

William H. Lemons
MEDIATOR • ARBITRATOR

Peoples Petroleum Building, Suite 1026
102 North College Avenue
Tyler, Texas 75702

Phone (903) 630-5039

Bill@WHLemonsADR.com www.WHLemonsADR.com

OVERVIEW

Bill Lemons arbitrates, both domestically and internationally, complex commercial, construction, healthcare, banking, energy, technology, financial services, employment and labor disputes. In addition to being an experienced Arbitrator on the Large Complex Case, Commercial Dispute, Banking and Financial Services and Employment Law Panels of the American Arbitration Association (“AAA”), he is also a Panelist for the American Health Lawyers Association (“AHLA”) ADR Service. He is on the National Panel of the International Centre for Dispute Resolution (the international affiliate of the AAA), and is a Fellow of the Chartered Institute of Arbitrators in London. Bill is a Fellow of the College of Commercial Arbitrators, a Top Litigator-Related Neutral for the National Academy of Distinguished Neutrals and has conducted arbitrations under JAMS, AAA, AHLA, ICDR, ICC, IBA and CPR rules. He also conducts many non-administered arbitrations by private agreement or treaty. Bill is recognized as a leader in case management techniques and in the efficient management of conflict resolution processes, and a past Chair of the State Bar of Texas Alternative Dispute Resolution Section. Bill serves, or has served, as a permanent Neutral for Kraft Foods Global, Inc., Coca Cola Refreshments USA, Inc., Southwest Airlines Co., Hawaiian Airlines, Toyota U.S.A., Inc. and the Metropolitan Transit Authority of Harris County, Texas.

EDUCATION

J.D. *Magna Cum Laude* (Top 2%)
UNIVERSITY OF HOUSTON LAW CENTER
August, 1970 - December, 1972
Order of the Coif; Houston Law Review

B.B.A. – Emphasis in Personnel Management
UNIVERSITY OF HOUSTON (1970)

**PROFESSIONAL
EXPERIENCE**

WILLIAM H. LEMONS, P.C.
Private Practice of Arbitration and Dispute Resolution.
San Antonio, Texas May, 1997 to Present

Now engaged in the full-time practice of arbitrating commercial, construction, healthcare, banking, financial services, employment and labor disputes, Bill has chaired or been wing in international and significant domestic commercial cases involving complex matters and lengthy proceedings pertaining to stock purchase agreements, trusts and fiduciary obligations, partnership dissolutions, refining, offshore drilling technology, environmental, intellectual

property, software and technology disputes. He recently chaired an ICDR case involving a Spanish corporation that is the third largest construction company in the world. In the healthcare and medical areas, Bill has chaired or been sole arbitrator in numerous cases involving physician/hospital service/employment agreements, physician practice agreements, non-competition and confidentiality agreements, partnership and/or practice group dissolutions, nursing home negligence and standard of care cases, healthcare provider/insurance company payment/billing disputes, and other matters pertaining to the provision of healthcare-related intellectual property/technology disputes. His experience in the banking and financial services areas is extensive, involving secured transactions, mortgages, lender liability, breach of loan commitment allegations, guaranties, violations of the automatic stay and other wrongful foreclosure matters. In the debtor/creditors rights areas, his experience includes bankruptcy jurisdiction, preferences, avoidable transfers, setoff, interpleader, secured and unsecured loans, indenture trustees, farm and ranch/agri-business matters, oil and gas leases and royalty disputes. His knowledge in the area of oil, gas and other minerals includes matters pertaining to leases and disputes between the operator and surface owner, executive rights, royalty, working interests and division orders, competing water rights and suspension of production revenue. He has served as a Chapter 11 Trustee. He is knowledgeable in the areas of class actions, deceptive trade practices, professional fee applications, professional fee disputes, fee forfeiture actions and legal or CPA malpractice litigation. In the employment area, Bill has chaired or been sole neutral in numerous cases (200+) involving statutory employment claims, equal employment opportunity/discrimination/retaliation disputes, collective actions under the Fair Labor Standards Act (“FLSA”), matters involving the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Family Medical Leave Act, among others. Representative past arbitrations include:

- Panel Arbitrator in a significant (\$100+ million) patent infringement dispute concerning negative pressure wound treatment technology;
- Panel Chair in significant dispute over real estate development in a well-known South Texas golf course community;
- Panel Chair in a significant (\$240+ million) ICDR case involving a Spanish corporation and its dispute over the value of assets it acquired in a stock purchase;
- Panel Arbitrator in a significant (\$50+ million) attorney fee dispute concerning contingent attorneys’ fees from a \$190 million settlement. *Campbell Harrison & Dagley, L.L.P. v. Hill*, 782 F.3d 240 (5th Cir. 2015);
- Panel Chair in a number of commercial cases involving the enforcement of commercial guaranties by various secured lenders, including one executed by a U.S. Congressman;
- Sole Arbitrator in a number of cases involving physician/hospital service/employment agreements, physician practice agreements, non-competition and confidentiality agreements, partnership and/or practice group dissolutions, nursing home negligence and standard of care cases and healthcare provider/insurance company payment/billing disputes;
- Sole Arbitrator in a number of FINRA and AAA-administered disputes concerning commissions claimed as a result of the trading of blocks of energy on various commodities markets, and involving forfeiture of deferred compensation as a result of alleged breach of fiduciary duties and/or covenants pertaining to confidentiality and prohibiting competition;

- Chair of several Dispute Review Boards, including one established by the construction partners in a \$1.2 billion hospital renovation project;
- Panel Member in a dispute between partners in a Park City Ski Resort development resulting in an adjudication of frustration or purpose and winding down the partnership.
- Chair or sole Arbitrator in a number of class/collective action or individual arbitrations under the Fair Labor Standards Act of 1938, involving over 3,000 employees and liabilities in excess of \$40 million. Extensive experience in clause construction issues, conditional certification, issuance of notices and opt-in consent forms and adjudication of regular rate and overtime claims.
- Sole Arbitrator in a number of arbitrations involving breach of fiduciary duty, non-competition agreements, executive employment agreements and claims under the Employee Retirement Income Security Act (ERISA).

Past mediation opportunities include:

- Settlement of a number (150+) of disputes involving class action or collective action litigation or pre-suit claims for employees in the oilfield services/energy industry, resulting in settlements exceeding \$400+ million for in excess of 41,000 participants;
- Co-Mediator in a multi-party dispute (42 attorneys and 340+ plaintiffs) over royalties and development rights in a West Texas subdivision as pertains to competing mineral rights estates. *Lesley v. Veterans Land Bd. of Texas*, 352 S.W.3d 479 (Tex. 2011);
- Mediator in a number of commercial disputes between institutional lenders and business borrowers in the banking and financial services arenas involving secured transactions, mortgages, lender liability, breach of loan commitment allegations, guaranties, violations of the automatic stay and other wrongful foreclosure matters;
- Mediator in a number of commercial disputes involving refining, offshore drilling technology, environmental, intellectual property, software and technology and copyright and trade dress disputes.

Attorney/Shareholder – Section Head
COX & SMITH (now **DYKEMA COX SMITH**)
 San Antonio, Texas May, 1975 to April, 1997

Shareholder with extensive experience in general civil litigation in state, federal and bankruptcy courts representing defendants and plaintiffs, lenders and creditors.

BRANIFF AIRWAYS, INC.
 March, 1973 to May, 1975

In-house Labor Relations Counsel - responsibilities included Title VII and employment discrimination litigation, collective bargaining and arbitration relating to approximately 10,600 employees covered by contracts with the Machinists, Teamsters and Pilots Unions.

AWARDS

Recipient – *Judge Frank Evans Award* (2015) bestowed by the State Bar of Texas *Alternative Dispute Resolution* Section.

Recipient – *Steve Brutsche' Award* (2015) bestowed by the Association of Attorney-Mediators.

Selected to *Best Lawyers in America* (1989 - Present)

Selected to *Who's Who in American Law* (1994)

Selected to *Who's Who Legal*, the Official Research Partner of the International Bar Association (www.whoswholegal.com)

Rated "AV – Preeminent" by *Martindale-Hubbell* - Bar Register of Preeminent Lawyers

ARBITRATION MANAGEMENT TRAINING

Recognized as a leader in case management techniques and is widely known for his efficient management of conflict resolution processes. Was lead facilitator at the national 2010 AAA/ICDR Neutrals Conference (Orlando, November 5-6, 2010) in the program "Arbitrators: Are You What They're Looking For?" which introduced the CCA Protocols for Expeditious, Cost-Effective Commercial Arbitration. Also facilitated the AAA Neutrals' Program "ADR Strategies That Save Time and Money" (San Antonio, February 26-27, 2010) followed by the AAAU Webinar "How International Arbitration Techniques Can Benefit Domestic Arbitration" (October 15, 2010). Served as a panel member at the University of Houston Law Center Program (November, 2011), co-sponsored by AAA, JAMS and CCA, entitled "Managing Your First Arbitration." Charter member of the *Guided Choice Group*.

DISPUTE RESOLUTION TRAINING

Participant (by invitation) Energy Arbitration: *Resolving Energy Disputes in Times of Crisis* (CIArb - Houston, April, 2017); Delegate (by invitation) Global Pound Conference Series (Austin, January, 2017); Faculty, AAA Webinar, How to Navigate the Arbitrator Disclosure Minefield, 2014; AAA Webinar, Innovative Testimony Techniques for the Arbitration Hearing, 2014; AAA Faculty Managing a Successful Arbitration, 2014; AAA Disclosures, Depositions and Dispositive Motions, 2013; AAA/ICDR Neutrals Conference, 2012; Association of Attorney-Mediators, Annual CLE Program, 2011; College of Commercial Arbitrators Annual Meeting, 2011, 2010; AAA Regaining Speed and Economy in Dispute Resolution, 2011; AAA Webinar, Due Process Dilemmas: How Far to Go in the Name of Fairness, 2011; State Bar of Texas ADR Section and TexasBarCLE Annual Seminar: Alternative Dispute Resolution Course, 2010; Faculty, AAA/ICDR Neutrals Conference, 2010; AAA Webinar, How International Arbitration Techniques Can Benefit Domestic Arbitration, 2010; AAA, Efficient ADR - Saving the Client's Money Through Technology and Common Sense, 2010; AAA Faculty, ADR Strategies That Save Time and Money, 2010; DRBF, Annual Meeting, 2009; AAA Webinar, Arbitrator Boundaries: What are the Limits of Arbitrator Authority?, 2009; AAA/ICDR Neutrals Conference, 2009; ICDR International Symposia in Advanced Case Management Issues, 2009; State Bar of Texas, Arbitration Roundtable, 2010, 2009, 2007; Association of Attorney-Mediators, Mediator's Tips, Tools and Techniques, 2007; CPR/The Chartered Institute, International Arbitration Training, 2006; AAA

Dealing With Delay Tactics in Arbitration (ACE004), 2006; Association of Attorney-Mediators, Advanced Mediator Training, 2006; Attended AAA Neutrals Conference, 2005, 2004, 2003; AAA Arbitrator Ethics and Disclosure (ACE003), 2004; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2003; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2003; AAA Employment Arbitrator II Training: Advanced Case Management Issues, 2002; AAA Arbitrator Update 2001; AAA Commercial Arbitrator Training, 1999; Association of Attorney-Mediators, Advanced Mediator Training, 1999; AAA Neutrals' Retreat, 1998; Attorney-Mediators Institute Basic Mediation Training, 1997.

**ASSOCIATIONS
and
PROFESSIONAL
ACTIVITIES**

Fellow, College of Commercial Arbitrators; Fellow, Chartered Institute of Arbitrators (London); Member, National Panel of Distinguished Neutrals; Member, Association of Attorney-Mediators (Past National Board Member and President); State Bar of Texas (ADR Section, Past Chair); State Bar of Texas Litigation Section; Institute for Responsible Dispute Resolution (Charter Member); San Antonio Bar Association; San Antonio Bankruptcy Bar Association (Past Officer); Bar Association of the Fifth Federal Circuit; Texas Bar Foundation (Fellow); College of the State Bar of Texas; San Antonio Bar Foundation (Fellow); Credentialed Distinguished Mediator - Texas Mediator Credentialing Association; Certified Professional Mediator - International Mediation Institute (The Netherlands).

SPEAKING

Panel member/presenter at the University of Houston Law Center Program (November, 2011), co-sponsored by AAA, JAMS and CCA, entitled "Managing Your First Arbitration" - to emphasize "Reducing Cost and Delay in Arbitration - Introducing the CCA Protocols"; Lead facilitator at the national 2010 AAA/ICDR Neutrals Conference (Orlando, November 5-6, 2010) in the program "Arbitrators: Are You What They're Looking For" which introduced the CCA Protocols for Expeditious, Cost-Effective Commercial Arbitration. Facilitator at the AAA Neutrals' Program "ADR Strategies That Save Time and Money" (San Antonio, February 26-27, 2010) followed by the AAU Webinar "How International Arbitration Techniques Can Benefit Domestic Arbitration" (October 15, 2010); Course Director, State Bar of Texas ADR Section and Texas Bar CLE Annual Seminar: "Alternative Dispute Resolution Course" (January 29, 2010 ? San Antonio); Speaker and Author: State Bar of Texas ADR Section Seminar: Arbitration Roundtable (January-February, 2010, November, 2009, April, 2007); Colloquy: "To Arbitrate or Not to Arbitrate," 2006 Tarrant County Bench Bar Conference, April, 2006; "How to Participate Effectively in Arbitration (National Employment Lawyers Association," 9th Annual Seminar, June, 2005); "Arbitration Advocacy" (TexasBarCLE Webcast, November, 2006); "Arbitration Advocacy for Attorneys: A Guide to Case Preparation & Presentation in Arbitration" (American Arbitration Association, Austin and San Antonio, 2004-2005); "Nuts and Bolts of Arbitration for Lawyers" (South Texas College of Law-Advocacy Skills

for Resolving Disputes, October, 2004); Texas Association of Business - 27th Annual Employment Relations Symposium: "Arbitration - An Alternative to Courts and Juries" (July, 2005); SABA Commercial Law Section: "Consumer Arbitration - Myths vs. Reality" (July, 2005); National Employment Lawyers Association Ninth Annual Seminar: "How to Participate Effectively in Arbitration" (June, 2005).

Bill is admitted to the State Bar of Texas (1973); U.S. District Courts for the: Northern (1973); Western (1975) and Southern (2001) Districts of Texas; District of Arizona (1991); Western District of Pennsylvania (2016); U.S. Court of Appeals: Fifth (1977) and Eleventh (1981) Circuits; U.S. Supreme Court (1980).

He subscribes to and follows the AAA's and the AHILA's Code of Ethics for Arbitrators in Commercial Disputes, the AAA's Model Standards of Conduct for Mediators, and the Ethical Guidelines for Mediators promulgated by the State Bar of Texas.

References and terms of appointment will be furnished upon written request.