



AAA Mediation.org™

## Mark C. Travis, Esq.

Cookeville, Tennessee

### Primary Areas of Expertise

Employment Discrimination  
Business Dissolution  
Business Torts  
Non-Competition Agreements  
Unfair Trade Practices

**Current Employer-Title** Travis ADR Services, LLC - Arbitrator, Mediator, Administrative Judge

**Professional Summary** Practicing labor and employment law attorney from 1984-2009, independent full-time independent neutral and part-time academic in the field of labor and employment law from 2009-Present.

**Profession** Attorney, Mediator, Arbitrator, Administrative Judge

**Work History** Mediator and Arbitrator, Travis ADR Services, LLC, 2009 – Present; Adjunct Professor, Arbitration, University of Tennessee College of Law, 2020 - Present. Adjunct Professor of Employment Dispute Resolution, Straus Institute for Dispute Resolution-Pepperdine University School of Law, 2008 – 2020; Director, Tennessee Labor-Management Center, 2009 – 2013; Associate (1988-1994)/Regional Managing Member (1994 – 2008)/Of Counsel (2009), Wimberly Lawson Seale Wright & Daves PLLC, 1988 – 2009; Adjunct Professor, Human Resources Law, Tennessee Technological University, 1999 – 2013; Adjunct Professor, Administrative Law in Employment Practice, Atlanta John Marshall School of Law, 2011 – 2015.

**Experience** Full-time neutral since 2009 and practicing attorney for 25 years prior. Law practice included litigation, mediation, arbitration, administrative proceedings and commercial disputes. Emphasis in federal and state statutory claims of discrimination, harassment and retaliation arising under Title VII of Civil Rights Act of 1964, Americans with Disabilities Act ("ADA"), Age Discrimination in Employment Act ("ADEA"), Fair Labor Standards Act ("FLSA"), and Family and Medical Leave Act ("FMLA"). Law practice also included statutory and common law claims involving breach of employment/executive and professional contracts, wrongful discharge, non-competition/non-solicitation violations, business dissolutions, and unfair trade practices. Neutral practice concentrated in same substantive areas. Serve as administrative judge for U.S. Equal Employment Opportunity Commission.  
Have mediated over 1000 cases and arbitrated over 300 cases since 2004.

**Mediator Experience** Since 2004, have mediated over 1000 cases in litigation or administrative proceedings, including claims for discrimination, harassment and/or retaliation arising under Title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act, and Americans with Disabilities Act, Fair Labor Standards Act, and Family and Medical Leave Act. In addition to federal statutory claims, have mediated state common law and statutory claims relating to whistleblowing and retaliation, unfair trade practices and disclosure of trade secrets; business dissolutions, breach of employment/executive compensation agreements and related non-competition and non-solicitation agreements. Parties range from unrepresented individuals, small businesses, to Fortune 1000. Mediations conducted at pre-filing stage, early neutral evaluation, pre-trial, and on appeal. Also have served as contract mediator for three district offices of U.S. Equal Employment Opportunity Commission for over 15 years. Have conducted mediations based on appointment from Tennessee U.S. District Court panels. Representative matters have included several six-figure cases which may include back pay, front pay, reinstatement, liquidated damages, as well as compensatory and

punitive damages.

## **Representative Issues Handled as a Mediator**

Claims arising under Title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act, and Americans with Disabilities Act, Fair Labor Standards Act, and Family and Medical Leave Act, involving claims alleging illegal discrimination, harassment, retaliation, termination, constructive discharge, reductions-in-force, transfer, demotion, and/or loss of compensation and benefits. Substantial portion of practice has involved mediation of charges of discrimination under contract with Equal Employment Opportunity Commission and state human rights agency. In addition to federal statutory claims, have mediated state common law and statutory claims relating to whistleblowing and retaliation; unfair trade practices and disclosure of trade secrets; breach of employment/executive compensation agreements, business dissolutions, and related non-competition and non-solicitation agreements.

## **Mediator Style & Process Preferences**

Mediation philosophy is initially based upon thorough and complete understanding of the underlying facts of the causes of the dispute, and familiarity with relevant legal principles. Pre-mediation conferences are considered essential. Extensive experience conducting virtual/remote mediations. Process approach is to begin mediation in facilitative style by establishing rapport with parties and counsel, gathering additional facts, exploring interests of the parties, and brainstorming potential creative alternatives for settlement. Patience is considered paramount. Evaluative approach generally utilized in the event real or perceived impasse approaches, including reality testing, risk analysis, and suggestion of potential proposals for settlement.

## **Technology Proficiency**

Experience and proficiency in working with technology such as Zoom, Microsoft Teams. Available to schedule and conduct hearings on such platforms.

## **Education**

Pepperdine University School of Law, Straus Institute for Dispute Resolution (LLM., Dispute Resolution-2007); University of Louisville, Brandeis School of Law (JD-1984); University of Tennessee (BS, Business Administration-1981).

## **Professional Licenses**

Admitted to the Bar, Tennessee (1984), Wyoming Supreme Court (2009 - inactive); U.S. District Court, Eastern (1986), Middle (1991), and Western (1999) Districts of Tennessee, Eastern District of Kentucky (1986); U.S. Court of Appeals: Sixth Circuit (1988). Rule 31 Listed General Civil Mediator, Tennessee Supreme Court (2004).

## **Professional Associations**

Tennessee Bar Association (Sections: Labor and Employment Law; Dispute Resolution, Chair 2008-2009); American Bar Association (Sections: Labor and Employment Law; Dispute Resolution); Labor and Employment Relations Association; Society of Federal Labor and Employment Relations Professionals; National Academy of Arbitrators (Chair, Federal Sector, 2021-2024); National Academy of Distinguished Neutrals (Tennessee Chapter); College of Labor and Employment Lawyers; American College of Civil Trial Mediators.

## **Recent Publications & Speaking Engagements**

PUBLICATIONS: "Drafting the Arbitration Clause: Identifying Terms and Traps", Tennessee Bar Journal, Tennessee Bar Association, Vol. 59, No. 6 (November/December 2023) (co-author with Matt Sweeney); "So Where Are We Now? Developments Under the 'Ending Forced Arbitration of Sexual Assault and Sexual Harassment'", Labor and Employment Law Connect, Tennessee Bar Association, Labor and Employment Law Section (October 2023); "Supreme Court Limits Federal Court Jurisdiction in Review of Arbitration Awards", Labor and Employment Law Connect, Tennessee Bar Association, Labor and Employment Law Section (Spring 2022); "When One Door Closes: New Law Ends Arbitration of Sexual Harassment Claims, Tennessee Bar Journal, Tennessee Bar Association, Vol. 58, No. 3 (May/June 2022); "Employment Arbitration in the Wide, Wide World of Sports; Labor and Employment News, American Bar Association, Labor and Employment Law Section, Vol. 50, No. 1 (Spring 2022); "Workplace Investigations by Outside Counsel: What Do You Have to Lose", Nashville Bar Journal (March 2016); "Tennessee's 'T.E.A.M.' Act: A New Day in Public Sector Employment Law", Tennessee Bar Journal, Tennessee Bar Association, Vol. 48, No. 10 (October 2012); "A Change in Focus: Mediation of Claims under the ADA Amendments Act", Dispute Resolution Magazine, American Bar Association, Vol. 18, No. 3 (April 2012); "A New Direction: Amendments Put Americans with Disabilities Act Back on Path of Tackling Discrimination", Tennessee Bar Journal, Tennessee Bar Association, Vol. 47, No. 6 (June 2011); "The Top Ten Things You Need to Ask Yourself Before Going to Mediation", Dicta, Knoxville Bar Association (December 2010); "Workers' Comp Issues in the Unionized Workplace: Traps for the Unwary", Tennessee Workers' Comp Reporter, Vol. 11, No. 6 (June 2010); "Have a Smart Strategy: Successful Mediations of Employment Litigation", Tennessee Bar Journal, Tennessee Bar

Association, Vol. 46, No. 5 (May 2010).

**SPEAKING ENGAGEMENTS:** "A Potpourri of Changes: Employment Law Updates from the White House and SCOTUS", Knoxville Bar Association, August 2022; "Advanced Issues in Arbitration," Tennessee Bar Association, May 2021"; "The Nuts and Bolts of Employment Arbitration", Nashville Bar Association, March 2021; "Mediation and Arbitration in Federal Practice", Tennessee Bar Association, Federal Practice Section, July 2016; "Psychological Barriers to Settlement in Employment Mediation", Tennessee Bar Association Labor and Employment Law Forum, April 2014; "Changing Focus: Complying With the New ADA," Tennessee School Boards' Association, March 2012; "Employment Law: 2011 Year-In-Review," Tennessee Bar Association, March 2012; "Negotiation, Mediation, and Resolution of Cases under the New ADA," Tennessee Bar Association, April 2011; "Employment Arbitration Agreements: Evaluating Enforceability and Navigating the Arbitration Process," Tennessee Bar Association, April 2011; "New Approaches to Dispute Resolution: Mediation and Arbitration Strategies for Neutrals and Advocates," Tennessee Bar Association, April 2009; "Special Topics in Arbitration: Understanding Past Practice," Tennessee Labor-Management Conference, March 2009; "Using Past Practice to Support Your Case in Arbitration," Tennessee Labor-Management Conference, March 2007.

**Locations Where Parties Will Not be Charged for Travel Expenses**

Alabama, Arkansas, Florida, Georgia, Indiana , Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, and West Virginia.

**Mediation Rate**

\$500 Per Hour

**Languages**

English

**Citizenship**

United States of America

**Locale**

Cookeville, TN

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.