

MICHAEL E. FISHER
INDEPENDENT MEDIATOR

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FULL TIME MEDIATOR / ARBITRATOR (2000 – Present)

Active neutral since 1991, full time since retiring from the practice of law in December 1999.
Approximately 1,300 cases mediated as of July 1, 2008. Common areas of case resolution:

- Commercial and corporate disputes including partnership dissolution, secured transactions and banking
- Personal injury and wrongful death. These mediations often include issues of premises liability, insurance, life care plans, and government agency liability.
- Construction and construction-related claims including mold. Construction trial experience in both state and federal court. Numerous construction arbitrations.
- Contract disputes of any nature
- Insurance: coverage, ERISA, subrogation, reinsurance
- Environmental, including toxic contamination and/or asbestos exposure: Substantial experience with both tort actions and remediation disputes involving state EPD, corrective action plans, and associated matters
- Real property disputes including title, easements and water damage
- Claims against government entities: local, state and federal
- Product liability
- Professional malpractice: Claims against medical, legal and other professionals
- Securities, including negligence and malpractice actions against brokers.
- First party fraud claims regarding the sale of insurance and insurance-related investment products.
- Non-traditional employee claims against employers
- FELA claims and other railroad transit-related disputes
- Trademark/trade name/trade secret based disputes. (State law and Lanham Act claims)
- Corporate regulatory matters including FLSA

*Special experience in complex, multi-party matters including, global resolutions, class actions and expert witness-based cases. Occasionally appointed by U.S. District Court to mediate cases nearing trial

*ARBITRATIONS accepted on a select basis.

*CASE EVALUATIONS and assistance with mediation preparation/ strategy

*TRIAL (or mock trial) preparation/ assistance

TRIAL EXPERIENCE: (1975 to 1995) Approximately 75 state and federal jury trials as lead counsel and over 40 as co-counsel or second chair. Also directed and managed dozens of trials as corporate litigation counsel.

ING, NORTH AMERICA (1995-2000)

Senior Vice President–U.S. Chief of Litigation: Counsel to parent and all American subsidiaries of this world-wide insurance and financial services corporation. Strategic advisor for ING-owned companies embroiled in substantial and large-dollar litigation. Primary corporate negotiator in numerous high impact cases. Oversight responsibilities for broker-dealer litigation. Responsibilities included selection and oversight of local counsel and mediators in more than twenty states. Managed litigation staffs in Atlanta and Denver. Crafted new forms of global and quasi-class action settlements; Managed trials in multiple states; mediated numerous seven figure individual settlements, several global settlements and national class actions.

PRIVATE PRACTICE OF LAW (1991-1995)

Litigation practice as a partner in two Atlanta law firms: Neely & Player and Gorby & Reeves. Practice was approximately 75% defense and 25% plaintiff: 65% property/casualty/ insurance coverage and 35% commercial/business based. Routinely mediated and arbitrated as an advocate representing both corporate defendants and Plaintiff/Claimants. Retained as a private mediator by law firms as a part of my regular practice from 1991 to 1999.

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (1984-1991)

Chief (General) Counsel (1989-1991) Primary counsel for one of the largest public commuter systems in the U.S. Supervised twenty-five person law department. Legal advisor to General Manager, Board of Directors, transit police and all levels of corporate management including human resources. Advisor to Board of Ethics. Oversight responsibility for all litigation relating to the Transit Authority including many politically sensitive issues.

Chief of Litigation/Trial counsel (1984-1989) Trial counsel and supervisor of outside litigation counsel. Lead or sole counsel in approximately 35 jury trials. Negotiated resolution of hundreds of lawsuits and claims. Primary advisor to Claims Department and General Manager on matters in litigation or public authority issues likely to create material risks if litigated. Extensive negotiation experience.

PRIVATE PRACTICE (1980-1984)

General practice with concentration in litigation and energy law. Approximately 50% plaintiff and 50% defense. Represented clients on basic toxic contamination/remediation matters. Negotiated pricing and allocation awards with U.S. Department of Energy on behalf of companies in the petroleum industry. Personal injury. Estate planning.

U.S. DEPARTMENT OF ENERGY (1977-1980)

Assistant Regional Counsel: Support counsel for eight-state region of newly created department of the federal government. Primary responsibility, in cooperation with U.S. Department of Justice: investigation and prosecution of price and allocation regulation violations.

Cont.

FULTON COUNTY (Georgia) DISTRICT ATTORNEY (1976-1977)

Assistant District Attorney: Felony Prosecutions

U.S ATTORNEY, NORTHERN DISTRICT OF GEORGIA (1975-1976)

Intern/Special Assistant U.S. Attorney: “Special Prosecutor” under newly enacted Third Year Practice Act. Criminal hearings, trials and federal appellate practice.

Education

J.D. Emory University School of Law (1976)

B.A. Emory University (1972)

Teaching Experience:

Emory School of Law (Adjunct Professor of Law, Litigation, 1995-1997)

National Institute for Trial Advocacy (Instructor 1986-2004)

Lecturer at law schools, law firms and various continuing legal education programs. Most recent presentations were/are focused on the art of mediation and arbitration advocacy. Similar presentations made on an ad hoc basis to law firms, government associations and corporations.

Mediation and Arbitration Fee Rates

\$180/hr *per party* for two parties

\$140/hr *per party* for three or more parties

Travel outside Atlanta:

Expense charge: \$1/mi by car or airfare by plane

No hourly fees charged for travel time

Minimum fee per case: four hours

No administration fees or other charges

No payment up front required

Invoice for services by email after mediation session

Other Services: Fees negotiable