GA 10/3/08
“Avoiding Malpractice: Practical Steps Every CPA Can Take to Avoid Malpractice Claims”, GSCPA 2007 Accounting Institute, Savannah, GA, 11/30/07
“Avoiding Malpractice: Practical Steps Every CPA Can Take to Avoid Malpractice Claims”, GSCPA 2007 Accounting Institute, Atlanta, GA, 11/2/07
“How To Prevent Your Firm From Getting Into Hot Water: Practical Steps Every CPA Can Take to Avoid Malpractice Claims,” GSCPA 2006 Accounting Institute, Athens, GA 10/6/06
“Unique Problems in Trade Secret Litigation: Remedies and Procedural Strategies,” Atlanta, GA, 6/30/03

“Liability Issues for CPAs”, 2002 GSCPA Accounting Institute, Athens, GA, 10/18/02

“Limiting Legal Liability”, GSCPA North Perimeter Chapter, Atlanta, GA, 12/00

“Avoiding Malpractice Claims Within Your Practice”, GSCPA 2000 Small Firm & Sole Practitioner Symposium, Athens, GA, 10/5/00

“Current Topics in Accountants’ Professional Liability”, 1999 Annual Gifford, Hillegass & Ingwersen, P.C. Accounting & Auditing Seminar, Atlanta, GA 11/17/99

“Malpractice in the Compilation or Review Engagement”, Georgia Association of Public Accountants, Morrow, GA, 9/24/98

“Avoiding Malpractice Claims”, Georgia Association of Public Accountants, Atlanta, GA, 9/98

“Current Topics in Accountants’ Professional Liability”, GSCPA Decatur-DeKalb Chapter, Decatur, GA, 8/25/98

“Implementing the New Fraud Auditing Standard”, Independent Seminar, Atlanta, GA 12/97

“The ‘Audit Trap’ – Avoiding Liability in Audit Engagements,” GSCPA 1997 Accounting Institute, Athens, GA, 10/3/97

“Professional Liability”, Georgia State University Accounting Students, Atlanta, GA, 2/97

“How to Avoid Professional Liability in an Accounting Practice”, National Association of Public Accountants, North Georgia Chapter, Atlanta, GA, 11/25/96

“How to Avoid Professional Liability in an Accounting Practice”, National Association of Public Accountants, Metro (Atlanta) Chapter, Atlanta, GA, 6/11/96

“How To Prevent Your Firm From Getting Into Hot Water: Fraud Prevention, Detection And What To Do”, South Carolina Society of CPA’s, Columbia, SC, 11/17/95

“How To Avoid Litigation In Your Accounting And Auditing Practice”, GSCPA 1995 Accounting Institute, Athens, GA, 10/6/95

“Malpractice and Ethics Issues in a Tax Practice”, GSCPA North Atlanta/Perimeter Chapter, Atlanta, GA, 2/14/95

“Malpractice And Ethics Issues In Tax Practice”, Chattanooga Tax Practitioners, Chattanooga, TN, 1/18/95

“Malpractice And Ethics Issues In Tax Practice”, North Atlanta Tax Council, Atlanta, GA, 10/21/94

“Malpractice Exposure In Litigation Consulting Engagements”, GSCPA Committee on Litigation Consulting, Atlanta, GA, 1994

“What Happens When The Business Relationship Goes

Bad”, 1994

“Liability Issues for CPAs”, GSCPA 1993 Accounting Institute, Athens, GA, 10/1/93

“Ethics Problems in a Tax Practice”, GSCPA Atlanta Tax Forum, Atlanta, GA, 1/11/93

“Formation, Downsizing and Dissolution of CPA Practices”, GSCPA DeKalb Chapter, Decatur, GA, 11/24/92

“Avoiding Malpractice Claims”, GSCPA Northeast Chapter, Gainesville, GA, 10/16/91

“Formation, Downsizing And Dissolution of CPA Practices”, GSCPA 1991 Spring Practitioners’ Forum”, Savannah, GA, 5/31/91

“Recent Developments in Professional Liability Insurance”, GSCPA DeKalb Chapter, Decatur, GA, 2/26/91

“Avoiding Malpractice Claims”, GSCPA Gwinnett Chapter, Duluth, GA, 2/5/91

“Avoiding Professional Liability”, GSCPA Atlanta Chapter, Atlanta, GA, 12/6/90

“How to Get Sued: A Review of Audit Predicaments in Which CPAs Find Themselves,” GSCPA 1990 Accounting Institute, Athens, GA, 10/5/90

“Legal And Ethical Issues For Members In Industry”, GSCPA 1990 Spring Decision Makers Conference, Atlanta, GA, 5/4/90

“Avoiding Professional Liability”, GSCPA Macon Chapter, Macon, GA, 12/27/89

“Avoiding Professional Liability: Techniques to Improve Engagement Administration and Procedures”, GSCPA Atlanta Chapter, Atlanta, GA, 10/26/89

“Avoiding Professional Liability: Techniques to Improve Engagement Administration and Procedure”, GSCPA Auditing and Accounting Seminar, Sea Island, GA, 7/12/89

“Issues in Accountants’ Professional Liability,” GSCPA Valdosta Chapter, Valdosta, GA, 12/1/88

“Issues in Accountants’ Professional Liability,” GSCPA Southside Chapter, 9/20/88

“Liability Issues in a Tax Practice”, GSCPA 1988 Summer Practitioners’ Forum, Atlanta, GA, 8/27/88

“Current Developments in Accountants’ Professional Liability”, GSCPA 1987 Tax Forum, Atlanta, GA 12/13/87

“Current Developments in Accountants’ Professional Liability”, GSCPA 1987 Tax Forum, Savannah, GA 11/6/87

“Accountants’ Liability in Tax Matters”, GSCPA 1986 Tax Forum, Atlanta, GA, 11/6/86

“Accountants’ Liability in Tax Matters”, GSCPA 1986 Tax Forum, Savannah, GA, 10/30/86

“Current Developments in Professional Liability Insurance”,
GSCPA 1986 Spring Practitioners’ Forum, Savannah, GA,
5/23/86

“CPA’s Liability in Providing Investment Advice”, GSCPA
Third Annual Tax Investment Planning Symposium, Atlanta,
GA, 5/2/86

“Current Developments in Professional Liability Insurance”,
GSCPA 1985 Winter Practitioners’ Forum, Macon, GA,
12/14/85

Civic Memberships

Harvard Club of Georgia (President 1999-2001, 2007-2008;
Vice-President/Prize Book Award 1995-1999, Vice-
President/Membership 2001-2002, Vice-President/Programs
2008-2010; Board of Directors, 1995-present);
Harvard Alumni Association, Southeastern Regional Director,
2001-2004

Personal

Born March 15, 1951
Married to Teresa Wright Lightmas
Two children: Luran Elizabeth Lightmas Nichols (29),
Lindsay Ann Lightmas (22)