

# **PRESENTERS**

**Dr. Paul T. Wheeler**

**Florida License #: MT 0457**

## Education:

Ph.D. 1978 University of Florida Counselor Education

Gainesville, Florida      Family Therapy

Ed.S. 1975 Southern Illinois Univ.      Counselor Education

Edwardsville, Illinois      Human Services

M.S. 1974 Southern Illinois Univ.      Counselor Education

Edwardsville, Illinois      Human Services

B.A. 1971 Southern Illinois Univ.      Major: Psychology

Carbondale, Illinois      Minor: Sociology

## Personal Information:

Date of Birth: May 19, 1949

Military Service: Us Army...2 yrs

Place of Birth: Alton, Illinois

Health: Excellent

Citizenship: USA

# Domestic Violence Bibliography

Bancroft, L. & Silverman, J. (2002) The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics. Thousand Oaks, CA. Sage Publications.

Bancroft, L. (2003) Why Does He Do That? Inside the Minds of Angry and Controlling Men. Berkley, CA: Berkley Publishing Group

Dutton, M. A. (2002) Empowering & Healing the Battered Woman: Model for Assessment and Intervention. New York: Springer Publishing Company.

Kivel, P. (1992) Men's Work: How to Stop the Violence that Tears Our Lives Apart. New York: Ballantine Books.

Paymar, M.J. (1999) Violent No More: Helping Men End Domestic Abuse. Alameda, CA: Hunter House.

Pence, E. Paymar, M. Ritmeister, T. & Shepard, M. (1993) Education Groups for Men Who Batter: The Duluth Model. New York: Springer Publishing.

## Gary F. Canner

[garymediate@yahoo.com](mailto:garymediate@yahoo.com)

Gary Canner is the former Circuit Mediator for The United States Court of Appeals, Eleventh Circuit. Currently he serves as Mediation Counsel for Upchurch, Watson, White and Max.

Gary received his Juris Doctor from The University of Miami School of Law in 1967 and BA from Florida State University in 1964. He practiced law until 1990, when he commenced serving as a full-time Florida Supreme Court Certified civil, family and federal mediator. Gary has mediated more than 6500 federal and state trial cases, and over 1,000 appellate disputes, in many of the United States and the U.S. Virgin Islands.

Gary is a much sought after consultant in the art of appellate mediation. He is also certified as a Florida Supreme Court Certified Appellate Mediator. He has presented numerous trainings and seminars for the Appellate Courts of Alabama, Arkansas, California, Florida and Ohio.

Gary is a Florida Supreme Court Primary Appellate and Circuit Civil Mediation Trainer. He is Chairperson of the Florida Supreme Court Mediation Training Review Board. Rated A/V by Martindale-Hubbell, Gary is a Diplomate Member of the Florida Academy of Professional Mediators.

**Lynn H. Cole, Esq.** is a dispute resolution professional with experience in all aspects of ADR, including mediation and arbitration and mediation system-design in three, developing Rule of Law countries. As a Harvard-trained and Florida-certified mediator, she also has served as a Special Master, an SEC receiver, a neutral evaluator, a Special Magistrate and settlement counsel. She has served internationally in Bulgaria, Jordan and Kosovo as an ADR and Mediation Specialist with USAID and teaches internationally.



*“Lynn accomplished more in a 6-hour mediation than attorneys could in more than a year.” “As an attorney, I was impressed by [her] ability to absorb and synthesize both the facts of the case, and the intangible aspects as well. She was able to put the parties at ease and helped defuse a rather emotionally charged situation”. One attorney described the mediation at issue as follows, “This was one of the most fruitful and rewarding – even uplifting – mediations I have ever participated in. The parties came in despising each other with no expectation of settlement. During the process, they gained a settlement and some measure of mutual respect and understanding.” Another attorney noted that Ms. Cole was able to handle emotions with ease and keep the parties focused on the facts.*

Excerpts: IMI (International Mediation Institute) Feedback Digest

#### HONORS, MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

- ◆ *Mediators Beyond Borders*, Founding Member, member BOD and President (2011-present)
- ◆ IMI (“International Mediation Institute”), Internationally Certified Mediator (2009 – current)
- ◆ CPR (“Int’l Institute for Conflict Prevention and Resolution”), Mediator and Arbitrator panels
- ◆ WIPO (“World Intellectual Property Organization”), located in The Hague, Invited Mediator
- ◆ AAA (“American Arbitration Association”), Mediator and Arbitrator Roster of Neutrals
- ◆ NAF (“National Arbitration Forum”) Mediator and Arbitrator Roster of Neutrals
- ◆ USCIB (“U. S. Council for International Business”), listed as Arbitrator and Mediator
- ◆ FINRA (“Financial Industry Regulatory Authority”), arbitrator
- ◆ NAM (“National Arbitrators and Mediators”) Neutral Roster, Mediator and Arbitrator
- ◆ Resolute Systems, Inc., Panel of Neutrals, Arbitrator and Mediator
- ◆ National Academy of Distinguished Neutrals (“NADN”)- selected member, 2008-present

- ◆ *International Mediation Leadership Summit, The Hague (ABA/DR Section)-invited member, 2010*
- ◆ *World Justice Forum, Barcelona, Spain - invited participant, 2011*
- ◆ *Arbitral Judge, the Willem C. Vis International Commercial Arbitration Moot, Vienna-current*
- ◆ *Special Magistrate appointed by Circuit Civil Judge, 13<sup>th</sup> Judicial Circuit of Florida, in multi-party case (2007-2008)*
- ◆ *Assn. of Conflict Resolution ("ACR") International Board of Directors (2008-present)*
- ◆ *Florida Academy of Mediators ("FAPM"), Adm. Vice-President, (2006-2008)*
- ◆ *Tampa Commission on Ethics, Appointed by Mayor, Chair 2010 (2004 - present)*
- ◆ *Mediation Qualifications Board, Founding Member, App'ted by FL Supreme Court (1991-2002)*
- ◆ *Civil Justice Reform Act Advisory Commission, Chair, appointed by Chief Judge, M.D.FL, (1997-98) (Recommended designed and inclusion of ADR system in M.D. Florida federal courts)*
- ◆ *Florida Bar Association, International Section (member)*
- ◆ *SEC Receiver (\$20 Million Ponzi scheme), appointed by U.S. Federal Judge (1999 - 2005)*
- ◆ *Special Master (complex tax fraud case), Appointed by U.S. Magistrate Judge (2000)*
- ◆ *Chair, 13<sup>th</sup> Judicial Nominations Commission, Appointed by Governor, (1996-1997)*
- ◆ *Federal Bar Association, ADR Section, Chair, (2004 - 2007)*
- ◆ *Testimony before U.S. Congressional Sub-Committee on Government Personnel recommending use of Mediation for Federal Employee discrimination matters (1998)*
- ◆ *Special Appointee by State House Committee to Hills. Co. Labor Relations Board (1995)*
- ◆ *Chair, Selection Committee for United States Magistrate, Appointed by Chief District Court Judge, M.D. Fla. (1991)*
- ◆ *11<sup>th</sup> Circuit Vice President, Federal Bar Association (1990-2004); National Membership Chair, Federal Bar Association (1999 - 2001)*
- ◆ *Chair, Trial Lawyers' Section, Hillsborough County Bar Association (1991-92)*
- ◆ *Chair, 13<sup>th</sup> Judicial Circuit Florida Bar Grievance Committee (1987-89)*
- ◆ *Master and Charter Member, American Inns of Court, Ferguson-White Inn (1987-present)*

## **BACKGROUND and EDUCATION**

### **Work Experience:**

### ***International Mediation Programs and System Development***

- ◆ **ADR Specialist, USAID/ Checchi, assigned to USAID project exclusively devoted to developing mediation and arbitration throughout the country of Kosovo (October 2009 - current)**
- ◆ **Mediation Specialist, USAID/DPK, re-assigned to Jordan to expand original Pilot Mediation Program into additional courts and private sector of Jordanian society. Work with MOJ, court, and lawyers to expand and improve current Pilot Programs (January 2009); Attended national mediation conference as USAID representative in Prishtina (Dec. 2009); Assisted in the design and training of member of the Kosovo Mediation Committee established to bring mediation to Kosovo (July 2010)**
- ◆ **Mediation Specialist, USAID/NCSC, assigned to Kosovo to assist in implementation and development of first Pilot Court-Related Mediation Program. Prepared recommendations to judges on: general mediation procedures and forms; selection of mediator trainees; educational requirements for mediators; mediator training requirements; provisions for referring cases to mediation; mediation procedures for recording case intakes, case processing, and case disposition; mediation confidentiality; creation of a mediation steering committee; grievance procedures, and mediation fees. Prepare revision suggestions for Draft Mediation Law (April 2007)**
- ◆ **ADR Specialist, USAID/ABA assigned to Jordan to assist in implementation and development of first Mediation Court Pilot Program in Middle East with Minister of Justice and Chief Judge of Amman Court of First Instance. Assignments included: construction of a Mediation Center; drafting rules, forms, surveys and regulations for the Court Pilot Program; developing Introduction to ADR training for Judicial Institute of Jordan; conducting mediation training for Arab Women's Legal Network and judges; drafting and training Standards of Conduct for Mediators.**
- ◆ **Mediation Training Program Designer, designed and implemented USAID/ABA training for Jordanian Judicial and Mediation Delegation in USA (7 days). (March- June 2006)**
- ◆ **Mediation Specialist, USAID/ABA/CEELI assigned to Bulgaria assisting Minister of Justice and Mediation Steering Committee in drafting and implementing ethical, procedural, educational and certification rules and regulations pursuant to the Mediation Act of 12.2005. Conducted advanced mediation training. (April - July 2005)**

### ***Domestic Experience***

- ◆ **Stetson University College of Law, Adjunct Professor of ADR, 2004 to 2008**
- ◆ **Law Offices of Lynn Cole, P.A., Managing Partner and President, *av*-rated, boutique litigation law firm with focus on federal trial practice in areas of business and complex commercial litigation; labor and employment (representing both employers and employees), contracts; securities; property; products liability; banking; anti-trust; utilities; and, construction law. (1995-2002); Fulltime Dispute Resolution Professional (2002 - present)**
- ◆ **Allen Dell Law Firm, partner for over 10 years in mid-sized law firm with trial practice, primarily in federal court, in the areas of complex commercial, construction, constitutional and**

anti-trust litigation; and local governmental contract, administration and constitutional law issues. Clients included: Tampa General Hospital (Hillsborough County Hospital Authority); Tampa International Airport (Hillsborough County Airport Authority); Florida Steel; Florida Power and Seminole Electric, among others. (1984-1995)

- ◆ Assistant United States Attorney, M. D. Florida appointed by A.G. Griffin Bell. 1979-1984
- ◆ Assistant District Attorney, Lehigh County, Pa. 1975-1978

*Education:*

- ◆ Harvard College of Law, Mediation Program of Instructions for Lawyers, Mediation Certificate, June 2002
- ◆ John Marshall Law School, Juris Doctor Degree, 1975; President, Student Bar Association
- ◆ University of Maryland, Graduate School, Courses towards Master's Degree in Counseling
- ◆ University of Maryland, B.A. in Intellectual History

**INTERNATIONAL MEDIATION TRAINING:**

Mediation Training

- ◆ *Fundamentals of Mediation*, Trainer, Mediation Commissioners of Kosovo, July 2010
- ◆ *Basic Mediation*, Ohio State University, Moritz College of Law, Nov. 2009
- ◆ *Advanced Commercial Mediation*, Trainer, sponsored Serbian Assn of Mediators, Beograd, Serbia, March 2009
- ◆ *Ethics for Mediators*, Trainer, sponsored by US Embassy and Slovenia Assn' of Mediators, Ljubljana, Slovenia, November, 2008
- ◆ *Advanced Commercial Mediation*, Trainer, sponsored by Croatian Association of Mediation, Zagreb, Croatia, October 2008
- ◆ *Advanced Commercial Mediation* Trainer, sponsored by BAARD of Bulgaria, March 2008  
(16 credits for Bulgarian Mediators);
- ◆ *Basic Commercial Mediation*, Trainer, sponsored by ABA/CEELI, Belgrade, Serbia, October 2007 (6 credits for Continuing Legal Education) training judges and mediators;
- ◆ *Advanced Commercial Mediation*, Trainer, sponsored by Department of State, US Embassy, Ljubljana, Slovenia, October 2007 training judges and mediators (15 credits for 25 Slovenian Certified Mediators);
- ◆ *Basic Mediation Training*, Trainer, sponsored by USAID/NCSC, Prishtina, Kosovo, March 2007 (Contributor to and oversight of design and content for mediation Pilot program training for 10 Kosovar and Serbian mediators and judges);
- ◆ *Basic Mediation Training for Arabic Women*, sponsored by ABA MENA Program, Amman Jordan, May - June 2006 (two one-week certified training programs for 15-20 participants each);

- ◆ *Judicial Mediation Training for Jordanian Judges*, designed, implemented and conducted seminars on judicial ethics in mediation, the scope of judicial mediation, and establishing mediation programs as extensions of the Pilot Mediation Program in Amman, Jordan, Tampa, FL, July 2006;
- ◆ *Ethics for Judicial Mediators*, sponsored by ABA CEELI Program, Certified Training for Judicial Mediators, Amman, Jordan, May 2006;
- ◆ *Imbalance of Power in Mediations*, sponsored by ABA CEELI Program, Sofia, Bulgaria, May 2005;
- ◆ *Advanced Mediation Training*, sponsored by ABA CEELI Program, Advanced Certified Training for Mediators, Plovdiv Bulgaria, May, 2005

#### GUEST SPEAKER and LECTURER

- ◆ *How to Doom a Mediation*, ABA, Litigation Section Annual Conference, Feb. 2011
- ◆ *ADR in Forbidden Places: Tourism & Trade*, Florida Bar International Section, Sept. 2010
- ◆ *View from the End of the Table - A Discussion on Mediation* (President's Showcase), Fl. Bar - International Section, May 2010
- ◆ *Ethics for Mediators*, Hillsborough County Bar Association, April, 2010
- ◆ *Mediators Beyond Borders and the Rule of Law: Peacebuilding in International Communities*, ABA-DR 12<sup>th</sup> Annual Conference, April 2010
- ◆ *Arbitration v Mediation: Use of Mediation Techniques in Arbitration*, Belgrade, Serbia March 2010
- ◆ *Practical Aspects, Mediator Ethics*, Hillsborough County Bar Assn', February 2010
- ◆ *Mediation in Kosovo – Maximizing the Potential*, Panel presenter, participant, Pristina, Kosovo, Dec. 2010.
- ◆ *Expanding Access to Justice Globally Through Court-Related Mediation*, Dispute Resolution Center of Florida, Annual Conference, August 2009
- ◆ *Court Based Mediation: Expanding Access to Justice in Developing Societies*, 11<sup>th</sup> Annual ABA/DR Section Conference, Speaker and Participant, April 2009
- ◆ SEEMF, 4<sup>th</sup> Annual Southeastern Europe Mediation Forum, Speaker and Participant, Nov. 2008
- ◆ *Basic Mediation Overview*, Trainer and Speaker, University of Florida (54 Students), Oct. 2008
- ◆ *Mediating Abroad, Making the Paradigm Shift*, Assn of Conflict Resolution ("ACR"), Annual

Conference, Sept. 2008

- ◆ *Mediation Gone Global – Some Precepts for Mediating Abroad*, Dispute Resolution Center of Florida, Annual Conference, August 2008
- ◆ *E-Mediation, The New Horizon of Mediation*, Mid-Year Seminar of Florida Academy of Professional Mediators, organizer and moderator
- ◆ *Mediation: Enhancing Access to Justice in Developing Nations' Judiciaries*, Association for Conflict Resolution, Annual Conference, Phoenix, October 2007;
- ◆ *Challenges of Establishing Court Mediation Programs Abroad*; 16<sup>th</sup> Annual Dispute Resolution Conference of Florida, August 2007;
- ◆ *Mediation-Cultivating the Rule of Law*, Annual Conference of the ABA, DR Section, April 2007;
- ◆ *Global Alternative Dispute Resolution, An Overview*, Federal Bar Association Annual Meeting, August 2006 (organizer and moderator);
- ◆ *Challenges and Lessons Learned in Establishing Court Mediation Programs Abroad*, Chatham College, Speaker's Program, Mesites Foundation, January 2007;
- ◆ *Mediation, Meeting Global Challenges*, Tampa Bay Chapter of the United Nations, February 2007;
- ◆ *Challenges of Establishing Court Mediation Programs Abroad – Bulgaria and Jordan*, Columbus Bar Association of Attorneys, Columbus Ohio, November 2006;
- ◆ *Rule of Law –Global Efforts*, Rotary Club of Tampa Bay, November 2005;
- ◆ *ADR, Expanding to Shrink the World*, 14<sup>th</sup> Annual Dispute Resolution Conference of Florida, August 2005;
  
- ◆ *Basic Commercial Litigation: Selected Issues on Ethics and Professionalism in Litigation*, Florida Bar Continuing Legal Education Seminar, March 1994;
- ◆ *Representing the Public/Private Owner*, 17<sup>th</sup> Annual Construction Contract Litigation Seminar, Florida Bar CLE Seminar, May 1993;

## PUBLICATIONS

- ◆ *Use of ADR in Restricted Countries*, Florida Bar, International Section, Sept. 2010
- ◆ *Jordan Leads the Arab Middle East in Mediation*, ACR Int'l Section Newsletter, Jan/Feb 2008

- ◆ *Mediators Without Borders, The Caucus, Florida Academy of Professional Mediators, Vol. 18, March 2007;*
- ◆ *A Journey in Mediation - The Bulgarian Path, The Federal Lawyer, Volume 53. No. 7, August 2006;*
- ◆ *Mediation in the Middle East, Part 1, The Lawyer, Vol. 16, September 2006;*
- ◆ *Mediation in the Middle East, Part 2, The Lawyer, Vol. 17, October 2006;*
- ◆ *Musings of a Mediator Gone Global, Part 1, Vol. 16, October 2005;*
- ◆ *Musings of a Mediator Gone Global, Part 2, Vol. 17, No. 3, November 2005;*
- ◆ *Mediation-Coming into Your Community, The Lawyer, Vol. 15, No. 5, February 2005*

**DISCLAIMER:** *Ms. Cole's opinions expressed herein are her own and do not represent, nor are they intended to represent, the opinion of any arbitration, mediation or professional association with which she is affiliated.*



# Michael S. Orfinger

*Upchurch Watson White & Max*



## **Principal**

Direct Dial: 800/264-2622 or 386/253-1560

Email: [morfi@uww-adr.com](mailto:morfi@uww-adr.com)

Web: [www.uww-adr.com](http://www.uww-adr.com)

## **Professional Education and Qualifications**

B.A. Wake Forest University

J.D. University of Florida College of Law

Member: Order of the Coif, Florida Law Review  
(Articles Editor and Title Standards Editor)

- ♦ Florida Supreme Court Certified Circuit Civil Mediator
- ♦ Florida Supreme Court Certified Appellate Mediator
- ♦ Certified U.S. District Court Mediator, Middle District of Florida
- ♦ Qualified Florida Arbitrator
- ♦ Martindale-Hubbell Rating of AV

## **Practice Experience**

*Including but not limited to...*

- ♦ Commercial Litigation
- ♦ Real Estate Litigation
- ♦ Contract Disputes
- ♦ Business Torts
- ♦ Insurance Coverage Disputes
- ♦ Eminent Domain
- ♦ Employment Law
- ♦ Personal Injury
- ♦ Probate Litigation

## **Background**

Michael Orfinger is a principal in the mediation firm of Upchurch Watson White & Max. Mr. Orfinger was previously a shareholder with the law firm of Smith, Hood, Perkins, Loucks, Stout & Orfinger, P.A., and has practiced law in Central Florida since 1989.

Mr. Orfinger possesses a variety of experience in commercial and civil litigation. He has handled contract disputes and business torts, as well as probate litigation, real estate litigation, eminent domain, employment law, insurance defense, and insurance coverage disputes. Mr. Orfinger is an experienced appellate practitioner as well, has spoken at continuing legal education seminars, and has been a contributing author to various continuing legal education publications of The Florida Bar.

## **Firm Experience, Memberships, Publications**

- ♦ Smith, Hood, Perkins, Loucks, Stout & Orfinger, P.A. 1991 – 2003.
- ♦ Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. 1989 – 1991.
- ♦ Fellow, Academy of Court Appointed Masters (ACAM)
- ♦ Panel Member, National Arbitration Forum
- ♦ Member, Appellate Mediation Subcommittee of ADR Rules and Policy Committee
- ♦ Member, Dunn-Blount Chapter of American Inns of Court
- ♦ Member, Florida Bar Grievance Committee, 7A, 1998 – 2000 Chair, Feb. – Dec. 2000
- ♦ Author, "Depositions and Discovery", *Florida Civil Practice Before Trial* (6<sup>th</sup> ed. 2000 & 5<sup>th</sup> ed. 1995 supp.)
- ♦ Author, "Compelling Attendance of Witnesses and Production of Evidence" *Florida Civil Trial Practice* (5<sup>th</sup> ed. 1998 and 4<sup>th</sup> ed. 1994 supp.)
- ♦ Author, "Depositions and Discovery" *Florida Civil Practice Before Trial* (5<sup>th</sup> ed. 1993 and 1995 supp.) (co-authored with Lawrence M. Watson, Jr.)
- ♦ Author, "Battered Child Syndrome: Evidence of Prior Acts in Disguise," 41 *Fla. L. Rev.* 345

*Daytona Beach*

*Maitland / Orlando*

*Miami*

*Birmingham*