



William E. Hartsfield, Esq.
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Work History

Shareholder/Director, Hamilton & Hartsfield, P.C., 1994-current
Adjunct Professor, University North Texas, 2009-2017
Shareholder/Director, Miller, Hiersche, Martens & Hayward, P.C., 1991-1993
Of Counsel, Miller, Hiersche, Martens & Hayward, P.C., 1988-1990
Associate General Counsel, TGI Friday's, Inc., 1981-1988
Associate, Carrington, Coleman, Sloman & Blumenthal, 1977-1981
Briefing Attorney, Texas Supreme Court, 1976-1977
Ltjg., U.S.N.R., Judge Advocate General Corps, 1973-1976

Profession

Attorney, Arbitrator, Mediator

Current Practice

Current practice consists of 95% ADR as a neutral and 5% miscellaneous legal matters, such as trademarks and incorporations. No longer offering services as an advocate.

Education

Texas A&M University (BA, Mathematics, summa cum laude-1973; BA, Philosophy, summa cum laude-1973)
Harvard Law School (JD-1976)

Employment Matters and Related Experience

Over 30 years of experience in private practice balanced among litigation, administrative proceedings, employment law counseling, and expert witness.

Litigation of employment matters included representing both plaintiffs and defendants and both employers and employees, in disputes involving FLSA, Title VII, OSHA, ADA, ADEA, ERISA, FMLA, GINA, collective actions, torts, personal injuries, workers' compensation discrimination, noncompete and confidentiality agreements, emergency and injunctive relief, and individual employment contracts.

Administrative proceedings included the EEOC, the federal Department of Labor, the Texas Workforce Commission (TWC), the Texas Commission on Human Rights (now the Civil Rights Division of the TWC), OSHA, and NLRB.

Employment law counseling included internal investigations, terminations, reductions in force, review of summary plan descriptions and benefit plans, preparation and review of confidentiality and noncompete agreements, preparation and review of executive employment contracts, compliance with discrimination laws, and compliance with 42 USC §1981, Title VII, ADA, ADEA, COBRA, ERISA, FLSA, FMLA, GINA, HIPAA, NLRA, OSHA, USERRA, Sarbanes

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Oxley, Dodd-Frank, Computer Fraud and Abuse Act, Electronic Communications Privacy Act, Employee Polygraph Protection Act, Fair Credit Reporting Act, Federal Rehabilitation Act, Executive Order 11246, and Immigration Reform and Control Act.

Expert services included investigations of employees, personnel policies, benefit policies, and ERISA.

Served as Associate General Counsel for TGI Friday's Inc., Dallas, Texas, from 1981 to 1988 and was responsible for all employment law matters for all 136 restaurants in 33 states.

Collective Bargaining, Labor, and Related Experience

Serving as a mediator in labor disputes: served in disputes involving municipalities, school districts, and state agencies.

Serving as an arbitrator in collective bargaining disputes, including, the permanent panel for

- Lockheed Martin Aeronautics Company and the Office and Professional Employees International Union, Local No. 277
- First Transit (Cobb Co.) & ATU Local 732
- Las Vegas Metropolitan Police Department and Las Vegas Police Protective Association and

on the Independent Hearing Examiner Panel for

- the City of Houston and the Houston Police Officers' Union and
- the City of Ft. Worth and Ft. Worth Police Officers Association.

Serving as an arbitrator in disputes between public employees and public employers: served in disputes involving municipalities, counties and school boards; and served in disputes involving Chapter 143 of the Texas Local Government Code, the Oklahoma Fire and Police Arbitration Act, and the New Mexico Personnel Act.

Served as a Certified Independent Hearing Examiner for the Texas Education Agency, 2009 to 2015.

Represented employers in proceedings before the National Labor Relations Board.

Represented a manufacturer in its collective bargaining matters from 1996 to 1999.

Health Matters and Related Experience:

Over 25 years of experience balanced among arbitration, mediation, litigation, administrative proceedings, and counseling for health care and related industry clients such as hospitals, surgery centers, physician practices, individual physicians, suppliers of medical devices, laboratories, home health care agencies, benefit plan administrators, third party administrators, and patients seeking benefits. Issues included reasonable and necessary medical expenses, coverage, eligibility, preemption, coordination of benefits, experimental treatment, fiduciary duties, misrepresentation of coverage, recovery of over payments, fraudulent claims, and exercise of discretion.

Franchise and Licensing Experience:

Over 20 years of experience representing franchisors and franchisees (e.g., termination, royalties and

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fees, transfers and valuations, regulations, disclosures, encroachment, enforcement, trademark or copyright infringement, renewals, noncompetition, confidentiality, nonsolicitation of employees, advertising and marketing obligations, development obligations, and post-termination obligations).

Merger, Acquisition and Joint Venture Experience:

Over 20 years of experience balanced among negotiating agreements, counseling clients, and litigating disputes concerning mergers, acquisitions, and joint ventures (e.g., breach of contract; confidentiality, non-solicitation and non-competition provisions; fraud; breach of representations and warranties; guarantees; financial commitments; intellectual property; and oppression of minority owners).

Software and Related Experience:

Over 20 years of experience representing software developers, licensors, and licensees in negotiating terms and conditions of licenses (e.g., performance standards, confidentiality, representations, and ownership of intellectual property).

Hospitality and Entertainment:

Over 25 years of experience representing restaurants, resorts, multimedia companies, production and event companies, golf clubs, tanning salons, and hotels with respect to franchising, licensing, leases, acquisitions, mergers, employee relations, and health benefits.

Video hearings:

Over seven years of experience with video and telephone hearings and multiple video platforms.

Alternative Dispute Resolution Experience and Rosters

- Since 1989, chair or panelist in over 1000 arbitrations and mediator in over 380 disputes
- Member, American Arbitration Association Asbestos, Commercial, Employment, and Labor Arbitration Panels, 1989 to date
- Member, FINRA (formerly NASD and NYSE) Mediation and Arbitration Panels, 1991 to date
- Certified Independent Hearing Examiner, Texas Education Agency 2009-2015
- Arbitrator, Las Vegas Metropolitan Police Department and Las Vegas Police Protective Association
- Independent Private Hearing Examiner, City of Houston and Houston Police Officers' Association, 2015 to date
- Independent Private Hearing Examiner, City of Fort Worth and Fort Worth Police Officers' Association, 2018 to date
- Arbitrator, Coal Arbitration Services, District 22 2011-2013
- Arbitrator, Federal Mediation and Conciliation Service, 2010 to date
- Arbitrator, International Centre for Dispute Resolution, 2015 to date
- Arbitrator, Lockheed Martin Aeronautics Company and the Office and Professional Employees International Union, Local No. 277
- Hearing Official, Dallas Area Rapid Transit Trial Board, Fiscal Years 2008-2010 and 2022-2025
- American Health Lawyers Association ADR Panels, 1993 to date
- Merrill Lynch Claim Resolution Process, Northwestern Univ. School of Law (Arbitration Panel), 2001-2003
- Member, National Academy of Arbitrators 2018 to date
- Member, National Academy of Arbitrators, Board of Governors, 2021 to 2024

Alternative Dispute Resolution Training - Arbitrator

Faculty, American Arbitration Association 4/90
Faculty, Dallas Bar Association, Employment Arbitration 9/96
Faculty, Dallas Bar Association, Effective Arbitration 11/00
Faculty, American Arbitration Association, Arbitration Advocacy 10/02
Faculty, American Arbitration Association, Arbitration Advocacy 10/04
Faculty, Southwest Regional Conference of the National Academy of Arbitrators, How to Do Employment Arbitration Effectively & Efficiently 4/05
Faculty, American Arbitration Association, Arbitration Advocacy 5/05
Faculty, Tex. Bar Assoc., Advanced Consumer & Commercial Law, Winning in Arbitration 11/08
Faculty, American Arbitration Association, Grievance Processing, 5/12
Faculty, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, Measured, Metered and Monitored 2/14
Faculty, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, Measured, Metered and Monitored 2/16
Faculty, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, Red Light, Green Light 2/18
Faculty, Texas Labor Management Conference, The Arc of Dispute Resolution: Negotiation, Mediation, and Arbitration 7/18
Faculty, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, Police and Firefighter Update 2/19
Faculty, Fall Education Conference National Academy of Arbitrators 9/19
Faculty, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, Red Light, Green Light 2/20
Faculty, Greater Houston Labor and Employment Relations Association, Virtual ADR from A to Z, 9/2020
Faculty, Greater Houston Labor and Employment Relations Association, A Look at Video Hearings – Bring Your “A” Game to All Hearings, 9/22
Faculty, DFW Arbitration Study Group, Arbitrators' Immunity from Suit and Subpoena 9/22
Faculty, American Arbitration Association, Mock Video Arbitration, 9/22

Adjunct Professor, University North Texas, Arbitration: Essential Concepts, Fall 2009 to 2017 and Dispute Resolution in the Workplace Fall 2012 to 2017

American Arbitration Association, Advanced Arbitrator Training 12/90
American Arbitration Association, Advanced Arbitrator Training 12/93
American Arbitration Association, Employment Arbitrator Training 6/96
Dallas Bar Association, Mandatory Arbitration in Employment Cases 5/97
American Arbitration Association, Employment Arbitrator Training 8/97
American Arbitration Association, Employment Arbitrator Training 10/97
Cornell University, Employment Arbitration 3/99
American Arbitration Association, Commercial Arbitration 6/99
Dallas Bar Association, Employment Arbitrations 11/00
American Arbitration Association, Arbitration Update 11/01
American Arbitration Association, Arbitrator II Workshop 8/02
American Arbitration Association, Developments in International ADR 11/02

American Arbitration Association, Ethics in ADR 12/02
American Arbitration Association, Labor Arbitrator II Training 11/03
American Arbitration Association, Arbitration Writing Awards 2/04
American Arbitration Association, Arbitrator Ethics and Disclosure 3/04
American Arbitration Association, Neutrals Conference 3/04
National Academy of Arbitrators, Southwest Labor Management Conference 4/05
American Arbitration Association, Arbitral Authority 6/05
American Arbitration Association, Party-Appointed Arbitration 10/05
American Arbitration Association, Panel Chair 11/05
American Arbitration Association, Pro Se Arbitrations 10/06
NASD, Chairperson Training 2/07
Texas Bar Association, Arbitration Roundtable 4/07
Chapter 143 Local Government Code Use of Force Continuum in Police Cases 3/08
National Academy of Arbitrators, Southwest Labor Management Conference 3/08
Texas Education Agency, Certified Hearing Examiner Training 2/09
American Arbitration Association and International Centre for Dispute Resolution Neutrals Conference 2/09
Chapter 143 Local Government Code Current Lessons 3/09
National Academy of Arbitrators, Southwest Labor Management Conference 3/09
Arbitration Roundtable, ADR Section, Texas Bar 11/09
ADR Strategies That Maximize Corporate Value 2/10
Efficient ADR - Saving the Client's Money Through Technology 2/10
Annual Training for Certified Hearing Examiners 2/10
National Academy of Arbitration, Southwest Labor Management Conference 3/10
Texas Labor Management Conference 6/10
American Arbitration Association and International Centre for Dispute Resolution Neutrals Conference 11/10
Annual Training for Certified Hearing Examiners 3/11
Chapter 143 Local Government Code Current Issues 3/11
National Academy of Arbitrators, Southwest Labor Management Conference 3/11
American Arbitration Association, Thirty Steps to a Better Arbitration, 5/11
Annual Training for Certified Hearing Examiners 2/12
Chapter 143 Local Government Code Update 3/12
National Academy of Arbitrators, Southwest Labor Management Conference 3/12
American Arbitration Association, Managing the Arbitration Process, 11/12
Annual Training for Certified Hearing Examiners 2/13
Chapter 143 Local Government Code Procedural Issues 2/13
National Academy of Arbitrators, Southwest Labor Management Conference 2/13
DFW Arbitration Study Group, Chairing the Arbitration Panel 6/13
DFW Arbitration Study Group, Award Writing 9/13
American Arbitration Association, Updated Commercial Rules 1/14
Annual Training for Certified Hearing Examiners 2/14
Chapter 143 Local Government Code Training for Arbitrators 2/14
National Academy of Arbitrators, Southwest Labor Management Conference 2/14
Annual Training for Certified Hearing Examiners 2/15
National Academy of Arbitrators, Southwest/Rockies Labor Management Conference 2/15

American Arbitration Association, Panel Dynamics 9/15
American Arbitration Association and International Centre for Dispute Resolution Neutrals Conference 2/16
National Academy of Arbitrators, Labor Management Conference 3/16
Working Effectively in Federal Sector Arbitration 9/16
National Academy of Arbitrators, Southwest/Rockies Labor Management Conference 2/17
AAA Clarity in Award Writing 2/17
National Academy of Arbitrators, Southwest/Rockies Labor Management Conference 2/18
AAA National Labor Conference 2/18
Annual Meeting National Academy of Arbitrators 5/18
Fall Education Conference National Academy of Arbitrators 10/18
National Academy of Arbitrators, Southwest/Rockies Labor Management Conference 2/19
AAA/ICDR Panel Conference, 3/19
Fall Education Conference National Academy of Arbitrators 9/19
AAA Cyber Security: A Shared Responsibility 11/19
National Academy of Arbitrators, Southwest/Rockies Labor Management Conference 2/20
Annual Meeting National Academy of Arbitrators 9/21
DFW Arbitration Study Group, The Award Writing Process, 4/22
DFW Arbitration Study Group, Navigating Arbitrations Involving Pro Se Parties, 6/22

Alternative Dispute Resolution Training - Mediator

Faculty, Attorney Mediators Institute 1/92
Faculty, Attorney Mediators Institute 3/92
Faculty, Arkansas Bar Association Little Rock 4/93
Faculty, Employment Mediation Federal Bar Association New Orleans 5/93
Faculty, Employment Mediation SMU 5/95
Faculty, Attorney Mediators Institute 5/96
Faculty, Basic Mediator Training 11/96
Faculty, American Arbitration Association, Stories Mediators Tell: The Good, The Bad, The Ideal! 10/14

American Arbitration Association, Mediation Training 5/89
Dallas Bar Association, Mediation Training 6/89
Association of Attorney Mediators, Mediation Training 7/89
Dallas Bar Association, Mediation Training 11/89
Association of Attorney Mediators, Mediation Training 4/91
Dallas Bar Association, Mediation Training 7/91
Attorney Mediators Institute, Mediation Training 10/91
Dallas Bar Association, Mediation Training 6/92
Attorney Mediators Institute, Mediator Training 9/92
Attorney Mediators Institute, Mediator Training 10/92
Attorney Mediators Association, Advanced Mediator Training 2/93
Dallas Bar Association, Mediator Training 2/94
State Bar of Texas, Advanced Negotiations 9/94
SMU Resolving Workplace Disputes 6/98
Dallas Bar Association, Mediation and Ethics 8/98

Dallas Bar Association, ADR Update 3/99
Dallas Bar Association, Advanced Mediation Training 5/00
Dallas Bar Association, Mediation Update 1/01
American Arbitration Association, ADR 2001 2/01
Association of Attorney Mediators, Advanced Mediator Training 11/01
Association of Attorney Mediators, Advanced Mediator Training 11/02
American Arbitration Association, Developments in International ADR 11/02
American Arbitration Association, Neutrals Conference 3/04
Association of Attorney Mediators, Advanced Mediator Training 4/04
Dallas Bar Association, Civil Collaborative Dispute Resolution 3/05
Texas Bar Association, ADR Seminar 10/06
Texas Mediator Credentialing Association, Symposium Promoting Quality of Practice 11/06
Texas Bar Association, ADR Seminar 10/07
Association of Attorney Mediators, Advanced Mediator Training 11/07
Association of Attorney Mediators, Early Neutral Evaluation 3/08
Association of Attorney Mediators, Advanced Mediator Training 4/09
American Arbitration Association, Advanced Mediator Training 10/09
Association of Attorney Mediators, Employment Disputes 4/10
American Arbitration Association, The Myth of Mediator as Settlement Broker 11/10
American Arbitration Association, What Attorneys and their Clients Want Most from Mediators, 11/10
Dallas Bar Association, Performance Intelligence for the Mediator's Mind 2/11
Association of Attorney Mediators, 25 Years of Change in Mediation 5/11
American Arbitration Association, The Ethics Behind "Better, Faster, Cheaper" in ADR 3/11
Association of Attorney Mediators, The Art of the Short Mediation Session 7/11
Association of Attorney Mediators, Advanced Mediator Training 9/11
Association of Attorney Mediators, Negotiation Skills in Mediation 5/12
Association of Attorney Mediators, What I Wish My Mediators Knew 7/12
Association of Attorney Mediators, Inside View of Mediation 9/12
Dallas Bar Association, Negotiating Case Value 10/12
Association of Attorney Mediators, Expansion of Mediation 9/13
Texas Mediator Credentialing Association, Negotiating Skills in Mediation 10/13
Association of Attorney Mediators, Advanced Attorney-Mediator Training 9/14
Association of Attorney Mediators, Best Practices 3/15
2016 AAA/ICDR/Mediation.org Panel Conference 3/16
Dallas ADR Ethics Roadshow 11/17
2019 AAA/ICDR/Mediation.org Panel Conference 3/19
Dallas Bar Association, A Mediator's Duty to Accommodate Participants, 2/22

Professional Licenses

Admitted to the Bar: Texas, 1976
U.S. District Court: Northern, Eastern, and Western Districts of Texas, 1976
U.S. Court of Appeals, Fifth Circuit, 1995

Professional Associations

Association of Attorney Mediators (Past President, North Texas Chapter)
Attorney Mediators Institute (Faculty)
College of the State Bar of Texas, 1991 to date
College of Labor & Employment Lawyers, Fellow
Dallas Area Labor and Employment Law Group (Past President and Secretary)
Dallas Bar Association (Employment, Franchise, and ADR Sections)
Dallas Bar Foundation, Life Fellow
National Academy of Arbitrators (Board of Governors 2021-2024)
Texas Bar Association (Employment and ADR Sections)
Texas Bar Foundation, Fellow
Who's Who Legal, Texas 2008 (Arbitration)
AV Peer Review Rated Martindale-Hubbell

Publications

Investigating Employee Conduct, Thomson Reuters (West), 1988-to date
What Every Employer Should Be Doing About Sexual Harassment, Business & Legal Reports, 1997
Mediation in Texas, Association of Attorney Mediators, 1997
Employee Benefits: Compliance Made Simple, Business & Legal Reports, 1989
Numerous articles in the *Texas Bar Journal*, *The Practical Lawyer*, *CCH Labor Law Journal*, and *The American Corporate Counsel Association Docket*.

Speaking Engagements

Mock Employment Arbitration, AAA 2022
Arbitrators' Immunity from Suit, Subpoena, and Depositions, 2022
A Look at Video Hearings – Bring Your “A” Game to All Hearings, Houston Chapter Labor and Employment Relations Association, 2022
Witness Credibility and Demeanor: The Elephant in the Virtual Hearing Room?, National Academy of Arbitrators, 2021
Arbitration Award Writing Best Practices, 2021
Video Conferencing in Alternative Dispute Resolution: Arbitrator Authority, Dallas Bar Association, 2020
Virtual ADR from A to Z, Houston Chapter Labor and Employment Relations Association, 2020
Video Conferencing in ADR: The Basics, Dallas Bar Association, 2020
Videoconference Procedures for Arbitration Hearings, 2020
Red Light - Green Light: Arbitrators and Advocates, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, 2020
Decision Writing, National Academy of Arbitrators, Fall Education Conference, 2019
Police and Fire Civil Service Update, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, 2019
Update Your Technology Skills, National Academy of Arbitrators, Fall Education Conf. 2018
The Arc of Dispute Resolution: Negotiation, Mediation, and Arbitration, Texas Labor-Management Conference, 2018
Red Light - Green Light: Arbitrators and Advocates, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, 2018

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Preparing Your Arbitration Disclosures, AAA, Webinar, 2017
(<https://www.aaeducation.org/media/32351/preparing%20your%20arbitration%20disclosures%20-%20materials%20powerpoint.pdf>; <https://www.aaeducation.org/courses/preparing-your-arbitration-disclosures-what-to-include-in-your-disclosure-letter/18prw001/>)

Arbitration Award Writing, 2017

Arbitrating Franchise & Distribution Disputes: Tips and Strategies for Success, Dallas Bar Association, 2016

Measured, Metered and Monitored, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, 2016

What's in Your Scheduling Order?, 2016

Equitable and Non-monetary Relief in Arbitration, 2015

Measured, Metered and Monitored, Southwest/Rockies Regional Conference of the National Academy of Arbitrators, 2014

Ethical Guidelines for the Mediator's Questions, Association of Attorney Mediators, 2014

Arbitrator Award Writing, 2013

Sexual Harassment Investigations, 2012

Grievance Processing, American Arbitration Association, 2012

Optimizing Your Effectiveness in Employment Arbitration, Dallas Bar Association, 2011

The Challenge of Driving Mediations to Resolution in Diverse Times, Dallas Bar Association, 2010

Investigating an Employee's Off-Duty Conduct, 2010

Winning in Arbitration: A Panel Discussion, Advanced Consumer and Commercial Law Course, 2008

Effective Consumer Arbitration, 2008

Arbitration Advocacy, AAA Arbitration Training, 2005

How to Do Employment Arbitration Effectively & Efficiently, Southwest Regional Conference of the National Academy of Arbitrators, 2005

Best Practices in FMLA Administration, Council on Education, 2004

Representing Your Client in Arbitration, AAA Arbitration Training, 2004

FLSA and Texas Wage and Hour Update 2004: Avoiding the Legal Landmines, Council on Education, 2004

A Guide to Case Preparation & Presentation in Arbitration, Arbitration Advocacy, 2002

The Definitive Guide to Employment Law for HR Professionals in Texas, Council on Education, 2002

Employment Mediation: A Panel Discussion, TAM Annual Conference, 2001

Conflict Management for Supervisors & Managers, Personnel Law Management Training, 2001

Discrimination, Investigation, Discipline, Council on Education, 2001

FMLA Update 2001, Council on Education, 2001

Wage and Hour Issues, Lorman Education Services, 2000

Time Off: State and Federal Laws on Employee Leave, Vacations, and Holidays Seminar regarding *Wage and Hour Issues*, 2000

Keeping in Step with FMLA Changes: New Court Decisions and Legislative Developments, Council on Education, 2000

Best Practices for Avoiding Wrongful Discipline and Termination Liability, Council on Education, 2000

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Mediation and Arbitration: Cost Effective Solutions for Improving Employee Relations, Personnel Law Update, 1999

Mastering the Big Three Overlap: Effectively Managing ADA, Workers' Compensation and FMLA, Council on Education, 1999

Keeping Disputes Out of Court and Raising Employee Morale: Strategic Use of Peer Review Panels, Mediation and Arbitration, Personnel Law Update, 1998

Invoking Your Statutory Rights to Control the Use of Intermittent Leave under the FMLA, Council on Education, 1998

Employer Rights and Responsibilities Under Texas' Right to Carry Law, Council on Education, 1996

How to Get and Give References - Risk Free Council on Education, 1996

Family and Medical Leave Act, Council on Education, 1995

Mediation in Employment Multistate Labor and Employment Law Seminar, 1995

Compliance with the American's with Disabilities Act, Dallas Bar Association, 1995

Current Federal and Texas Employment Law Issues, Council on Education, 1995

Hiring Practice for the Discriminating Employer, Council on Education, 1994

Legal Aspects of Employer Investigations, Reid Seminar, 1994

Mediation in Employment, Current Topics, 1993

Privacy Issues, Dallas Bar Association, 1993

Compliance with the American's with Disabilities Act, Human Resources Advisory Council, 1992

Employment Relationships, Council on Education, 1992

Mediation in Construction Disputes, Construction Law Section Meeting, 1991

Discrimination Laws: New Teeth in 1992?, Council on Education, 1991