

TIMOTHY G. WARNER
ALTERNATIVE DISPUTE RESOLUTION

PROFESSIONAL SUMMARY

Experienced, professional business/commercial and employment arbitrator, mediator and lawyer, mediating, arbitrating and litigating disputes for more than thirty years, involving multi-million dollar matters, and lower value matters, for large, public, global entities, closely held and family entities, employers, employees, officers, professionals, entrepreneurs and other individuals. Proficient in timely and professionally handling complex, multiparty, multi-claim disputes, in person and on-line, in the US and internationally, in diverse industries with unrivaled timely attention to parties, counsel and the matter at hand. Also experience with health, consumer, personal injury, product liability, professional liability and trust and estate disputes.

EXPERIENCE

Tim Warner is a business, commercial and employment dispute-resolution professional with more than thirty years of experience as a litigator and legal consultant. He brings balanced insight from more than three decades representing both corporate and individual clients both prosecuting claims as plaintiffs and defending claims as defendants. Known for his preparation, impartiality, and practical problem solving, Mr. Warner focuses on efficient, durable outcomes and respect for all.

In the commercial/business area, Mr. Warner has experience with shareholder, partnership, member, joint venture, majority/minority ownership, mergers and acquisitions, breach of contract, operating agreement disputes, buy/sell disputes, limited liability company (LLC) disputes, membership, stock and partnership disputes, breaches of fiduciary duty, fraud, unjust enrichment, conversion, unfair business practices, insurance and coverage, financing, loan, retail installment sales contracts (RISC), reps and warranties, government contracting, management, development, operations, indemnity, duty to defend, real estate, leasing, product liability and other matters.

In the employment arena, Mr. Warner has represented both employees and employers in discrimination, harassment, wrongful termination/discharge, disability, retaliation and other employment claims.

Mr. Warner has also represented employers and employees and competing businesses in non-competition, non-solicitation, trade secret, confidentiality, non-disclosure and related claims.

In addition, Mr. Warner has consulted related to the hiring, firing and layoff of employees and severance issues.

For approximately two decades, Mr. Warner represented numerous healthcare insurers on all aspects of litigation and dispute resolution. This work involved ERISA, medical billing, billing codes, coverage, denial of coverage, medical necessity, standard of care, hospital, doctor contracting and other healthcare issues. He also worked for a local hospital as an arbitrator related to doctor disputes. He represented doctors in litigation addressing medical billing, medical contracting and medical practice partnership, ownership issues.

Prior to law school, Mr. Warner spent four years working for two members of the United States House of Representatives as a Legislative Assistant handling research, writing, administrative and policy issues.

Mr. Warner has served as the Chairman of the Alternative Dispute Resolution Section and the Litigation Section of the Cleveland Metropolitan Bar Association. Mr. Warner also previously served as Chairman of a midsized, well respected law firm's Litigation Group for many years.

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

A seasoned dispute resolution professional, Mr. Warner has mediated, arbitrated and litigated a broad range of disputes in his more than thirty years of practice, including:

BUSINESS/COMMERCIAL (Sample)

Shareholder, partnership, member, joint venture, majority/minority ownership, mergers and acquisitions, breach of contract, operating agreement disputes, buy/sell disputes, limited liability company (LLC) disputes, stock and partnership disputes, breaches of fiduciary duty, fraud, unjust enrichment, conversion, unfair business practices, insurance and coverage, financing, loan, retail installment sales contracts (RISC), reps and warranties, government contracting, management, development, operations, indemnity, duty to defend, real estate, leasing, product liability and other matters.

EMPLOYMENT/WORKPLACE (Sample)

All types of discrimination, retaliation, wrongful termination, hostile work environment, sexual harassment, constructive discharge, disability, age, pregnancy, breach of employment agreement, severance, non-compete, non-discrimination, trade secret, confidentiality, non-disclosure, executive compensation, , incentive compensation, deferred and special compensation arrangements, equity-based compensation (restricted stock, stock options, phantom stock, stock appreciation rights), benefits and perks, Fair Labor Standards Act (FLSA), Family Medical Leave Act (FMLA), Equal Employment Opportunity Commission (EEOC), Americans with Disabilities Act (ADA).

HEALTHCARE/INSURANCE (Sample)

ERISA, medical billing, billing codes, coverage, denial of coverage, medical necessity, standard of care, hospital, doctor contracting and other healthcare issues. Also retained by one local hospital as an arbitrator for doctor disputes. Represented doctors in litigation addressing medical billing, medical contracting and medical practice, partnership, ownership issues.

ADDITIONAL AREAS (Sample)

Probate/Trust and Estate, Consumer, Personal Injury, Insurance, Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Class Action, Multidistrict Litigation (MDL), Employee Retirement Income Security Act (ERISA).

PANELS/APPOINTMENTS

AAA Commercial Panel - Arbitrator, Mediator

AAA Employment Panel - Arbitrator, Mediator

AAA Healthcare Panel - Arbitrator, Mediator

AAA Consumer Panel - Arbitrator

FINRA - Arbitrator

EEOC - Mediator

National Academy of Distinguished Neutrals, Roster

National Arbitration and Mediation - Arbitrator, Mediator

International Institute for Conflict Prevention and Resolution - CPR - Arbitrator, Mediator

US District Court for the Northern District of Ohio Panel of Neutrals

Cuyahoga County Court of Common Pleas - Arbitrator, Mediator

Private Practice Arbitration and Mediation

Elected as a Fellow of the American Bar Association's Dispute Resolution Committee

Recognized as one of Ohio's "Super Lawyers" for decades Recognized in the "The Best Lawyers in America" for a number of years

Elected Chairman of the Alternate Dispute Resolution Section of the Cleveland Metropolitan Bar Association

Elected Chairman of the Litigation Section of the Cleveland Metropolitan Bar Association

Chosen by Partners to be the Chairman of a midsized law firm's Litigation Practice

Named to Leadership Cleveland Class of 2016

Appeared on the cover and in a feature article in Attorney At Law Magazine.

RELATED EDUCATION

Attended Harvard Law School's Advanced Mediation Workshop. A full week, intensive, international program attended by invitation only to recognized master level ADR practitioners emphasizing complex, multi-party, multi-issue and public policy dispute resolution. Also attended AAA Mediator Essentials: Skills for Facilitating Negotiated Agreements. A vigorous, fast-paced, four day, thirty two hour course held in New York City with an emphasis on difficult mediation. Mr. Warner also received education from FINRA, the American Arbitration Association, the American Bar Association and his local and state Bar Associations.

TECHNOLOGY PROFICIENCY

Very comfortable handling arbitrations and mediations on line (through various online platforms) and in person anywhere in the United States or outside the United States as desired.

EDUCATION

Syracuse University College of Law (J.D., with honors, Law Review Member - Law Review Note Published - 1993); Indiana University of Pennsylvania (B.A. with honors, Political Science - 1986).

PROFESSIONAL LICENSES

Admitted to the Bar: Ohio (1993), Pennsylvania (inactive); U.S. District Courts:
Northern and Southern Districts of Ohio; U.S. Court of Appeals: Sixth Circuit; U.S. Supreme Court.

PROFESSIONAL ASSOCIATIONS

American Bar Association's Section of Dispute Resolution
US District Court for the Northern District of Ohio Panel of Neutrals
National Academy of Distinguished Neutrals
National Arbitration and Mediation
International Institute for Conflict Prevention and Resolution - CPR
Cuyahoga County Court of Common Pleas Neutrals
Alternative Dispute Resolution Section of the Cleveland Metropolitan Bar Association
Local Employment Inn of Court
Westshore Bar Association

RECENT PUBLICATIONS & SPEAKING ENGAGEMENTS

PRESENTATIONS

- The Unique Nature of Employment Mediation
- ABC's of ADR: Best Practice Guide For Litigators & Neutrals
- Becoming an ADR Neutral
- Mediation Advocacy for Litigators – What You Need To Know For A Successful Mediation
- What I Hate About ADR Professionals and What I Hate About ADR Advocates
- The Core Values of Mediation Ethics
- Crisis in the Courts Paves the Way for Early Dispute Resolution
- Is the US Government Souring on Arbitration
- Non-competes Under Attack
- The Gender Wage Gap and Women's Unique Compensation Issues
- Important Contract Clauses To Consider
- The Hazards of Love in the Workplace

ARTICLES

- Unlike Anything Else - The Unique Nature of Employment Mediation
- The Case For Alternative Dispute Resolution Over Litigation For Businesses
- The Advantages Of Alternative Dispute Resolution In The Insurance Industry
- Mediation Advocacy for Litigators – Steps to a Successful Mediation
- The Core Values of Mediation Ethics
- Mediation and The Mediator's Proposal
- Business Litigation the Administrative State, Legal Wrangling and the Courts
- The Federal Government Wants Non-Compete Clauses To Go Extinct
- Arbitration of Disputes, Fairer, Faster, Better
- Many Factors Support Early Mediation of Business Disputes
- Crisis in the Courts Paves the Way for Early Dispute Resolution
- Commercial Litigation Trends
- Things to Consider When Consulting With Clients Who Wish To Start A Business Together

- Business Lawyer/Client AI Discussions
- Arbitration Under Attack
- Thoughts, In The Mediation Context, On Harvard's Top 10 Negotiation Skills
- Online Mediation Past, Present and Future
- Dozens of blog posts are available at warnerlawyer.com

EMPLOYMENT HISTORY

Current Employer-Title Tim Warner Law, LLC - Owner

Profession Mediator, Arbitrator, Attorney

Work History Owner, Tim Warner Law LLC, 2020 - Present;

Named Partner, Huffman Hunt Klym & Warner LLC, 2018 - 2019;

Partner, Cavitch, Familo & Durkin Co. L.P.A., 2009 - 2017;

Associate/Partner, Spieth Bell McCurdy & Newell Co. L.P.A., 1999 - 2009;

Associate, Sonkin & Koberna LPA, 1999;

Judicial Law Clerk, The Honorable Alice M. Batchelder United States Court of Appeals Sixth Circuit, 1997 - 1998;

Assistant Chief, Chief Counsel's Staff, Ohio Attorney General, 1996 - 1997;

Associate, Gallagher Sharp - 1993 - 1996;

Adjunct Professor, Cleveland Marshall College of Law, 1995;

Legislative Assistant, Congressman Robert Lagomarsino Nineteenth District of California, 1989 - 1990;

Legislative Assistant, Congressman Richard T. Schulze Fifth District of Pennsylvania, 1986 - 1989.