

A. Michelle Jernigan

Mediator and Arbitrator/Shareholder/ (1992 to 2020)

Principal (2021 to present)

Upchurch Watson White & Max

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Curriculum Vitae

Mediation Experience

General commercial: Mediated hundreds of commercial cases, including multimillion-dollar disputes between software companies, commercial and residential foreclosures, commercial landlord-tenant cases, business dissolutions, contract disputes, covenants-not-to-compete, trade secret violations, fraud cases, boundary disputes, and collection cases.

Consumer protection: Mediated numerous consumer protection violation cases including Deceptive and Unfair Trade Practices, Fair Debt Collection Practices Act (Federal and State) Fair Credit Reporting Act and Real Estate Settlement Procedures Act.

Employment: Mediated hundreds of employment cases, including discrimination based on race, gender, religion, age, pregnancy, national origin, sexual harassment, and wage and hour disputes. Mediated public and private Whistleblower cases and Collective and Class Actions.

ERISA: Mediated hundreds of ERISA cases involving claims for disability benefits, competing claims to life insurance proceeds, health insurance and breach of insurance contract claims.

Personal injury claims: Mediated hundreds of personal injury claims, involving premises liability, negligent security, wrongful death, automobile negligence, school bus and public transportation accidents involving 15 to 20 plaintiffs, and cases with multiple defendants.

Eminent Domain: Mediated numerous eminent domain and inverse condemnation cases with various governmental entities.

Healthcare: Mediated numerous multimillion-dollar disputes between hospitals and insurance companies in litigation and arbitration. Most of these have involved coding and pricing issues.

Professional malpractice: Mediated numerous medical and legal malpractice cases.

Construction: Mediated numerous construction cases involving multimillion-dollar construction defect claims with as many as 60 parties. Mediated with general contractors, sub-contractors, architects, condominium associations and homeowners' associations.

Homeowner's disputes: Mediated numerous HOA disputes with homeowners involving violations of covenants and restrictions. Successful in achieving many types of creative outcomes.

Property damage: Mediated hundreds of property damage cases due to hurricanes and other storm-related issues. Mediated sinkhole and arson cases.

Intellectual property cases: Mediated patent and trademark infringement, and cybersquatting cases.

Trust and estate: Mediated numerous trust and estate cases involving large amounts of money, complex business and estate issues, and generational family dynamics.

Family business disputes: Specially trained to mediate family business disputes with an understanding of business issues and generational family dynamics. Mediated these cases over multiple months.

Family law: Mediated 50 to 100 dissolution and post-dissolution cases, some of which involve multimillion-dollar estates, complex legal issues, and issues involving children.

Arbitration Experience

FINRA: Named as an arbitrator in 42 FINRA cases. Served as Chair, panel member and sole arbitrator. FINRA cases primarily involve alleged violations of securities laws.

Employment Arbitration: Served as sole arbitrator on employment cases, including alleged violation of the FLSA, discrimination, breach of contract and wrongful termination.

Negligence and Strict Liability Arbitration: Served as an arbitrator on a panel of arbitrators in a case involving claims of negligence and strict liability. (2020)

Family Arbitration: Served as sole arbitrator in a case involving equitable distribution, alimony and attorney's fees.

Commercial Arbitration: Served on an arbitration panel in a case involving claim for real estate commissions. Served as sole arbitrator in 2012-2013 on a case alleging violations of the FCCPA and Intentional Infliction of Emotional Distress. Also served as a sole arbitrator on hundreds of "paper only" cases referred by the National Arbitration Forum.

NonBinding Arbitration: Served as panel member on nonbinding arbitrations involving construction claims and failure to abide by non-residential owner's association claims. Served as Chief Arbitrator on a panel of three arbitrators on wrongful death and negligence claims. Served as sole arbitrator in ten cases, including employment, commercial, personal injury and property damage.

Prudential Life Insurance Class Action claims: Arbitrated approximately 40 cases as part of the Prudential Life Insurance Company's class action case involving the churning of life insurance policies. Arbitrations took place by phone and the arbitrator was charged with the responsibility of scoring the case pursuant to a specific pre-established matrix, which served as a basis for each award.

Legal Experience

(AV rating in Martindale-Hubbell)

Law Offices of A. Michelle Jernigan, Orlando, Florida (1987-1992) Commercial litigation, family law and mediation.

Woods, Roberts and Jernigan, Orlando, Florida (1985-1987) Commercial litigation and family law.

Broad and Cassel, Orlando, Florida (1983-1985) Commercial litigation.

State Attorney's Office, Ninth Judicial Circuit, Orlando, Florida (1982-1983) Prosecutor.

Certifications

Florida Certified Circuit Civil Mediator (1988 to present)
Florida Certified Family Mediator (1988 to present)
Florida Certified U.S. District Court Mediator, Middle District of Florida (1997 to present)
Florida Certified 5th DCA Appellate Mediator (2001 to present)
Florida Supreme Court Approved (Foreclosure) Mediator
Florida Qualified Arbitrator (1992 to present)
FINRA Arbitrator (1999 to present)
Trained Family Collaborative Lawyer (2017 to present)
Approved Circuit Civil Mediation Trainer (2017 to present)

Professional Memberships

Executive Council Member (2014 to 2021) / Newsletter Editor (2014 to 2020) / Treasurer (2015-2019):
ADR Section of The Florida Bar
Founding Member / Past Director / Past President: Florida Academy of Professional Mediators (1989 to 2017)
Member / Board of Trustees: American College of Civil Trial Mediators (2001 to present)
Member: Florida Supreme Court Mediation Training Review Board (1997 to 2013)
Member: Central Florida Association for Women Lawyers (1992 to present)
Member: Labor and Employment Law Section of the Florida Bar (2017 to present)
Member: Real Property, Probate and Trust Law Section of the Florida Bar (2017 to present)
Member: Collaborative Family Law Group of Central Florida (2017 to present)

Professional Licenses

The Florida Bar (1982 to present)
Florida Real Estate Salesperson (1985 to present) (Inactive)

Publications

Author: "How Clients Think: The Brains Behind Decision Making", Orange County Bar Briefs (3 parts - June, July, and August 2014)
Co-Author: "Ten Cornerstones of Effective Mediation Advocacy", Claims Magazine (February and March 2014)
Co-Author: "If We Knew Then What We Know Now: Twelve Mediation Lessons Learned the Hard Way", The Florida Bar ADR News & Tips (Fall 2011)
Co-Author: "The Mediator's Role in the Family Business" ACCTM Publication, American Journal of Mediation (Volume 2, 2008)
Author: "The Magic of Mediation" (2003)
Co-Author: "Mediation Proceedings" Chapter 8, Florida Dissolution of Marriage, (4th ed. 1993)

Education

J.D. Stetson University College of Law, Editor for Stetson Law Review (1981)
B.S. Political Science, Stetson University (1979)
Nova University, Post Graduate Studies / Psychology (1987-1988)