

Samuel E. Mc Cargo ~ RESUME

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PERSONAL DATA: D.O.B.: October 14, 1950
Married: Spouse, Mattie J. Mc Cargo
Three children (D.O.B.: October 15, 1977, June 14, 1979 and October 6, 1980)
Good Health
Military Status: 1-H

EDUCATIONAL BACKGROUND:

J.D., University of Michigan, Ann Arbor, Michigan - May 1975; B.A., University of Michigan, Ann Arbor, Michigan - May 1972, concentration in political science.
Graduated: Highland Park Senior High School, Highland Park, Michigan, June 1968.

EMPLOYMENT/CURRENT & IMMEDIATE PAST:

Lewis & Munday, P.C. (06/2004 – Present)

Of Counsel: Member of firm's Litigation Practice Group.

Samuel E. McCargo, Attorney & Counselor at Law (09/2003 – Present) Detroit, MI

Self Employed Principal and Owner. Rendering professional services as an arbitrator, mediator & attorney in private sector, public sector and nonprofit industries. Training & lectures on arbitration, employee relations in non-union shops, sexual harassment, new issues in discrimination, merit systems, civil service (state and federal), arbitration fees/costs/expenses, diversity management in the workplace, and preparation for arbitration.

CONCENTRATION OF LABOR AND EMPLOYMENT EXPERIENCE (1975-PRESENT):

Employment Litigation: litigation of wrongful discharge cases, sex discrimination and harassment cases, race discrimination and harassment cases, employee insurance and benefits cases, workers compensation cases, unfair labor practices charges, duty of fair representation cases, and corporate restructuring and staff reduction cases. **Negotiations and Contract Implementation:** Management Chief Negotiator for collective bargaining agreements in a wide array of industries and involving a wide array of unions; negotiated contracts covering wages, hours, and other terms and conditions of employment. Duties included: representation of management interests in the bargaining process; recommending and selecting appropriate members of management for the negotiating team(s); accumulation of necessary data used in preparation for negotiations; recommending agreements for approval to contract oversight

level or corporate governing board(s); planning, organizing and representing public employers in arbitration, and representation cases heard before public commissions or other such bodies; coordinating all aspects of contract administration during the term of various contracts with employee organizations; interpreting the negotiated contracts to members of the staff, as appropriate, and administering the contract and salary schedule for all personnel; assisting in developing and recommending salary policy and structure; and, administering and implementing discipline, discharge and grievance procedures and programs. **Alternative Dispute Resolution Experience:** Extensive private sector, public sector and nonprofit arbitration and mediation experience. Alternative dispute resolution experience has included role as ad hoc hearing officer for the Michigan Department of Public Health and the Michigan Department of Civil Service. Experienced in NLRB, MERC, MI-UIA proceedings. Trains/lectures on interest arbitration, mediation, sexual harassment, new issues in discrimination, merit systems, civil service (state and federal), arbitration fees/costs/expenses, construction industry "impact" costs, diversity management in the workplace, and preparation for arbitration. Absenteeism, discharge, discipline, discrimination (sex, race, handicap), health benefit insurance, insubordination, lay-offs and recalls, leaves, patient abuse, promotions, reorganizations and re-engineering, transfers, work assignments, workplace injury. Training: AAA Impasse: Mediating in the "Red Zone"; AAA Zero Tolerance: The Ultimate "Paper Tiger" 2014; AAA ICLE'S 13th Annual Advanced Negotiation & Dispute Resolution, 2014; Institute for Continuing Legal Education, Advanced Negotiation & Dispute Resolution Institute, 2013; Faculty, AAA Grievance Processing, 2013; ICLE, 11th Annual Advanced Negotiation and Dispute Resolution Institute, 2012; AAA Past Practice: When Actions Speak Louder Than Words, 2011; AAA/Detroit Metropolitan Bar Association/Oakland County Bar Association, ADR Joint Networking Event, 2010; AAA, Enforcing Employment (Not Labor) Awards: Is There a Difference?, 2009; Association for Conflict Resolution, Avoiding Pitfalls in ADR, 2009; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2006; AAA Labor Arbitrator II Training: Advanced Case Management Issues, 2006, 2003; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2004; Michigan ICLE General Civil Case Mediator Training Certificate, 2003; AAA Arbitrator Update 2002; AAA Employment Arbitrator II Training: Advanced Case Management Issues, 2002; AAA Employment Arbitrator Training, 1999; AAA Commercial Arbitrator Training, 1999; AAA Large, Complex Case Panel Arbitrator Training, 1993; various other ADR training.

The Wellness Plan (Primarily servicing Medicaid Recipients) (07/1995 - 09/2003)

SIGNIFICANT EXECUTIVE/ADMINISTRATIVE EXPERIENCES AND ACTIVITIES:

Corporate Reengineering: Oversight, direction and coordination of activities and efforts of task force(s) appointed by the CEO to spearhead the corporate reformation(s) (1997/1998; and 1999/2000). The duties and responsibilities of the task force(s) included but were not limited to: guiding project direction; ensuring quality, timely deliverables; developing structure and conducting analysis; synthesizing and communicating findings; and developing recommendations. Focused reviews were performed in the following areas: revenue collection; commercial business (pricing discipline); broker rationalization; pharmacy optimization; claims processing; payment accuracy; third-party liability; and process efficiency. A complete evaluation of strategic options was completed, including: assessment of competitive position; reformulation of business, operational and organizational strategies; evaluation of alternatives to achieve strategic goals; and development of plans for implementation. **Health Plan Operations Group:** Serve as Executive Liaison to Health Plan Operations Group (2001-Present). Assist in facilitating the collection of information from internal and external sources and specialized consultants related to Health Plan Operations; investigate internal sources of actual resistance to implementation of Health Plan Operations improvements; and assist in identifying financial and structural impediments to changes. Direct and oversee the review the evaluation of all health plan operations and related corporate policies; and assist in facilitating the direction and monitoring of all

necessary revisions and changes to bring policies into compliance with newly established Health Plan Operations Group standards, guidelines and other requirements for successful Health Plan Operations within the corporation. Assist in establishing mechanisms to review and reconcile all health plan operations related policies; assist in establishing processes and procedures to accomplish this reconciliation throughout the corporation with the oversight of the Health Plan Operations Group. Assist in establishing procedures and mechanisms for oversight, review and approval of all future Health Plan Operations Group related corporate policies. **Corporate Compliance:** In this area, duties included serving as Corporate Compliance Officer. Established and implemented (1) a comprehensive Corporate Compliance Program and (2) a Departmental Unit through which the program was implemented (1998-2000). **Corporate Communications:** Served as the Corporate Communications Officer and developed and defined long term and short term corporate themes and messages; identified necessary subject areas for corporate policies regarding themes, messages and information dissemination; drafted and proposed appropriate policies regarding corporate information and its dissemination; reviewed, revised and upgraded corporate information policies, themes and messages (1998-2000).

OTHER PRIOR WORK EXPERIENCE:

January 1983 - July 1995: Senior Shareholder and Attorney, Kirk & McCargo, P.C., 155 West Congress, Detroit, Michigan, 48226.

April 1982 – December 1982: Samuel E. McCargo, Attorney and Counselor at Law, 350 Marquette Bldg, Detroit, Michigan 48226.

February 1980 - April 1982: Riley and Roumell, 720 Ford Building, Detroit, Michigan. Associate Attorney.

September 1978 - January 1980: Highland Park School District, 20 Bartlett, Highland Park, Michigan. Assistant Superintendent of Personnel & Labor Relations.

May 1975 - August 1978: Riley and Roumell, 720 Ford Building, Detroit, Michigan. Associate Attorney.

APPOINTMENTS

American Arbitration Association (member and arbitrator on labor and consumer and community disputes resolution panel)

Michigan Department of Civil Service (Ad Hoc hearing officer) - 1979-1987

Public Health Licensing Board (hearing officer) - 1980-1988

AFSCME/State of Michigan Private Arbitration Panel (arbitrator) - 1980-1988

Institute of Continuing Legal Education (Executive Board) - 1989- 2008

Institute of Continuing Legal Education, Chairperson - 1991- 1992

University of Michigan Law School Committee of Visitors - 1975- 2004

State Bar of Michigan:

- Board of Commissioners
- Awards Committee
- Budget & Finance
- Character & Fitness Committee
- Communications Committee
- Judicial Qualifications Committee
- Membership Services
- Personnel Committee

PROFESSIONAL MEMBERSHIPS

Bar Associations:

State Bar of Michigan, 1975 – Present.

Detroit Metro Bar Association, 1975 – Present.

American Bar Association, 1975 – Present. (ABA Fellows member, 1995-present)

National Bar Association, 1976 – Present. (Director - Region VI, 1981-1983; Board of Governors; Executive Committee member)

Wolverine Bar Association, 1975 – Present.

Other memberships:

Michigan Regional Labor Advisory Board, American Arbitration Association, 1977 - 2004

Wayne County Association of Educational Negotiators (1978 - 1980)

National Association of Educational Negotiators (1978 - 1980)

University of Michigan/Black Law Alumni Society, 1976 – Present. (President, 1976-1980)

Michigan Association of Health Plans, 1995-2003 (Board of Directors, Executive Committee, Legislative Committee, Attorney Workgroup)

American Association of Health Plans, 1995-2003

American Association of Health Lawyers, 1995-Present

MI Defense Trial Lawyers Association, 1990-1995

LECTURES

American Arbitration Association, Chicago, IL, Labor Law Conference, April 1977, "The Arbitrator and Conflicting Forums"

National Association of Black Contractors, Detroit, MI, July 1977,

"The Legal Aspects of Arbitration"

Macomb County College, January 13, 1979, "Employee Discipline"

State of Michigan (Dept. of Public Health, Dept. of Social

Services, Dept. of Commerce, Dept. of Corrections, Dept. of Natural Resources), "Contract Implementation" and

"Preparing for Arbitration" 1982-1984

Detroit-Wayne County Community Mental Health Board,

Employment Law and Risk Management Seminar, June 6, 1991, "Elliot Larsen Civil Rights Act - New Issues in Discrimination"

Office of the State Employer, Seminar, December 12, 1991, "Sexual Harassment"

National Bar Association, Commercial Law Section 1992 Corporate

Counsel Conference, February 12, 1992, Moderator, Alternative Dispute Resolution Panel

Office of the State Employer, Seminar, April 9, 1992, "Sexual Harassment - Investigation"

67th Annual National Bar Association Meeting, Seminar, July 30, 1992 "Arbitration Fees, Costs and Expenses"

State of Michigan, Department of Civil Service, "Management Authorities Under the Merit System", June 1993

National Bar Association, Arbitration Section, "Impact Costs, The Ripple Effect in Construction Contracts", July 1993

State of Michigan, Department of Labor, "Diversity Management in the Workplace", September 14, 1993

State of Michigan, Department of Labor, "Diversity in the Workplace", October 15, 1993

State of Michigan, Department of Civil Service, "Management Authorities Under the Merit System", February 23, 1994, March

15, 1994; March 23, 1994; June 28, 1994; July 13, 1994; August 23, 1994, March 1995,

Institute of Continuing Legal Education's (ICLE) 1994 Advocacy Institute, "Litigating the Sexual Harassment Case", May 1994
 National Bar Association, Arbitration Section, Mediation, August, 11, 1994
 Michigan Department of Corrections, "Deliberate Indifference", March 16, 1995
 Michigan Department of Commerce, Sexual Harassment Training, April 5, 20, 1995
 Institute of Continuing Legal Education's (ICLE) 1995 Advocacy Institute, "Trying the Challenging Automobile Negligence Case", May 1995
 National Institute for Trial Advocacy (NITA), Boulder, Colorado, Advanced Trial Advocacy Skills, July 1 - 6, 1995
 Association of Trial Lawyers of America, Employee Rights Mock Trial, New York City, New York, July 17, 1995
 Michigan Department of Corrections, "Deliberate Indifference", August 21, 1995
 NBA/Small Firms and Solo Practitioners Section, "Things They Didn't Teach You in Law School", Successful Small Law Firms - Networking is Key, August 1995
 NBA/Arbitration Section, "Preparing for Mediation", August 1995
 Affirmative Action/EEO Director's Counsel, "Investigating and Handling Sexual Harassment Claims in the Workplace", September 25, 1995
 State Bar of Michigan Labor Law Section's Mid-Winter Meeting, 1996, participant in labor-law round-table discussion.
 Department of Civil Service, "The Alpha and Omega of Arbitrating a Labor/Employment Dispute", February 1-2, 1996
 ICLE/Health Law Institute "Michigan Wrongful Discharge Cases, Back To Basics - How To Win The Disability Discrimination Case", February 16, 1996
 Institute of Continuing Legal Education's 1996 Advocacy Institute, May 11, 1996
 ICLE/Health Law Institute 1997, "Key Issues in Group Practice Formations: The Impact of Managed Care on Medical Practice Mergers, Affiliations and Sales", Feb. 21, 1997
 ICLE/Trial Skills Advocacy Training, May 5-6, 1997
 ICLE/Health Law Institute 1998, "HMO Contracting - The Impact of Current Health Plan Liability Issues", Feb. 20, 1998
 Michigan Association of Certified Public Accountants, "The Michigan Patient's Bill of Rights", April 30, 1998

CIVIC AND/OR COMMUNITY RELATED ACTIVITIES:

Board of Trustees, United Methodist Retirement Homes, Inc. - 1977- 1979
 Board of Directors (Ex Officio), Metropolitan Contractors Association - 1978-1980
 State Bar Crime Education Task Force (Co-Chair) - 1985-1987
 State Supreme Court Task Force on Probate Court Delivery of Services to Children and Families - 1986
 State Supreme Court Task Force on Role of Probate Court in Delivery of Services to Children and Families - 1986
 State Supreme Court Task Force on Racial/Ethnic Issues in the Courts - 1988-1989
 Law School Mock Trial Judge, 1991, Detroit College of Law.
 Law School Mock Trial Judge, 1993, Detroit College of Law.

PUBLICATIONS

"The Black Irishman," Detroit Lawyer, September 1975.
 "Emancipation in Michigan," Michigan State Bar Journal, June 1985
 "Employment and Labor Law," Chapter in the ICLE's publication
The Research Edge: Finding Law and Facts Fast
 "Lawyer Beware: Choose Your Commercial Client Carefully,

Michigan State Bar Journal, July 1984.

“Responding to the Hostile Sexual Environment: Cure or Legal Defense?” Michigan State Bar Journal, November 1995.

“Employment Law in Michigan,” authored Chapter 12 of book published by the ICLE

INTERESTS AND HOBBIES:

Golf; computers/computing; reading; and travel.