

**MICHAEL S. WILK**  
**Attorney, Arbitrator, and Mediator**

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**CURRENT EMPLOYER/TITLE:**

Managing Shareholder, Hirsch & Westheimer, P.C.

**WORK HISTORY:**

Hirsch & Westheimer, P.C. – 1966 to present. AV Rating in Martindale –Hubbell.

**EDUCATION:**

University of Texas (BA. 1964)  
University of Texas School of Law (J.D. with honors, 1966);  
Editor of Texas Law Review – 1965)

**PANELS:**

American Arbitration Association Panel of Neutrals (Large Complex Commercial Case Arbitration Panel and Mediation);  
CPR International Institute for Conflict Prevention and Resolution (Arbitration and Mediation Panel, Accounting, Banking, Energy and Financial Services Panel);  
American Health Lawyers Association Panel of Neutrals (Arbitration and Mediation);  
FINRA Dispute Resolution Panel of Neutrals (Arbitration and Mediation from 2000).

**ARBITRATION EXPERIENCE:**

Arbitrated complex commercial cases, including contract and damage issues between energy companies; breach of representations and purchase price adjustments in mergers and acquisitions; real estate disputes; disputes between medical providers; securities cases; wire transfer cases; corporate squeeze out and shareholder oppression cases; accounting and legal malpractice.

**ARBITRATION TRAINING:**

Yearly ACE courses presented by American Arbitration Association and CLE courses for the State Bar of Texas ADR Section.  
2002 FINRA Dispute Resolution Arbitrator Training; Panel Member Course and Examination, Chicago;

2001 AAA Commercial Arbitration Training Workshop II, Dallas;  
2000 Chartered Institute of Arbitrators, North American Branch, International Commercial Arbitrators Basic Training Course and Examination;  
1999 AAA Commercial Arbitration Training Workshop I, Houston;  
1991 American Arbitration Association Basic Arbitration Training, Houston..

**MEDIATION EXPERIENCE:**

More than 1,000 commercial disputes involving, among other areas, complex commercial, banking, employment, securities, oil and gas, bankruptcy, health law, and environmental issues.

**MEDIATION TRAINING:**

Yearly training by Association of Attorney Mediators, the State Bar of Texas ADR Section and Texas Mediator Credentialing Association;  
Negotiation Workshop, Harvard Law School – 1993;  
Advanced Mediation Training, Attorney-Mediator’s Institute, Dallas - 1992;  
Basic Mediation Training, Attorney-Mediator’s Institute, Dallas – 1990.

**LEGAL EXPERIENCE:**

Practices in commercial transactions and commercial litigation in state and federal courts as well as bankruptcy and probate. Extensive experience in cases involving corporations and partnership issues, breach of contract, lending, bank deposits and transfers, real estate, energy and construction, administration of trusts and estates and breach of fiduciary duty. Transactional experience includes buying and selling businesses, both in public and private transactions. Adjunct professor at South Texas College of Law in 1972 and 1973 teaching negotiable instruments, bank deposits and collections, and secured transactions.

**PROFESSIONAL ASSOCIATIONS:**

College of Commercial Arbitrators (Fellow);  
Texas Mediator Credentialing Association (Credentialed Distinguished Mediator);  
State Bar of Texas (Past Chair Alternative Dispute Resolution Section);  
Association of Attorney Mediators, Inc. (Director-National; President-National 1996);  
State Bar of Texas Grievance Committee (Member and Past Chairman 4B);  
Harris County Dispute Resolution Center (Director, Pro Bono arbitrator, mediator, moderated settlement conference panelist);  
Houston Bar Association (Chairman Peer Mediation in Schools Task Force 1993-1994);  
Houston Bar Association (Past Council Member Alternative Dispute Resolution Section);  
American Bar Association (Alternative Dispute Resolution Section);  
Texas Bar Foundation Fellow;  
Houston Bar Foundation Fellow;  
International Mediator Institute (Certified Mediator -  
[http://www.imimmediation.org/?cID=mediator\\_search\\_results&name=Michael+Wilk](http://www.imimmediation.org/?cID=mediator_search_results&name=Michael+Wilk))

**RECOGNITIONS:**

Recognized in Texas Monthly's annual publication, *Texas Super Lawyers for ADR, 2003 through 2010* for the practice area of alternative dispute resolution and in The 2007 and 2008 International Who's Who of Business Lawyers for arbitration.

**REFERENCES ON REQUEST**

**PUBLICATIONS:**

"Resolution of Domestic and International Bankruptcy Issues through Mediation," *Conflict Management*, A Publication of the Committee on Alternative Dispute Resolution – American Bar Association, p. 19 (Summer 2005 – Volume 9, Issue 2).

"ADR Basics," *Conflict Management*, A Publication of the Committee on Alternative Dispute Resolution – American Bar Association, p. 16 (Summer 2004 – Volume 8, Issue 3).

"Mediation of a Bankruptcy Case," *American Bankruptcy Institute Journal*, (May 2003) at 12.

"Helping Attorneys See Beyond The Case: Return To Objectivity," *Alternative Resolutions* No. 2, p. 13 (November 2002).

"Alternative Dispute Resolution with the Resolution Trust Corporation and the Federal Deposit Insurance Corporation," 9 *The Practical Real Estate Lawyer* (May 1993) at 27.

**PRESENTATIONS:**

Arbitration Roundtable, State Bar of Texas, ADR Counsel (February 28, 2010).

"Facilitative Mediation," Alternative Dispute Resolution Texas Style, Texas Bar CLE, Dallas, Texas, October 2007.

"Mediation of Securities Fraud Disputes," Houston Bar Association, Securities Litigation and Arbitration Section, Houston, Texas, January 2007.

"Delaying Tactics in Arbitration," American Arbitration Association ACE Program, Houston, Texas August 2006.

"Arbitration Fundamentals," State Bar of Texas CLE Web Cast, October, 2005.

"Delaying Tactics in Arbitration," American Arbitration Association ACE Program, Houston, Texas July 2005.

"Mediation of a Bankruptcy Case," Mediation for Litigators, South Texas College of Law, Houston, Texas, October 2002.

“Mediation of Bankruptcy Disputes,” Oklahoma State Bar Meeting, Alternative Dispute Resolution Section, November 2001

Presentation of Mock Mediation,” National Association of Certified Valuation Analysts, Houston, Texas, September, 2000

“Helping Lawyers See Beyond the Case,” Texas Association of Mediators Annual Conference Training Course, Houston, Texas, February 26, 2000

“Ethical Considerations in Mediation,” 16th Annual Bankruptcy Conference, the University of Texas School of Law, Austin, Texas, November 1997.

“Consensual Settlement,” Association of Insolvency Accountants, 13th Annual Bankruptcy and Reorganization Conference, Dallas, Texas, May 1997.

“Advocacy In Mediation,” The CLE Institute, Houston, Texas, October 1996.

“The CPA's Role in Alternative Dispute Resolution,” AICPA National Advanced Litigation Services Conference, New Orleans, Louisiana, October 1996.

“Evaluative Mediation: Why, When, and How to Manage the Merits,” American Bar Association Section of Dispute Resolution, Orlando, Florida, August 1996.

“Mediation — Five Years Later,” Houston Bar Association Institute, Houston, Texas, October 1994.

“Future ADR Trends and New Concepts: Resolving Disputes: Litigation vs. ADR,” South Texas College of Law, Houston, Texas, March 1993.

“Mediation of Business Disputes,” Houston Bar Association, Corporate Counsel Section, Houston, Texas, November 1992.

“Alternative Dispute Resolution with the Resolution Trust Corporation and the Federal Deposit Insurance Corporation,” American Bar Association Annual Meeting, San Francisco, California, August 1992.

“The Mediation Session — Non-judicial Resolutions/Alternatives to Duking It Out,” 5th Annual Valuation of Assets in Bankruptcy Conference, The University of Texas School of Law, Austin, Texas, July 1992.

“The Mediation Solution — Low Cost Salve For Thorny Real Estate Disputes,” American Bar Association's Section of Real Property, Trust and Probate Law, Third Annual Spring CLE and Committee Meeting, Nashville, Tenn., May 1992.

“Arbitration — A Primer for the Business Lawyer,” 14th Annual Conference on Securities Regulation and Business and Law Problems, The University of Texas School of Law, Austin, Texas, March 1992.

“Initiating and Objecting to ADR Procedures, the Art of Advocacy in ADR,” South Texas College of Law, Houston, Texas, June 1991.

“Controlling Litigation With Boilerplate — Opportunities, Pitfalls & Limitations: Mediation/Letters of Credit,” American Bar Association Section of Real Property, Probate and Trust Law, Spring CLE and Committee Meeting, Orlando, Florida, April 1991.

“Alternative Dispute Resolution in a Banking Context,” 13th Annual Banking Law Institute, Texas Association of Bank Counsel, Houston, Texas, March 1990.