



AAA Mediation.org™

## Sylvia Mayer, Esq.

Houston, Texas



### Primary Areas of Expertise

Financial Services  
Healthcare and Life Sciences  
Energy, Oil and Gas  
Corporate Governance  
Contract and Commercial

**Current Employer-Title** S. Mayer Law, PLLC - Principal

**Professional Summary** An arbitrator, mediator, and attorney with over 30 years of experience in courts nationwide and over 10 years of experience as a neutral. As a National Academy of Distinguished Neutrals member and a TMCA Credentialed Distinguished Mediator, has served as counsel or neutral in thousands of disputes spanning a breadth of industries and a wide variety of issues. Have resolved disputes with damages ranging from a few thousand dollars to multi-million and billions of dollars. Have served as a chair, panel, sole, and emergency arbitrator. Have mediated disputes from simple two-party disputes to complex multi-party disputes. Available to assist parties throughout the U.S. with in-person, online, and hybrid mediations and arbitrations.

**Profession** Arbitrator, Mediator, and Attorney

**Work History** Principal, S. Mayer Law PLLC, 2014 – Present; Weil Gotshal & Manges LLP, Partner (2004 - 2014), Counsel (2002 - 2003), Associate (1993 – 2001).

**Experience** An attorney with over 30 years of experience in courts nationwide handling complex commercial litigation, business bankruptcies and appellate matters, and providing corporate and board advisory services. Representations included clients in a variety of industries including banking, energy, exploration and production, financial services, healthcare, hospitality, insurance, manufacturing, oil and gas, oilfield services, pharmaceutical, pipelines, power purchase, real estate, refining, retail, transportation, telecommunications, trucking, and wholesale.

**CONTRACT AND COMMERCIAL DISPUTES:** Represented parties in a wide spectrum of legal issues, including business litigation, business separations, collections, contracts, corporate governance, energy, fiduciary duties, fraudulent transfers, guarantees, health insurance, landlord-tenant, insurance, oil and gas, operating agreements, professional liability, breach of representations and warranties, anti-SLAPP, surety bonds, and tortious interference.

**CORPORATE GOVERNANCE AND PARTNERSHIP DISPUTES:** Represented parties in corporate governance and fiduciary duty disputes, as well as business separations and dissolutions. Advised boards, directors, partners, and managers regarding corporate governance and fiduciary duties. Engagements included issues involving corporations, limited liability companies, and limited partnerships.

**BANKRUPTCY LITIGATION:** Represented debtors, creditors, trustees, committees, contract counterparties, defendants, and other parties in interest in chapter 11 bankruptcies and bankruptcy litigation around the country. Litigation representations included fraudulent transfer, preference, and other avoidance action litigation, as well as claims related to fiduciary duty, employment, contracts, special purpose entities, and corporate governance.

**ENERGY/OIL & GAS:** Represented parties in the upstream, downstream, and midstream sectors, including representing parties with disputes involving joint operating agreements, exploration, and production, underground storage tanks, plugging and abandonment, oilfield services, decommissioning, gathering and transportation agreements, working interests and royalty owners, statutory liens, mechanics liens, vendors liens, refining, fiduciary duties, equipment leases, and a variety of other issues.

**EMPLOYMENT:** Represented both employers and employees in disputes involving separation, severance, non-compete clauses, benefits, breach of contract, incentive and bonus plans, benefits, and a variety of discrimination claims.

**FINANCIAL SERVICES AND SECURITIES:** Represented parties in disputes involving financial instruments, credit defaults, derivatives, securities fraud, breach of fiduciary duties, shareholder disputes, recapitalization, and restructuring.

## **Mediator Experience**

As a National Academy of Distinguished Neutrals member and a TMCA Credentialed Distinguished Mediator, has over 10 years of experience as a neutral serving as an arbitrator and mediator in disputes nationwide. Have resolved disputes with damages ranging from a few thousand dollars to multi-million and billions of dollars. Have served as a chair, panel, sole, and emergency arbitrator. Have mediated disputes from simple two-party disputes to complex multi-party disputes. Available to assist parties throughout the U.S. with in-person, online, and hybrid mediations and arbitrations.

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

Examples of issues mediated include disputes involving:

**CONTRACT & COMMERCIAL DISPUTES:** Breach of contract, business litigation, business separations, collections, corporate governance, credit defaults, director and officer liability, fiduciary duties, financial distress, financial services, guarantees, insurance, operating agreements, professional liability, promissory estoppel, secured transactions, surety bonds, tortious interference, and branding agreements.

**CORPORATE GOVERNANCE & PARTNERSHIP DISPUTES:** Breach of fiduciary duty, business separations and dissolutions, valuation, corporate governance, corporations, limited liability companies, limited partnerships, and joint ventures.

**ENERGY, OIL & GAS:** Exploration and production, joint operating agreement and working interest owners, royalties and overrides, power purchase agreements, distribution, construction, lease termination, oilfield services, product and service contracts, joint venture agreements, statutory and vendor lien rights, gathering and transportation agreements, and retail and wholesale distribution of petroleum products.

**HEALTHCARE & LIFE SCIENCES:** Payor/provider disputes involving claims for reimbursement, breach of contract, future contract terms, and determination of the usual, customary and reasonable rate; disputes over mergers, sales, dissolutions, and other business issues, including within physician practice groups and among hospitals and health care businesses and joint ventures; employment disputes involving executives and business partners; trade secrets disputes; disputes over nondisclosure agreements and misuse of confidential information; breach of contract disputes including involving pharmaceuticals, patents, licensing, manufacturing, commercial supply agreements, product development agreements, and commercially reasonable efforts.

**EMPLOYMENT:** Separation, severance, non-competition, discrimination, harassment, defamation, workplace disputes, employment contracts, executive compensation, breach of confidentiality, wrongful discharge, and wrongful termination.

**FINANCIAL SERVICES & SECURITIES:** Financial services and securities including fraud, breach of fiduciary duty, rights and obligations of classes of creditors, credit defaults, collections, secured

transactions, recapitalization, and restructuring.

**CRYPTOCURRENCY:** Ownership of crypto assets, validity of crypto transactions, valuation of crypto assets, and misappropriation of crypto assets.

**CONSUMER:** Collections, credit default, fraud, breach of contract, landlord-tenant, warranties, Telephone Consumer Protection Act, Texas Debt Collection Act, Texas Deceptive Trade Practices Act, credit cards, utilities, and cryptocurrency.

**TELECOMMUNICATIONS AND TECHNOLOGY:** Technology, networks, telecommunications, CLECs (competitive local exchange carriers), LECs (local exchange carriers), LANs (local area networks), ILECs (incumbent local exchange carriers), RBOCs (regional bell operating companies), digital assets, e-commerce, licensing, and joint development agreements.

**PROFESSIONAL FEE DISPUTES:** Reasonableness and amount of professional fees.

<b>Mediator Style &amp; Process Preferences</b>	Mediation requires a combination of patience, creativity, perseverance and empathy. My role, as mediator, is to allow the parties a safe place to share their experience, explore the strengths and weaknesses of their case, and seek out a path to resolution. Each mediation is unique and preparation is essential. Pre-mediation statements and conferences are an important part of the mediation process. Prior to the date of mediation, I typically invite input from the parties regarding process, available pathways to resolution, and perceived obstacles to resolution. I adapt my style to address the needs of the parties. Depending on the party and the circumstances, my role may be to listen, to question, to analyze, or to push. Often needs evolve during the mediation, which requires perception, flexibility, and willingness to adapt to the needs of each dispute.
<b>Technology Proficiency</b>	Available for online, in-person, and hybrid arbitration and mediation.
<b>Education</b>	University of Houston Law Center (JD-1993); Washington University (BA-1987).
<b>Professional Licenses</b>	Admitted to the Bar: Texas (1993); U.S. District Court: Southern District of Texas; U.S. Courts of Appeals: Fifth Circuit and Sixth Circuit.
<b>Professional Associations</b>	American Bar Association (Dispute Resolution Section, Women in Dispute Resolution Committee, Solo and Small Firm Section, Litigation Section, and Health Law Section); American Bankruptcy Institute (Bankruptcy Litigation Committee and Mediation Committee); ArbitralWomen; American Health Law Association; Association of Attorney Mediators; Association of Women Attorneys (Houston); Academy of Court-Appointed Masters; Greater Houston Women's Chamber of Commerce; Houston Bar Association (Alternative Dispute Resolution Section, Bankruptcy Section, Health Law Section, and Fee Dispute Committee); National Association of Women Lawyers; State Bar of Texas (Alternative Dispute Resolution Section, Bankruptcy Law Section, and Women and the Law Section); Texas Association of Mediators; Texas Mediator Credentialing Association (Advanced Distinguished Mediator); National Academy of Distinguished Neutrals (Texas); International Institute for Conflict Prevention and Resolution (CPR) Panels of Distinguished Neutrals; Women's Business Enterprise by the Women's Business Enterprise National Council (WBENC); Impact100 Houston; National Association of Bankruptcy Trustees.
<b>Recent Publications &amp; Speaking Engagements</b>	"Mediator Insights: What You Should Know (and What Your Mediator Needs to Know) to Improve the Mediation Process," ABA Litigation Section Annual Conference 2023; "The Many Roles of a Neutral in Bankruptcy," ABI Annual Spring Meeting 2023; "Lessons learned from Children's Books for Life and Dispute Resolution," Coalition of Women's Initiatives in the Law 2023; "Lessons Learned from Children's Books for Life and the Practice of Law," National Association of Women Lawyers 2023; "Lessons learned from Children's Books for Life and Dispute Resolution," Will Work for Food's New Possibilities Hour 2023; "Ethics and the Art of Mediation," American Bankruptcy Institute Journal 2022; "Mediator Insights: A Glimpse Behind the Curtain," ABA Litigation Section Newsletter 2022; "Loose Lips Sink Ships: Mediation Confidentiality, Privilege and Ethics," ABI Southeast Bankruptcy Conference 2022; "It is Way Past Time to Allow Bankruptcy Judges to Use Court Appointed Neutrals," The Judges Journal (ABA) 2022; "Trust in Negotiation and Mediation," State Bar of Texas Bankruptcy Section Newsletter 2022; "Practice Tips for 'Business Divorce' Arbitrations for Small Businesses and Closely Held Corporations," ABA Arbitration Committee Newsletter 2022; "The Red Light and Green Light of Consumer and Commercial Bankruptcy ADR," Moderator of Panel Discussion, State Bar of Texas, Annual ADR

Course 2022; "Is Timing Everything in Mediation?" ABI Mediation Committee Newsletter 2021; "Business Bankruptcy Mediation as a 'Rubik's Cube,'" Will Work for Food's New Possibilities Hour 2021; "Bankruptcy Mediation," Lawyers and Mediators International, InstantMediations.com 2021; "Refresh Your Dispute Resolution Roadmap," University of Texas School of Law 43rd Annual Corporate Counsel Institute 2021; "Must I/May I Arbitrate in Bankruptcy," 38th Annual Jay Westbrook Bankruptcy Conference 2019.

<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Greater Houston Area
<b>Mediation Rate</b>	\$3,200 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Houston, TX

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.