

SUMMARY BIOGRAPHY

Don Philbin, J.D., M.B.A., LL.M., is an AV-rated attorney-mediator and president of Picture It Settled®, a software company that develops predictive analytics for negotiation based upon deep data from thousands of litigated cases – Moneyball for negotiation.

Philbin has extensive experience and education in the fields of business, law, negotiation, and mediation, and mediates individual and class matters in a range of substantive areas. He teaches academic and professional skill courses at Pepperdine Law’s top-rated Straus Institute for Dispute Resolution and in other programs.



Don Philbin was one of three Texas mediators listed in the inaugural edition of THE INTERNATIONAL WHO’S WHO OF COMMERCIAL MEDIATION (2011; one of five Texas mediators in the 2012 edition), was recognized as the 2011 Outstanding Lawyer in Mediation by the SAN ANTONIO BUSINESS JOURNAL, and is repeatedly listed in: THE BEST LAWYERS IN AMERICA, TEXAS SUPER LAWYERS, THE BEST LAWYERS IN SAN ANTONIO, and the U.S. NEWS and Best Lawyers “Best Law Firm” survey. Don Philbin is a charter and executive committee member of the Texas Academy of Distinguished Neutrals, and an elected fellow of the International Academy of Mediators and the American Academy of Civil Trial Mediators. Philbin was one of the first U.S. mediators certified under the international standards established by the International Mediation Institute.

BUSINESS AND LEGAL EDUCATION

- LL.M. in Dispute Resolution (2007), Pepperdine University School of Law (Straus Institute)
 - CALI awards for (1) Negotiation and Settlement Advocacy; (2) Commercial and International Dispute Resolution, and (3) Selected Issues in Dispute Resolution (Labor Disputes)
- MBA (Executive Program, 2001), University of Texas at San Antonio
 - Dean’s Graduate Student Honor Roll (1999–2001); Beta Gamma Sigma and Omicron Delta Kappa
- JD (1987), Pepperdine University School of Law
 - Pepperdine Law Review (1985–87); Moot Court Board (1986–87); Margaret Martin Brock Scholar (1986–87); Teaching Assistant – Writing (1986–87)
 - American Jurisprudence Awards for (1) Corporations and (2) Agency and Partnerships

- BA, Business Administration (1984), Trinity University
 - Intern, The White House (1984), United States Senate (Don Nickles, 1983), University President (1982–83); Chief Justice, Student Judicial Board (1983–84); Teaching Assistant – Writing Lab (1983–84)

NEGOTIATION AND MEDIATION TRAINING

- Straus Institute for Dispute Resolution, Pepperdine University School of Law (ranked No. 1 in the country by *U.S. News and World Report* multiple times, including years of LL.M. training) (TADRA §154.052(a))
 - Over 600 hours of classroom and practicum training culminating in a 28-academic unit LL.M. degree
 - Academic Courses: Commercial and International Dispute Resolution, Mediation, Negotiation and Settlement Advocacy, Arbitration, International Investment Disputes, Selected Issues in Dispute Resolution (Labor Disputes), Third-Party Processes, Faith-Based Diplomacy and International Peacemaking, Communication and Conflict, Social Psychology of Conflict
 - Professional Skills Courses: Advanced Mediation (2006); Improvisational Mediation (2007); Mediating the Complex Case (2008); Mediating Complex Construction Disputes (2009); Neuro-Collaboration: How New Perspectives from the Neurosciences Can Enhance Your Collaborative Conflict Resolution Skills (2009); Domestic Relations Dispute Resolution (2010)
- Program on Negotiation at Harvard Law School
 - The Program on Negotiation for Senior Executives (2007)
 - Dealing with Difficult People and Difficult Situations (2007)
- Cambridge Executive Enterprises: Senior Executive Training (MIT Professor John J. Donovan (2002))
- International Academy of Mediators: Advanced Mediation Training (Salt Lake City 2010; Nashville 2010 (faculty); Austin 2011; Washington 2012; Harvard 2012)
- American Academy of Civil Trial Mediators, Advances Mediation Training (Manchester, VT 2010 (faculty); Lake George, NY 2012)
- National Academy of Distinguished Neutrals: Advanced Mediation Training Retreat (Orlando 2010; Amelia Island 2011 (faculty))
- Association of Attorney-Mediators (Austin 2008 (faculty); San Antonio 2009; St. Louis 2010; New Orleans 2011 (faculty); Austin 2012 (faculty))
- Advanced Commercial Mediation Institute (AAA and ACR) (Austin 2008; San Diego 2011 (faculty))
- Dispute Resolution Section of the American Bar Association: Advanced Mediation and Advocacy Skills Training (2007); Annual Conferences (2008 – present (faculty 2008 – present))
- Texas Bar CLE: Advanced Mediation: Skills and Techniques (Houston 2009; San Antonio 2009; San Antonio 2010; Houston 2011 (course director); Austin 2012)
- Global Collaborative Law Council, Civil Collaborative Training (September 2009)
- Securities Arbitration & Mediation Hot Topics (City Bar of New York 2011 (faculty))
- Austin Dispute Resolution Center, Advanced Family Mediation Training (2007) (TADRA §154.052(b))

- Bexar County Dispute Resolution Center, Group Facilitation Skills Training (2007), Children's Court Training (2010)

AREAS OF MEDIATION PRACTICE

- Accounting Malpractice
- Appellate
- Business
- Civil
- Commercial
- Community
- Constitutional
- Consumer
- Construction
- Contracts
- Copyright
- Discrimination
- Divorce
- Education
- Employment
- Energy
- e-Neutral
- Environmental
- Estate
- Family
- Financial
- Franchising
- General Counsel
- General Mediation
- Government
- Health Care
- Home Owners Associations
- Insurance
- Insurance Bad Faith
- Intellectual Property
- Land Use
- Landlord / Tenant
- Labor
- Legal Malpractice
- Medical
- Municipal
- Organizational
- Partnership
- Patent
- Personal Injury
- Premises Liability
- Probate
- Products Liability
- Professional Fees
- Professional Malpractice
- Public Policy
- Real Estate
- Regulatory
- Securities
- Settlement Counsel
- Shareholder Disputes
- Software
- Tax
- Technology
- Telecommunications
- Torts
- Trademark
- Valuation (ad valorem)
- Wills, Trusts & Estates
- Work Place

MEDIATION REVIEWS

- “I just completed the most difficult mediation of my career. We literally worked for 22 hours straight. Don Philbin quickly recognized the legal and factual issues involved as well as the unique and challenging personalities that needed to be managed. He did a flawless job keeping the parties focused on the goal of settlement and helped the parties find common ground and a path to resolution. Most importantly, he did not give up and kept the parties working 22 hours. This was my first mediation with Don, but it will not be my last. I highly recommend Don to all who are in need of a dedicated and skillful mediator.” Trial attorney on LinkedIn and other sites
- “Don has helped to settle cases with some of the most difficult clients. His business-sense helps clients understand the long-term and unseen costs of litigation to a business versus pursuing a matter on principal.” Anonymous private practice attorney on Best Lawyers
- “Stellar intellect & character.” Anonymous judge on Martindale
- “Don Philbin is one of the very best mediators I have seen. He is a top-notch professional.” Private practice attorney on Best Lawyers
- “Mr. Philbin’s education in the legal field as well as his business knowledge serves a client very well.” Private practice attorney on Best Lawyers
- “Don stepped in to mediate a case with interesting legal issues and emotionally charged parties. He did a great job realistically evaluating the potential legal outcomes from both perspectives. In a single session with Don, we were able to reach a settlement agreement that included a novel, non-financial element neither party had previously considered. It was a creative solution that enabled the parties to resolve their differences without further litigation.” National firm lawyer on Martindale
- “Excellent person, lawyer, mediator.” Anonymous judge on Martindale
- “Don is an incredibly personable attorney. He is extremely intelligent and able to communicate difficult concepts with ease.” Anonymous private practice attorney on Martindale
- “Don is one of the very best mediators. He is very smart, very talented, and very dedicated to his work.” Anonymous private practice attorney on Martindale
- “Don Philbin successfully mediated a complicated and emotionally-charged business divorce matter for me. He built a positive rapport with the participants and introduced creative ideas. Don was determined to resolve the dispute, which he did after 18-hours of mediation.” National firm lawyer on Best Law Firms
- “Don Philbin is a great mediator! He is smart. He knows how to make litigants consider the risk / reward of a settlement.” Anonymous lawyer on Best Law Firms
- “This was my first time to use Don. He came to me highly recommended. He was fair, objective and absolutely knew his stuff. I was impressed with how rapidly he grasped the important points of a complex transaction. I will use him again.” Anonymous private practice attorney on Martindale
- “Don is an extremely talented mediator. Don works hard, and has the skill to get a tough case settled.” Anonymous private practice attorney on Martindale
- “Great 3rd party neutral in all areas of ADR and knows more about negotiation than all but a few lawyers in Texas.” Anonymous private practice attorney on Martindale
- “A dedicated mediator willing to work hard to create an environment of settlement.” Anonymous private practice attorney on Martindale

- “Using his business skills, legal skills and a lot of common sense, he is able to understand and be extremely effective. Mr. Philbin is very sensitive to the stress mediation places on a client. He is able to put the client at ease to achieve results.”
Anonymous private practice attorney on Martindale
- “This was my first mediation with Mr. Philbin and I was very impressed with his professionalism, creativity and commitment to the parties and attorneys in resolving some very difficult issues. Mr. Philbin was dedicated to staying the course and gratuitously spent considerable additional time to reach resolution. I’ve been involved in many mediations in 20+ years of practice and this was one of the most positive mediation experiences I have had. I look forward to working with him again.”
Anonymous private practice attorney on Martindale
- “Don is a great mediator!” Anonymous private practice attorney on Martindale
- “Fantastic mediation with great follow-up. You want Don to mediate your case!”
Anonymous private practice attorney on Martindale
- “Excellent and creative approach to arrange a settlement that all agree.” Anonymous private practice attorney on Martindale
- “Don was able to really understand a very complex business “divorce” and help the parties dissolve a 14 year business relationship. He kept pushing the parties toward resolution and was able to obtain a great result for my client.” Anonymous private practice attorney on Martindale
- “Don is an incredible mediator. Two weeks ago he was appointed to mediate a visitation dispute – first time I had met him. We reached an agreement. This couple had very poor communication. After the mediation, the father called the mother and they talked for two hours. My client is very thankful the matter settled out of court, and for this new ability to communicate with her former spouse. Second mediation with Don was last week – more difficult facts and equally satisfying results.” Anonymous private practice attorney on Martindale

MEDIATION, NEGOTIATION, AND ARBITRATION PUBLICATIONS

- *The One Minute Manager Prepares for Mediation: A Multidisciplinary Approach to Negotiation Preparation*, 13 HARVARD NEGOTIATION LAW REVIEW 249 (2008); excerpted in Carrie J. Menkel-Meadow et al, DISPUTE RESOLUTION: BEYOND THE ADVERSARIAL MODEL (Aspen WoltersKluwer, 2nd ed. 2010), reprinted in *Securities Arbitration & Mediation Hot Topics 2008: “The” Program for Attorneys, In-House Counsel, Experts, Arbitrators & Mediators*, New York City Bar (2008 & 2010).
- *The Value of Economic Analysis in Preparing for Mediation*, 63 DISPUTE RESOLUTION JOURNAL 49 (April 2008), reprinted in AAA HANDBOOK ON MEDIATION (2d 2010).
- *Deal or No Deal? Or Perhaps a Better Deal? The Impact of Improved Information*, 25 ALTERNATIVES TO THE HIGH COST OF LITIGATION 177 (Dec. 2007).
- *Decisional Errors – On the Field, On the Bench, In Negotiations*, HARVARD NEGOTIATION LAW REVIEW Online Edition (2009).
- *Decisional Errors – Why We Make Them and How to Address Them*, 64 DISPUTE RESOLUTION JOURNAL 64 (Nov. 2009 – Jan. 2010).
- *The Psychology of Bad Economic Decisions*, 7 JAMS DISPUTE RESOLUTION ALERT 1 (Fall 2007).

- *Comprehensive Trial Preparation Includes ADR Process Design: What Type of Mediator Best Fits This Case?*, 11 CONFLICT MANAGEMENT Newsletter 17 (ABA, Section of Litigation, Fall 2007); reprinted as *Trial Preparation Includes ADR Process Design: What Type of Mediator Fits Best?*, 9 ABA COMMERCIAL & BUSINESS LIT. 1 (ABA LIT. WINTER 2008).
- *Thankful for Unanswered Prayers? Unconscionability 'Equilibrium'*, 27 ALTERNATIVES TO THE HIGH COST OF LITIGATION 145 (Oct. 2009).
- *Litigators Needed to Advise Transaction Lawyers on Litigation Prenups*, 56 THE ADVOC. 36 (Fall 2011).
- *Trends in Litigating Arbitration: Using Motions to Compel Arbitration and Motions to Vacate Arbitration Awards*, 76 DEFENSE COUNSEL JOURNAL 338 (2009).
- *Litigating Arbitration: A 2007 Texas Arbitration Review*, 60 BAYLOR LAW REVIEW 613 (2008) (with Audrey Lynn Maness).
- *Fifth Circuit Survey Articles, Alternative Dispute Resolution: Litigating Arbitration Slows as Mediation Becomes More Popular*, 43 TEXAS TECH LAW REVIEW 757 (2011) (with Audrey Lynn Maness and Philip J. Loree).
- *Fifth Circuit Survey Articles, Still Litigating Arbitration in the Fifth Circuit, But Less Often*, 42 TEXAS TECH LAW REVIEW 551 (2010) (with Audrey Lynn Maness).
- *Fifth Circuit Survey Articles, Litigating Alternative Dispute Resolution in the Fifth Circuit*, 41 TEXAS TECH LAW REVIEW 739 (2009) (with Audrey Lynn Maness).
- *Fifth Circuit Survey Articles, Alternative Dispute Resolution*, 40 TEXAS TECH LAW REVIEW 445 (2008) (with Audrey Lynn Maness).
- *Chief Justice Rehnquist's First Bout With Classroom Instruction*, 58 OKLAHOMA BAR JOURNAL 817 (1986) (with Pamela J. Minetto).
- *Off the Bench: While Senators Debated His Future, William Rehnquist Became a Laid-Back Professor in Malibu*, LOS ANGELES TIMES MAGAZINE, Nov. 2, 1986, at 8 (with Pamela J. Minetto).
- *Christmas Gifts to Employees: Ham It Up And You May Come Out Looking Like a Turkey*, UNITED STATES LAW NEWS, Dec. 1, 1986, STUDENT SECTION at 11 (with Charles W. Ryan).

SELECTED PRESENTATIONS

- *Settlecasting: Predictable Paths to Successful Settlement* (Association of Attorney-Mediators 2012)
- *Alternative Methods for Dispute Resolution*, National Association of Hearing Officials (San Antonio, 2012)
- *Settlement Week CLE 2012*, Austin Bar Association (2012)
- *Mediation Round Table Discussion*, Bexar County Bar Association (2012)
- *Preventing Bad Settlement Decisions and Impasse: Using Brain Science, Game Theory, Animated Communication, and Micro-Interventions* (Pepperdine Professional Skills Program (with Doug Noll) 2011; 2012; private versions of course offered several times)
- *Deal or No Deal: Leveraging Information to Overcome Decision Errors* (Advanced Commercial Mediation Institute 2011)
- *Concession Rates: Offers and Counter-Offer; Deal or No Deal: Leveraging Information to Overcome Psychological Barriers to Efficient Deals* (National Academy of Distinguished Neutrals 2011)

- Moderator, Tactical Interventions in Mediation (ABA Dispute Resolution Teleconference 2011)
- Negotiation Skills (Texas Bar Essentials of Business Law Course 2011)
- Using “Picture Power” In Settlement Negotiations to Enhance Communications and Reduce Decision Making Mistakes (ABA Dispute Resolution Annual Conference in Denver 2011)
- Mediation Roundtable of Daily Ethical Issues Faced by Mediators (Association of Attorney-Mediators 2011)
- Co-Course Director, Magic of Conflict Resolution (Texas Association of Mediators 2011)
- Course Director, Tactical Interventions in Mediation: Preventing Bad Settlement Decisions and Impasse Minute by Minute (State Bar of Texas 2011)
- Music to My Ears: A Mediation Program (International Academy of Mediators 2010)
- Advanced Mediation Training (American College of Civil Trial Mediators 2010)
- Administrative Law Course (UT CLE 2010)
- Using “Picture Power” in Settlement Negotiation (Dallas Bar Association 2010)
- Bench Motions & Trials II (San Antonio Bar Association 2010)
- Securities Arbitration & Mediation Hot Topics (City Bar of New York 2010; 2011)
- Using Game Theory to Improve Negotiating Results (Akin Gump nationwide 2010)
- Southern California Mediation Association (2009)
- Texas Mediator Credentialing Association (2009)
- Advanced Decision Analysis Class with Marjorie Aaron, University of Cincinnati School of Law (2009)
- Mediation Course, St. Mary’s University School of Law (Spring & Fall 2009; 2010; 2011; 2012)
- Association of Attorney-Mediators (San Antonio 2009)
- Texas Attorney General In-House Training Course (Austin 2009)
- Bench Motions & Trials – Bexar County Style, San Antonio Bar Association (San Antonio 2009)
- Litigation Section of the American Bar Association (Atlanta 2009)
- Technology Panel, Ohio State Journal on Dispute Resolution (Columbus 2009)
- Dispute Resolution Symposium, Texas Wesleyan Law Review (Fort Worth 2009)
- Employment Disputes Class; Straus Institute for Dispute Resolution at Pepperdine School of Law (2008, 2010; 2012)
- The Conference Board: Council of Chief Legal Officers (Washington 2008)
- Manufacturers Alliance / MAPI Law Council (Chicago 2008)
- Basic Mediation Training for the Bexar County and Hill Country Dispute Resolution Centers (2008; 2010; 2011; 2012)
- Association of Attorney-Mediators (Austin 2008)
- International Association of Heat and Frost Insulators and Allied Workers (with C. Richard Barnes and Associates; Las Vegas 2008)
- San Antonio Family Lawyers Association (San Antonio 2008)
- San Antonio Bar Association Litigation Section (San Antonio 2008)
- Dispute Resolution Section of the American Bar Association (Seattle 2008)
- National Electrical Contractors Association (with C. Richard Barnes and Associates; New Orleans 2008)

TRAINING REVIEWS

- “In my role as the Executive Vice President, General Counsel of JAMS I see and participate in many programs all over the world. Don Philbin is clearly head and shoulders above the rest and presents one of the most entertaining and most informative programs on risk analysis I have ever seen. Drop whatever you are doing and try to see him in action.” Jay Welsh, Executive Vice President, General Counsel, JAMS
- “In a 25-year career of commercial litigation and five of full-time mediation and arbitration practice, Don Philbin’s “Deal or No Deal: Leveraging Information to Overcome Psychological Barriers to Efficient Deals” program stands out as one that actually gave me the tools to improve my practice the very next day. Don’s talk riveted my attention; made me laugh out loud; and, made me think of negotiation and mediation in an entirely different light. This program – without more – will equip in-house counsel to WAX the other side at the negotiation table AND to teach his outside counsel how to negotiate a better deal for him the next time around. The day of the marginalized client in settlement negotiations is over and Don Philbin is the guy with the bargaining talent to watch.” Victoria Pynchon, Los Angeles mediator, Negotiation Law Blog
- “Don practices what he preaches, and shows his audience how to do it too — he uses a highly dynamic, compelling, richly visual presentation to convey his message to both the linguistic and graphic learning centers of his audience’s minds. He takes an increasingly rich field of study – how people make decisions, and in particular how and why they make erroneous or irrational decisions — and applies that to the process of negotiation and settlement. What separates a “deal” from “no deal”? Don explains how psychological factors and biases cause litigants and even the most experienced counsel to make irrational decisions, and how to overcome these tendencies in a simple and systematic way.” Deborah Rothman, Mediator & Arbitrator, Los Angeles
- “Don presented an excellent CLE seminar on negotiation to Akin Gump’s litigation section, broadcast to all US offices by videoconference. Don tailored the presentation to the audience of litigators, such that guidance on successful mediation strategies was an important part of the program. Don demonstrated his grasp of academic research in the field of negotiation strategies, made the results of that research understandable and interesting, and provided practical insights based on the research. The reviews of his presentation were uniformly positive. Don clearly is not the type of mediator who merely shuttles proposals back and forth and hopes the parties settle. He brings both intellectual rigor and a practical approach to the mediation process.” Neel Lane, litigation partner, Akin Gump
- “Best speech – funny, intelligent, real life examples – moved my mediation skills dramatically forward today!!!” Unknown Participant, Southern California Mediation Association
- “Best and most entertaining statistical analysis I’ve ever seen.”
- “A Siskel and Ebert 4 star review!”
- “Don is a gifted presenter and mediator.”
- “Great. Entertaining and informative!”
- “One of the best lectures using humor and factual information I’ve ever attended.”
- “Excellent speaker.”

- “He was superb and info excellent. He knows his stuff.”
- “Kept us going after lunch! Deal or no deal metaphor and show was brilliant!
- “Well documented and smoothly presented.”
- “Really excellent presentation.”
- “Outstanding presentation. Lots of useful information provided in an entertaining package.”
- “Don always is entertaining while informing.”

ADMISSIONS AND PANELS

- CPR’s Panels of Distinguished Neutrals (2007–present)
- Conflict Solutions of Texas (2008–present)
- American Health Lawyers Association (2011–present)
- Mediation Works Incorporated (MWI) (2009–present)
- National Arbitration and Mediation, Inc. (NAM) (2009–present)
- Resolute Systems (2010–present)
- Supreme Court of the United States (1991–present)
- United States Courts of Appeal for the Fifth (1988–present) and Tenth (1990–present) Circuits
- United States District Courts for the Northern (1989–present), Southern (1989–present; ADR panel: 2009–present), Eastern (1990–present) and Western (1988–present; ADR panel: 2008–present) Districts of Texas
- All State Courts of Texas (1988–present)

FELLOWSHIPS AND HONORS

- Outstanding Lawyer in Mediation (2011), SAN ANTONIO BUSINESS JOURNAL
- Distinguished Service Award (2011), Bexar County Dispute Resolution Center
- Listed in THE INTERNATIONAL WHO’S WHO OF COMMERCIAL MEDIATION (inception in 2011–present) (1 of 3 for Texas in 2011 Inaugural Issue; 1 of 5 for Texas in 2012 Issue)
- Fellow, American Academy of Civil Trial Mediators (2009–present); Editorial Board, American Journal of Mediation (2012–present)
- Distinguished Fellow, International Academy of Mediators (2010–present; Communication Committee 2011–present)
- Distinguished Fellow, National Academy of Distinguished Neutrals (2010–present)
- Founding Member and Executive Committee Member, Texas Academy of Distinguished Neutrals (2010–present)
- Fellow, American College of e-Neutrals (2011–present)
- Certified Mediator, International Mediation Institute (IMI) (2009–present)
- Credentialed Distinguished Mediator, Texas Mediator Credentialing Association (2007–present)
- Listed, TEXAS SUPER LAWYERS (2010–present) (1 of 4 for ADR in San Antonio 2010; 1 of 5 in 2011; 1 of 6 in 2012)
- Listed, THE BEST LAWYERS IN AMERICA® (Alternative Dispute Resolution, 2007–present) (1 of 4 in San Antonio for 2012 in the categories of mediation and arbitration)

- Listed in the U.S. NEWS AND BEST LAWYERS “BEST LAW FIRM” survey (2010–present) (1 of 4 firms 2010; 1 of 3 in 2011 – Tier 1 San Antonio in Mediation; Tier 2 San Antonio in Arbitration)
- Listed in The BEST LAWYERS IN SAN ANTONIO (Arbitration and Mediation, 2007–present; Business Litigation 2012)
- Listed in the BAR REGISTER OF PREEMINENT LAWYERS (2007–present)
- Martindale-Hubbell® rating: AV (1999–present)

MEMBERSHIPS

- State Bar of Texas (1988–present):
 - Alternative Dispute Resolution Section (2006–present):
 - ADR Section Treasurer (2012–13)
 - ADR Section Council (2009–12)
 - Communications Committee Chair (2011–13)
 - Purpose Committee Chair (2012–13)
 - CLE Program Chair (2011)
 - Litigation Section (1988–present)
 - Antitrust and Business Litigation Section
 - Computer and Technology Section
 - Corporate Counsel Section
 - Family Law Section
- American Bar Association:
 - Dispute Resolution Section (2006–present):
 - Negotiation Committee, (Chair 2009–11; co-chair 2011–present)
 - Task Force on Planned Early Dispute Resolution (2011–present)
 - Litigation Section (1987–present)
 - Business Law Section (2007–present)
- San Antonio Bar Association (1988–present): Publications Committee (2010–present); CLE Committee (2009–present); Technology Committee (2012–present)
- Member, Association of Attorney – Mediators (2007–present)
- Senior Mediator (2008–present); Certified Mediator (2009–present), Mediate.com
- Member, Society for Empirical Legal Studies (2008–present)
- Member, Decision Analysis Society (2008–present)
- Fellow, College of the State Bar of Texas (1997–present)
- Life Fellow, Texas Bar Foundation (2001–present)
- Life Fellow, San Antonio Bar Foundation (2007–present)
- Life Fellow, American Bar Foundation (2009–present)
- Member, Federal Communications Bar Association (1997–present)
- Member, Bar Association of the Fifth Federal Circuit (1988–present)
- Member, The Texas General Counsel Forum (2002–06)
- Member, Texas Association of Mediators (2007–11; Co-Chair Conference 2011)
- Global Collaborative Law Council (2009–11)

BUSINESS AND LEGAL EXPERIENCE

- Twenty-plus years' experience representing public and private business entities and individuals in various matters, first as an associate and partner in *Bar Register* law firms and as a senior manager in companies involved in the communications, technology, software, and Internet industries, and as a neutral with business and legal experience, including:
 - President; Chief Operating Officer; General Counsel, Billing Concepts, Inc., affiliates and predecessors (legal functions; strategic direction and day-to-day operations; doubled operating income in three years)
 - Vice President and Associate General Counsel, USLD Communications Corp. (through mergers with LCI Communications and Qwest Communications)
 - Partner, Law Firms of Wheatley, Campagnolo & Sessions, L.L.P. and Campagnolo & Philbin, L.C.
 - Associate, Law Firm of Oppenheimer, Rosenberg, Kelleher & Wheatley, Inc.
- Substantial experience handling disputes in various courts and other dispute resolution forums as well as negotiating and drafting a variety of contracts, license agreements, and corporate documents in many areas of commercial and general civil law, including accounting, antitrust, banking, bill processing, civil rights, commercial, communications, construction, consumer, contract, corporate and organizational, employment, entertainment, environmental, family, insurance coverage, intellectual property, international, partnership dissolution, personal injury/death, property damage, public policy, real estate, regulatory, securities, software licensing and technology law, and business and personal torts.

PUBLISHED OPINIONS WITH SUBSTANTIAL INVOLVEMENT

- *L.U.L.A.C. v. Clements, et al and Rickoff, et al.*, 999 F.2d 831 (5th Cir. 1993), *cert denied* 114 S.Ct. 878 (1994), *same case earlier*, 111 S.Ct. 2376 (1991) (challenge to Texas' at-large system of electing state district judges in metropolitan counties; local intervenors).
- *City of San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762 (Tex. 1991) (orig. proceeding), and the related case of *Vamarie v. The Honorable T. Armour Ball, Judge, Probate Court No. 1*, 793 S.W.2d 749 (Tex. App. – San Antonio 1990) (orig. proceeding) (open meetings challenge arising from a condemnation case).
- *Metropolitan Life Insurance Company v. La Mansion Hotels & Resorts, Ltd.*, 762 S.W.2d 646 (Tex. App. – San Antonio 1988, writ *dism'd w.o.j.*) (lender liability action).
- *University National Bank v. Ernst & Whinney*, 773 S.W.2d 707 (Tex. App. – San Antonio 1989, no writ) (accounting malpractice action).

COMMUNITY ACTIVITIES

- Trinity University: Chair of the Associates Program (2009–present); Alumni President and Ex-Officio Member of the Board of Trustees (1993–95); Board of Visitors (2004–06; 2009–present); Business Advisory Council (1999–present)
- William S. Sessions American Inn of Court (1990–present): President (2012–13); President-Elect (2011–12); Vice-President (2010–11); Treasurer (2009–10); Secretary (2008–09)

- American Inns of Court Foundation: National CMS Advisory Board (2008–10)
- Editorial Board, SAN ANTONIO LAWYER and THE SUBPOENA (2010–present)
- Rotary Club of San Antonio (2005–present): Director (2008–09); Secretary – Treasurer (2009–10); Sergeant-at-Arms committee (2007–present); Trinity Rotaract committee (2008–present)
- First Presbyterian Church of San Antonio (1987–present): Elder (2007–10); Welcoming and Belonging Committee (2007–10; chair 2009–10); Benevolence Oversight Committee (2008–10); Usher (1998–present); Stewardship and Finance Committee (1989–90)
- Goodwill Industries of San Antonio: Advisory Council (2007–10)
- Leadership San Antonio XXIX (2003–04)
- Judicial Conference of the Fifth Federal Circuit: Host Committee (1990 & 1994)
- Adjunct Professor, Pepperdine University School of Law (2008–present)
- Guest Lecturer, Trinity University Business Department (various), St. Mary’s University School of Law (2009, 2010, 2011), University of Cincinnati School of Law (Advanced Decision Analysis 2009); University of Texas School of Law (Alternative Dispute Resolution 2012)
- Frequent Volunteer Mediator, U.S. District Court for the Western District of Texas, Bexar County Dispute Resolution Center, Hill County Dispute Resolution Center

PERSONAL

- Born in Oklahoma City on January 25, 1962; married to Mary C. (“Micki”) McGee Philbin; one daughter: Mary Katherine (“Kate”) Philbin