

MEDIATOR'S RESUME

PATRICK NICHOLS

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Patrick Nichols is a full time mediator and arbitrator. A veteran of 30 years of litigation experience, he has taught at both Kansas law schools, is certified as a Civil Trial Advocate by the National Board of Trial Advocacy, and has been listed in Best Lawyers in America for 14 years. An Honors graduate of the Washburn University School of Law (1977), he graduated cum laude of Fort Hays Kansas State University with a B.A. Political Science–Pre-law (1973).

Employment History; partner in Associates in Dispute Resolution, LLC, 2003 to present; owner and managing partner Patrick Nichols, Chtd, a litigation firm, 1979 to 2003; Kansas SRS, staff counsel for Child and Family Service 1979-1983, Tilton and Dillon, Associate Attorney handling civil and class action litigation, 1977–1979; Shawnee County District Attorney, 1976–1977.

In 2003, Patrick left his successful litigation firm to practice in alternative dispute resolution. As a fulltime neutral, Patrick mediates and arbitrates a wide range of litigated cases as well as non-litigated disputes.. His three principal areas of concentration are, in alphabetical order,

- Employment litigation (termination, harassment and discrimination)
- Family law (property, custody and parenting time)
- Personal injury litigation (vehicular, property liability, wrongful death, toxic torts, legal malpractice)

Patrick has mediated significant number of cases in other areas including construction, business litigation, and workers' compensation.

Experience; Patrick worked since 1977 in civil litigation in the state and federal courts. His primary practice areas included personal injury, employment, and business law in civil litigation and workers' compensation in the administrative law field. He successfully litigated cases in the civil rights (free speech/free expression), employment law (harassment, discrimination, termination), personal injury (automobiles and other vehicles, products liability, legal malpractice, premises liability), insurance coverage (automobile, property, other casualty) and business litigation including contracts and defective products. He was lead counsel in a successful original private action in Mandamus and Quo Warranto in the Kansas Supreme Court challenging legislative infringement on executive branch power.

Alternative Dispute Resolution Experience; Patrick received his initial training in 2002. He has worked as a mediator in Kansas, Nebraska and Missouri. He co-authored a research survey for the Kansas Supreme Court ADR Committee on mediator styles and party satisfaction. Patrick has mediated cases in federal, state and administrative agency matters. These include chemical exposure, wrongful death, legal malpractice, auto pedestrian and other vehicle cases, quadriplegia, commercial tractor trailer, insurance coverage for fire, uninsured motorists, and construction litigation, construction defect litigation, fair housing act cases, and family law cases of all kinds.

Advanced Dispute Resolution Training; Patrick has participated in a variety of advanced ADR training programs. These include:

- International Academy of Mediators, San Antonio, Texas, November 9, 10, 11, 2006, *Conference Training*.
- Straus Institute (Pepperdine University) Dispute Resolution Summer Professional Skills Program, Malibu, California, June 22, 23, 24, 2006, *The Protean Leader As Mediator*.
- International Academy of Mediators, Harvard College, Cambridge, Massachusetts, April 27, 28, 29, 2006, *Dialogue at Harvard: Master Thinkers Meet Master Practitioners*.
- American Bar Association, Atlanta, Georgia, April 6, 7, 8, 2006 *Dispute Resolution Conference And Training*
- American Bar Association, December 4, 2006, *Pensions, QDROs and QMSCO's, teleconference*.
- American Bar Association, Los Angeles, California, April 2005 *Dispute Resolution Conference And Training*.
- American Bar Association San Francisco, California, April, 2005, *First Annual Arbitration Training Institute*.
- International Academy of Mediators, Cancun, Mexico, November 2004, *Conference Training..*
- American Bar Association, New York, New York, April 2004, *Dispute Resolution Section Conference And Training*.
- Mediation Matters, Dr. Carl Schneider, Bethesda, Maryland, March 2004 *Mediating Domestic And Family Matters*, 40 hour AFCC certified training.
- Strauss Institute (Pepperdine University) Malibu, California, June 2004 *Mediating Complex Personal Injury, Medical Malpractice, And Employment Claims*.
- Lawrence Human Relations Commission, Lawrence, Kansas, May 2003 *Mediator Training, Core And Civil (40 hours)*.

Professional Licenses;

Admitted to the bar, Kansas 1977
U.S. Court of Appeals, 10th Circuit, 1977
U.S. District Court, District of Kansas, 1977
Western District of Missouri, 2006
Kickapoo Tribal Court, 2000

Certified, National Board of Trial Advocacy, Civil Trial Advocate, 1997

Professional Associations;

International Academy of Mediators

National Arbitration Forum

American Bar Association

Kansas Bar Association

Kansas Trial Lawyers Association (past president)

Hugh Means Inns of Court, Lawrence, Kansas (executive committee member)

Douglas County Bar Association, Lawrence, Kansas

Recent Training and Speaking Engagements

- American Bar Association, Washington D.C. April 28, 2007, Dispute Resolution Section Pre-conference Skills Sessions Training *Mediator Techniques And Overcoming Psychological Barriers To Resolution: An Examination Of Obstacles And Outcomes* (Scheduled).
- American Bar Association, Washington D.C., April 28, 2007 Main Conference Session *Riding The Tiger: Using The Power Of A Motion And Behavior In Mediation* (Scheduled).
- Heartland Mediators Association, Overland Park, Kansas, April 2007 *Understanding And Using The Power Of Emotion And Difficult Behaviors In Mediation* (Scheduled).
- KAHSA Leadership Forum, Wichita, Kansas, October 2006 *Arbitration of Long Term Care Disputes*.
- Associates in Dispute Resolution training, Topeka, Kansas, October 2006 *All Mediators Are Alike Aren't They?* Organizer /presenter.
- Lorman Education Services, Overland Park, Kansas, September 2006, *Mediating Conflicts In Employment*.
- Kansas Trial Lawyers, Topeka, Kansas, June 2006 *Mediating the Automobile Case*.
- American Bar Association, Washington D.C., April 2006 *Improvisation in Negotiation And Mediation (Joint Presentation With Jeff Krivis, Tracy Allen, And Eric Galton)*.
- Kansas Bar Association, Overland Park, Kansas, April 2006 *Using Arbitration in Dissolution Of Nontraditional Marriages*.
- Kansas Trial Lawyers Association, Lawrence, Kansas, February, 2005, *Mediating High Conflict Divorce Cases*.
- Kansas Bar Association, Topeka, Kansas, December 2005 *Mediation of Civil Disputes, Successful Preparation, Presentation and Negotiation*.
- Kansas Bar Association Annual Meeting, Vail, Colorado, June 2005, *ADR–Mediation Advocacy*.
- Kansas Trial Lawyers, Topeka, Kansas, May 2005 *Maximizing Settlements Through Mediation*.
- Heartland Mediation Association, April 2005 *Mediators Ethics–A Discussion of Best Practices And Emerging Standards (Joint Presentation)*.

- Kansas Trial Lawyers Overland Park, Kansas, June 2004 *Mediation Round Table* (organize and present).
- Kansas Trial Lawyers Association, Lawrence, Kansas May, 2004, *Winning Your Case In Mediation, Ten Suggestions For Effective Mediation Advocacy*
- Associates in Dispute Resolution, Topeka, Kansas Training, November 2004, *Mediation Round Table*.
- Kansas Bar Association, Lawrence, Kansas, November 2002 *Mediation And Settlement Strategies In The Plaintiff's Case*.

Continuing Legal Education Presentations (general topics)

ERISA and Medicare Liens and Subrogation
 Attorney Relationship with Clients
 Expert Witnesses, a Primer On Selection Retention And Use
 ERISA Subrogation in the Post Knudson Era
 Advanced Deposition Techniques for Settlement Or Trial
 The Attorney Relationship with Clients, Managing Expectations, Conflict and Stress
 Ethics, the Claimant's Perspective
 Workers' Compensation Appellate Court Decisions
 Ethics in the Practice Of Law
 Automobile and Personal Injury; Online Medical Research—Grateful Med
 Recent Developments and Appellate Decisions
 Constitutional Implications of Mandatory Application of The AMA Guides Of
 Evaluating Disability
 Scope and Disclosure of Physician Patient Communications And Discovery
 Free Speech in the Native American Press
 The Indian Leader Case; Student Free Speech
 Evaluating Cases and Economics Of Practice

Recent Publications

Juries, Justice And Social Order. [Review of the book Understanding World Jury Systems through social psychological research]. PsycCRITIQUES
Obstacles to Settlement at Mediation
Considerations of Process, Timing And Selection In Mediation
Winning Your Case in Mediation; Effective Preparation Techniques
Giving Effective Opening Statements in Mediation
Maximizing Benefits; Joint Sessions and The Individual Caucus
Mediation—Handling the Low/No Settlement Authority Problem
Closing the Gap; The "End Game" In Mediation
Mediation Round Table; Improving The Quality And Effectiveness Of Mediation
ERISA Restitution Claims; A Primer On Post Knudson Litigation Strategy

MR NICHOLS TAKES CASES IN THE KANSAS, MISSOURI AND NEBRASKA AREAS. HIS HOURLY RATE IS \$230.00 PER HOUR. FOR SCHEDULING, CONTACT ASSOCIATES IN DISPUTE

RESOLUTION, LAWRENCE OFFICE, AT adr@sunflower.com OR BY PHONE AT 1.785.865.3700.
REFERENCE INFORMATION IS AVAILABLE ON REQUEST.