



AAA Mediation.org™

## Christopher M. Ernst, Esq.

Cleveland, Ohio



### Primary Areas of Expertise

Business Litigation  
Breach of Contract  
Business Torts  
Torts  
Employment  
Fiduciary Duty

### Current Employer-Title

Ohio ADR / Nationwide ADR – Arbitrator, Mediator & Neutral  
The Ernst Law Firm – The Entrepreneurial General Counsel

### Professional Summary

Since the early 1990s, actively engaged in Alternative Dispute Resolution. Trained by the American Arbitration Association, the American Bar Association, the Supreme Court of Ohio, and others. A member of the Dispute Resolution Section of the American Bar Association and the Alternative Dispute Resolution Committee of the ABA's Litigation Section. Was chairperson of the Alternative Dispute Resolution practice group at his prior law firm, a leading Midwest law firm.

Recognized by Best Lawyers in America, Ohio Super Lawyers, and Martindale Hubbell AV Preeminent Rating.

Primary focus is on business disputes (including business torts), tort cases (including personal injury) and employment matters.

### Profession

Attorney, Arbitrator, Mediator, Professional Neutral

### Work History

Arbitrator/Mediator/Neutral, Ohio ADR / Nationwide ADR, 2020-Present; The Entrepreneurial General Counsel, The Ernst Law Firm, 2017-Present; Partner, Bricker & Eckler, LLP, 2008-2017; Partner, Buckingham Doolittle & Burroughs LLP, 2005-2008; Partner, Weston Hurd Fallon Paisley & Howley LLP, 1999-2005; Associate, Weston Hurd Fallon Paisley & Howley LLP, 1997-1999; Sole Practitioner, Ernst & Co. LPA, 1996-1997; Partner, Ernst & Dowling, 1992-1996; Judicial Law Clerk, Honorable Ralph A. McAllister & Honorable Patricia A. Cleary, Cuyahoga County Court of Common Pleas, 1991-1992.

### Experience

Attorney and ADR professional with over 30 years of experience. Litigated a wide variety of cases, from plaintiff's personal injury to insurance defense, from business contracts to business torts, and from employment to construction. Served as lead trial counsel in cases as large as \$160 million in value. Served as Special Master in class action case valued at \$450 million. Previous clients have been as small as sole proprietorships and as large as Fortune 20 companies. Since 2008, worked primarily as an outside general counsel for a wide range of businesses, focusing on business litigation and employment matters.

Representative cases include:

- Served as national litigation manager and then, subsequently, outside general counsel for U.S. subsidiary of international manufacturing business with \$3B in global sales.
- Successfully represented a state-wide political party in litigation between the campaign committees of Donald J. Trump and Hillary Rodham Clinton immediately prior to the 2016 Presidential Election.
- Successfully represented multiple school districts in commercial and employment litigation.
- Successfully litigated a commercial dispute pertaining to hydro-electric turbines.
- Successfully represented nation's largest restaurant chain in litigation with franchisee.
- Successfully represent majority shareholder in dispute with minority shareholders.
- Successfully defend \$4M litigation between seller and buyer of a business.
- Successfully defended girls' parochial college preparatory high school in negligent hiring & battery lawsuit.
- Successfully represented local real estate developer focused on preservation of historic buildings.

Recognized as an expert in tort law, having written the only treatise on Ohio tort law in existence. Baldwin's Ohio Practice: Tort Law 2d, which is over 6,000 pages in length and available on Westlaw, includes 29 chapters on business torts.

## **Mediator Experience**

A decade of mediation experience, focusing on business disputes (including business torts), torts, and employment matters. Ample experience with multi-party complex cases. Mediated numerous seven, eight and nine-figure cases.

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

Sample matters include a broad variety of business disputes between:

- Brewing company and heavy industrial elevator company
- Shareholders of a brewing company
- Electrical contractor, industrial chemicals company, and public transit system
- Manufacturer, auctioneer, and close-out wholesaler.
- Franchisors & franchisees
- Contractors and property owners
- Shareholders of industrial mineral processor.
- Investors and companies
- Trade Secrets

Also, tort cases involving:

- Motor vehicle accidents
- Slips and falls
- Bad Faith insurance
- Breach of fiduciary duties
- Tortious Interference

Also, employment matters concerning:

- Disability discrimination
- National Origin discrimination
- Gender discrimination
- Title VII violations
- Sex discrimination
- Shareholder disputes

In addition, serve in the following ADR roles:

- Panelist for United States District Court, Northern District of Ohio Alternative Dispute Resolution program.
- Mediator for United States District Court, Southern District of Ohio Alternative Dispute Resolution program.
- Panelist for Cuyahoga County Court of Common Pleas Department of Dispute Resolution Business Mediation Program.

## **Mediator Style & Process Preferences**

The role of the mediator is to create a meaningful, productive and positive dialogue so that progress toward a resolution is constantly being made. This involves learning about not just the dispute itself,

but the background of parties, the nature of their relationship, and looking forward to explore what is possible. This is done through a facilitative approach and helps to crystalize the issues (both on the surface and below the surface). At times, though, it is necessary (and preferable) to become more evaluative to assist the parties in reaching their goal of resolution. Mediation should encourage the parties to realistically assess the risks of litigation/arbitration and pinpoint their interests, allowing them to rethink their positions and put aside antagonisms that impede settlement.

## **Technology Proficiency**

Proficient in the majority of common technologies, including, but not limited to Zoom, Teams, WebEx, Blue Jeans, LoopUp, When2Meet, Word, Excel, NetSuite, Monday, Quicken/QuickBooks, Clio, & Juro.

## **Education**

Case Western Reserve University School of Law (JD - 1991), Tufts University (BA, International Relations & American History - 1988).

Also a broad variety of training and continuing education courses for arbitration, mediation, EDR and other ADR services.

## **Professional Licenses**

Admitted to the Bar: Ohio (1991); U.S. Supreme Court (2001); U.S. Court of Appeals: 6th Circuit (1995); U.S. District Court: Northern and Southern Districts of Ohio (1992/2003).

## **Professional Associations**

MENSA. American Bar Association (2002-Present) (Dispute Resolution Section & Litigation Section's Alternative Dispute Resolution Committee); Ohio State Bar Association (1993-Present); Cleveland Metropolitan Bar Association (2008-Present) (Alternative Dispute Resolution Committee); Federal Bar Association (2021-Present) (Alternative Dispute Resolution Committee); William K. Thomas American Inn of Court (2007-2010, 2011-Present) (Master of the Bench -- Emeritus); Mensa (1998-Present); Ohio Mediation Association (2020-Present); Mediation Association of Northeast Ohio (2020-Present).

## **Recent Publications & Speaking Engagements**

Books:

- Baldwin's Ohio Practice: Tort Law 2d (Thomson Reuters Publishing) 2010
- Baldwin's Ohio Practice: Tort Law (Thomson/West Publishing) 2005

Articles:

- "How Curt Flood Can Help Your Alternative Dispute Resolution" (Cleveland Metropolitan Bar Journal, July/August 2022)
- "The Practitioner's Guide to Pre-Mediation Conferences, or: How I Learned to Stop Worrying and Love the Spice Girls" (Cleveland Metropolitan Bar Journal, July/August 2020)
- "Ever Ask What Style Your Mediator Uses?" (ADResolution Matters, June 15, 2017)
- "Calculating Damages in Business Disputes" (ADResolution Matters, April 12, 2017)
- "Zoning Disputes in Mediation" (ADResolution Matters, February 16, 2017)
- "Be Careful of the Substantive Expert Arbitrator" (ADResolution Matters, October 13, 2016)
- "Be Prepared: 'Prepare for a Chance of a Lifetime; Be Prepared for Sensational News'" (Cleveland Metropolitan Bar Journal, July/August 2016)
- "Vickers v. Canal Pointe Nursing Home and Rehab Center: Reconciling Peters with the Federal Arbitration Act" (ADResolution Matters, June 17, 2016)
- "Case Report: Confidentiality in Mediation" (ADResolution Matters, February 12, 2016)

Journals:

- Nationwide ADR Journal <https://www.nationwideadr.com/journal>
- Ohio ADR Journal <https://www.ohioadr.org/ohio-adr-journal>

Law Review:

- "The Foreign Ownership Disclosure Act of 1989" (Case Western Reserve Journal of International Law, Volume 23, 1991)

Presentations

- "Christopher Ernst. The Entrepreneurial General Counsel" (UpNext with Gabriella Mirabelli Podcast, 2021)
- "Episode 12: Do's and Don'ts for Attorneys in Mediation" (Meetups with Mediators Podcast, 2021)
- "Lawyer to Lawyer Mentoring Orientation" (Supreme Court of Ohio, 2017)

**Locations Where Parties Will Not be Charged for Travel Expenses** No charge for travel time within the State of Ohio.

**Mediation Rate** \$400 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** Cleveland, 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.