



AAA Mediation.org™

Michael P. Bishop, Esq.

Indianapolis, Indiana



Primary Areas of Expertise

CPA Employment Contracts
Medical Devices
Commercial Construction
Investment Banking

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Current Employer-Title Bishop Mediation & Arbitration, LLC - sole member

Experienced in using online platforms including Zoom. Willing to conduct arbitration and mediation via video conference or teleconference. Will conduct in-person proceedings where parties agree.

Panelist Video <https://www.adr.org/videoresume?paramName=329089798>

Profession Attorney, Arbitrator, Umpire, Mediator

Work History Sole Member, Bishop Mediation & Arbitration, LLC, 2023 - Present; Partner, Cohen Garelick & Glazier, 2007 – 2022; Partner, Drewry Simmons Vornhem LLP, 2001 – 2007; Partner, Smith Fisher Mass & Bishop, 2000 – 2001; Partner, Kightlinger & Gray, 1999 – 2000; Partner, Bishop & Bishop, 1986 – 1999; Associate, Johnson and Weaver, 1984 – 1986; Associate, Kightlinger & Gray, 1983 – 1984; Judicial Law Clerk to The Honorable James E. Noland U.S. District Court, Southern District of Indiana, 1981 – 1983.

Experience Construction litigation: representing owners, general contractors, subcontractors, architects and engineers in all facets of construction litigation. Representative cases include the following: (1) general contractor in defense of case by major Midwestern university involving multi-million dollar defective construction claim for alleged defects in constructing pre-stress concrete structures, installing poured-in-place slab foundations, installing concrete expansion joints, installing metal handrails, and installing reinforcing steel; (2) public owner in lawsuit against architect, general contractor, and subcontractor in metal roof design and installation; and (3) design professionals in numerous cases involving commercial structures, pool installations, commercial heating and air designs, commercial electrical designs, and mechanical plumbing layouts.

Corporate and commercial litigation: representing plaintiffs and defendants in breaches of contracts, employment agreements, covenants not to compete, offers to purchase and sell real estate, shareholder litigation, and closely held corporations. Representative cases include the following: (1) majority shareholder in litigation involving closely held corporation and recovering loans to affiliated companies and guarantee on commercial loans to banks; (2) physicians, accountants,

veterinarians, and stockbrokers in defending alleged breach of covenants not to compete, including multiple temporary restraining order proceedings and preliminary injunction trials; (3) investors in securities fraud disputes against brokers, brokerage houses, and private placement offerings; (4) foreign manufacturers in trademark infringement and enforcement litigation; (5) design surgeons in royalty claims.

Tort litigation: representing plaintiffs in wrongful death and serious personal injuries, and defendants in cases involving asbestos exposure, defective products, toxic chemical exposure, and defective premises. Representative cases include the following: (1) multiple defendants in mass tort litigation involving exposure to asbestos-containing products; (2) automobile adhesive manufacturers in cases involving exposure to chemicals, including solvents and hydrocarbons; (3) owners of commercial buildings with sick building issues; and (4) manufacturers of machinery, including forklift trucks, bottle capping machines, and commercial dry cleaning machines in liability claims; (5) adults and children in premises, and truck and automobile wrongful death and serious injury cases.

Probate and trust-related litigation: representing fiduciaries and beneficiaries in trust contests, will contest, and probate-related claim litigation. Representative cases include the following: (1) beneficiary of Grantor Retained Income Trust (GRIT) and Charitable Remainder Annuity Trust (CRAT) in estate plan involving assets of \$1 billion dollars; (2) corporate fiduciary of QTIP trust involving assets of \$2 billion dollars; (3) corporate fiduciaries in breach of fiduciary claims involving trusts and probate estates; and (4) beneficiaries of GST trusts and unpaid gift tax.

Employment litigation: representing companies and employees in cases involving employment discrimination, wage and hour claims, wrongful termination, and covenants not to compete. Representative cases include the following: (1) corporation in race and sex discrimination cases before the Indiana Civil Rights Commission and the EEOC; (2) not-for-profit charity in race and age discrimination cases before the Indiana Civil Rights Commission and the EEOC; (3) management level employee in wage and hour case for payment of salary and bonuses of \$300,000; (4) corporation in multiple cases involving wage and hour claims of salary and commission employees; and (5) medical doctors, stockbrokers, and accountants in numerous cases involving covenants not to compete.

Mediator Experience

For the past 25 years, the majority of meditations have involved at least three parties and many times seven or eight parties. These meditations include business, commercial, employment, trust and estates disputes, and complex tort. As a mediator since 1986, have participated in over 4,200 cases as neutral. Registered Mediator, Indiana, 1991. Representative cases as a mediator include the following: (1) multi-day and multi-party case involving health insurance company liquidation with damage claims of \$5,500,000; (2) four-day and eight party dispute involving will contest, trust contest, attorney malpractice, fiduciary malpractice, and complex business evaluation; (3) numerous disputes between specialty physicians in practice liquidation, breaches of covenants not to compete, and practice acquisitions. Claims varied between \$300,000 and \$50,000,000; (4) numerous disputes between owners and general contractors or subcontractors regarding contract disputes on commercial projects, residential site development, and public projects. Claims ranged from \$150,000 to \$15,000,000; (5) numerous disputes between CPAs and firms regarding covenants not to compete and practice liquidation, with claims ranging between \$50,000 and \$2,000,000; (6) numerous disputes between employees and employers involving discrimination and wage and hour violations; (7) buy out of member's interest in closely held industrial company with cash and promissory notes exceeding \$23, 000,000.

Representative Issues Handled as a Mediator

Attorney and accountant liability in estate planning; fiduciary's liability for managing and administering quasi-public health insurance fund; insurance company's breach of duty of good faith in resolving child wrongful death action; physician-employee and hospital or practice group covenants not to compete; accountant and practice group covenants not to compete; construction claims involving design errors, defective construction, delay claims, and failure to perform; closely held business shareholder dispute in sale of business; church's responsibility for sexual misconduct by its ministry; investment adviser responsibility for securities transactions with investors; and vendor contracts with large corporation and major hospitals: wrongful death and serious injury claims of adults and children.

Mediator Style & Process Preferences

My role as a mediator is multi-faceted. First, I attempt to provide a forum to allow the parties in a dispute to create a resolution that they can accept, within the reality of the facts and circumstances of

their particular case. I attempt to accomplish this by extensive caucusing with the individual parties to not only provide a "venting" forum but to begin formation of a foundation for settlement options. This involves detailed discussions with all parties and I do employ evaluative techniques when I deem it appropriate.

Next, I attempt to provide a forum for creative and alternative solutions to settling a dispute other than an exchange of money. During this process, I engage in extensive brain storming sessions to create a list of other solutions that may result in a win/win opportunity for all parties.

Lastly, I attempt to provide a forum to allow the parties to find peace in ending their dispute. Much of this involves guiding the parties through the process of emotional venting, reality testing, formulating a realistic and positive settlement structure, and ultimately accepting the conclusion of their dispute.

Although I am often proactive in the mediation, and at times evaluative, I continue to refer back to the parties and their attorneys to take responsibility for resolving their dispute. I give great deference to counsel representing the parties and am sensitive to that business, ethical and personal relationship during the mediation process.

Technology Proficiency Over 100 cases using Zoom for multi party and multi day arbitration and mediation.

Education Indiana University Robert H. McKinney School of Law (JD-1980); Metropolitan University (BA, Political Science-1977).

Professional Licenses Admitted to the Bar: Indiana (1980).

Professional Associations Indianan Supreme Court Diversity in ADR Committee (Member); CPR-International Institute for Conflict Prevention and Resolution (Mediator and Arbitrator Panelist); International Academy of Mediators (Distinguished Fellow); National Academy of Distinguished Neutrals (Fellow); Association of Attorney-Mediators (Member); Academy of Court-Appointed Neutrals (Member); Indiana State Bar Foundation (Past President; Fellow); Indiana State Bar Association (Past Board of Governors, Secretary, District 11 Representative; Alternative Dispute Resolution Section, Chair); Indianapolis Bar Association (Settlement Week Co-Chair; Litigation Section, Chair; Board of Managers, Secretary); Indianapolis Bar Foundation (Distinguished Fellow); Indiana Continuing Legal Education Forum (Past Board of Directors); Sagamore American Inn of Court (Past President); Sagamore American Inn of Court (Bencher and Past President).

Recent Publications & Speaking Engagements "Dealing with Motion Practice as the Arbitrator," AAA Regional Zoom Roundtable, August, 2023; "Why Some Mediations Fail and How to Avoid It," IndyBar, September, 2023; "Mediating Insurance Coverage Cases," IndyBar, November, 2023; Advanced Continuing Mediation Education," Indiana Continuing Legal Education Forum, Chair, October 2002-Present; "Settlement and Mediation in Probate Cases," Indiana Continuing Legal Education Forum, 2000, 2004, 2006, 2017, and 2020; "Public Policy Mediation," Indiana University Program on Law and State Government, January 2006-2018; "Advanced Civil Mediation Certification," Indiana Continuing Legal Education Forum, June 2002; "Family Mediation Re-Certification," Indiana Continuing Legal Education Forum, 2000; 2001; "Settlement and ADR in Practical Probate Cases," Indiana Continuing Legal Education Forum, November 2000; "Civil Mediation Re-Certification," Indiana Continuing Legal Education Forum, May 2000; "Probate Mediation," Indiana Continuing Legal Education Forum, 2011-Present "Avoiding Pessimism in Mediation," Florida Mediation Institute, 2011 "Current Topics in Civil Mediation," Indianapolis Bar Association, 2010, 2015, and 2017 "Negotiation Strategies with Mediation," Indiana Continuing Legal Education Forum, 2010 "Probate Mediation Tips," Indiana Continuing Legal Education Forum, 2009, 2018, and 2020 "Ethics in Mediation," Indiana University Maurer School of Law, 2009 "Chair, Advanced Civil Mediation, The Masters Series, Indiana Continuing Legal Education Forum, 2009, 2010, 2016, and 2021 "Advanced Civil Mediation Training," Indiana Trial Lawyers Association, 2009-2017 "Mediating Probate and Trust Cases," Indiana Continuing Legal Education Forum, 2009, 2015, and 2017

"Mediation Under Fire," ACCTM Annual Meeting, Rockport, Maine, 2008
"Settlement in Civil Litigation," Indianapolis Bar Association, 2013
"Resolving Probate and Trust Disputes in Mediation," Midwest Estate, Tax & Business Planning Institute, 2013; 2016; 2020
"Mediation of Estate and Trust Disputes," ICLEF Estate and Trust Administration Skills Series, 2013; 2017; 2020
"Current Trends in Probate & Estate Litigation & Mediation," Indianapolis Bar Association, 2013
"Employment Arbitration," Indiana Continuing Legal Education Forum, 2018; 2019
"Real Ethical Scenarios," Association of Attorney Mediators, Dallas, Texas, 2019.

Locations Where Parties Will Not be Charged for Travel Expenses Marion County, Indiana

Mediation Rate \$425 Per Hour

Languages English

Citizenship United States of America

Locale Indianapolis, IN

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.