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## Marshall A. Bennett, Jr., Esq.

Dublin, Ohio



**Current Employer-Title** Marshall Bennett Ltd. - Member

**Profession** Lawyer - Business Law, Labor and Employment, Insurance, Commercial Law

**Work History** Member, Marshall Bennett Ltd., 2021-Present; Partner and Member, Marshall & Melhorn LLC, 1987-2021; Associate, Marshall & Melhorn, 1980-1986.

**Experience** Trial lawyer who has practiced since 1980 with Marshall & Melhorn, LLC, a firm located in Toledo, Ohio. Serves as the chair of Marshall & Melhorn's Litigation Group, and as the firm's Ethics and Professional Practices Counsel.

As a trial lawyer, has dealt with commercial, employment, insurance, construction and health care disputes of all kinds. Commercial litigation experience includes breach of contract and warranty claims, large account claims, claims for valuation of corporate shares, limited partner derivative actions, pension disputes including claims for actuarial negligence, patent and trademark infringement claims, and unfair competition and antitrust claims. Employment relations litigation experience includes breach of employment contracts, employment discrimination claims, non-competition and trade secret misappropriation claims, claims before Ohio State Employment Relations Board, and workers' compensation appeals. Insurance litigation experience includes coverage litigation and defense of general liability claims, nursing home negligence claims, aviation claims, and attorney malpractice claims. Construction litigation experience includes claims arising from breaches of construction contracts, claims for changed conditions and fraud, and claims for additional compensation. Health care litigation experience includes breaches of physician employment contracts, privileges litigation, insurance coverage disputes, and the prosecution and defense of antitrust claims.

Also has extensive experience with attorney grievances and discipline. In addition to serving as Marshall & Melhorn's Ethics and Professional Practices Counsel, previously served on the Grievance Committee of the Toledo Bar Association and the Co-Chair of the Toledo Bar Associations Grievance Investigation Committee.

Also has experience in matters relating to business, real estate, software licensing, immigration law, college and university law, and hospital law.

<b>Mediator Experience</b>	Member of the Panel of Neutrals of United States District Court for the Northern District of Ohio. Neutral in private practice.
<b>Representative Issues Handled as a Mediator</b>	Disputes involving employment discrimination claims, disputes between manufacturers and independent representatives, commercial and contract disputes, insurance coverage disputes, and patent infringement.
<b>Mediator Style &amp; Process Preferences</b>	Initially uses a non-evaluative approach. As the mediation progresses and roadblocks arise, and with the consent of the parties, is willing to employ evaluative techniques to move the mediation forward. Avoids expressing direct opinions, but will pose questions to highlight strengths and weaknesses.
<b>Education</b>	The Ohio State University College of Law (JD, with honors-1980); University of Toledo (BA, magna cum laude-1977).
<b>Professional Licenses</b>	Admitted to the Bar: Ohio (1980), Michigan (2009); Supreme Court of Ohio (1980); U.S. District Court: Northern (1981) and Southern (2003) Districts of Ohio, Eastern District Of Michigan (1997); U.S. Court of Appeals: Sixth (1983) and Federal (1995) Circuits; U.S. Supreme Court (2009).
<b>Professional Associations</b>	Ohio State Bar Association (Federal Courts Committee); United States District Court for the Northern District of Ohio (Attorney Advisory Panel).
<b>Recent Publications &amp; Speaking Engagements</b>	<p>Alternative Dispute Resolution</p> <p>Speaker, United States District Court for the Northern District of Ohio, Topic - Mediation, New Strategies and Tactics.</p> <p>Speaker, United States District Court for the Northern District of Ohio, Topic - Advanced Training for Federal Court Mediation Panelists, Cleveland Presentation.</p> <p>Speaker, Ohio State Bar Association, Annual Convention, Intellectual Property Committee Breakout Session, Topic - The Use of Mediation in Intellectual Property Disputes.</p> <p>Speaker, Ohio State Bar Association, Annual Convention, Computer Law Committee Breakout Session, Topic - Using Alternative Dispute Resolution in Technology Disputes.</p> <p>Speaker, Toledo Bar Association, Alternative Dispute Resolution Seminar, Topics - Mediation: A Primer for the Advocate - Drafting Alternative Dispute Resolution Agreements.</p> <p>Speaker, Toledo Bar Association, Representing Your Client During Mediation Seminar, Topic - Presentation Topic - How to Best Use the Mediator.</p> <p>Speaker, Toledo Bar Association, Topic - Arbitration Advocacy.</p> <p>E-Discovery and Technology</p> <p>Speaker, Toledo Bar Association, Topic - E-Discovery and Protective Orders.</p> <p>Speaker, Toledo Bar Association, Topic - E-Discovery Primer.</p> <p>Speaker, Toledo Bar Association, United States District Court Electronic Filing Seminar, Topic - An Amateur's Guide to Becoming a Wired Lawyer.</p> <p>Speaker, Ohio State Bar Association, Environmental Law Committee Seminar, Topic - Internet E-mail: Ethical Considerations.</p> <p>Speaker, Ohio State Bar Association, Annual Convention, Topic - Computer Crime.</p> <p>Speaker, Ohio State Bar Association, Topic - E-Discovery and Cell Phone Forensics.</p> <p>Speaker, Ohio Women's Bar Association. Presentation Topic – Technology: Professionalism, Productivity, and Work-Life Balance.</p>

Speaker, Toledo Bar Association, Topic - Litigation and the Y2K Problem.

Speaker, AMS's GLSS EDI Symposium, Topic - Legal Aspects of EDI.

Speaker, National Business Institute, Topics - Using the Internet to Enhance Your Practice, and Legal Resources in Cyberspace.

Speaker, Marshall & Melhorn Technology Law Group's Seminars, Topics - trade secret and non-competition programs, and legal aspects of electronic data interchange in commercial transactions.

#### Complex Litigation

Speaker and Breakout Section Coordinator, Ohio State Bar Association, Joint Conference of the Northern and Southern Districts, Topic - Presenting Complex Expert Testimony.

Speaker and Breakout Section Coordinator, Ohio State Bar Association, Joint Conference of the Northern and Southern Districts, Topic - Local Patent Rules and the Management of Intellectual Property Cases.

Speaker, Ohio CLE Institute, Managing Complex Litigation Seminar, Topic - Organizing the Evidence in Your Complex Case.

Speaker, Toledo Patent Law Association, Topic - Preparing for Patent Litigation.

Speaker, Toledo Patent Law Association, Topic – New NDOH Local Patent Rules.

#### Courtroom Presentation

Speaker, Toledo Bar Association, Topic - iPad for Trial Lawyers.

Speaker, Federal Court Bootcamp, Topic - Courtroom Presentation of Electronic Evidence.

Speaker, Toledo Bar Association, Topic - Using Acrobat as a Trial Presentation Tool.

#### Deposition Practice

Faculty Member, National Institute of Trial Advocacy, Topic - Advanced Deposition Skills: Financial Expert Testimony.

Speaker, Ohio CLE Institute, Seminar on Taking & Defending Depositions, Topic - Preparing Your Witness for Deposition

Speaker, Ohio CLE Institute, Ohio Civil Discovery Seminar, Topic - Preparing Your Witness for Deposition.

Speaker, Ohio CLE Institute, Ohio Pretrial Litigation Seminar, Topic - Preparing Your Witness for Deposition.

**Locations Where Parties Will Not be Charged for Travel Expenses** Columbus, Ohio, and areas within 60 miles thereof.

**Mediation Rate** \$425 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** Dublin, OH

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.