



Mark A. Shank, Esq.  
Diamond McCarthy, LLP

**Panelist Video**

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**Current Employer-Title**

Diamond McCarthy, LLP - Senior Counsel

**Profession**

Attorney/Arbitrator/Mediator - Civil Litigation

**Work History**

Senior Counsel, Diamond McCarthy, LLP, 2018 - Present ; Partner, Gruber Hail Johansen Shank LLP, 2009-2018; Partner, K&L Gates (formerly Hughes & Luce, LLP), 2001-09; Partner, Clark West Keller, LLP (and predecessor firm), 1981-01.

**Experience**

General/Industry - Broad experience in Arbitration, Mediation, and Litigation, and as a Neutral and Advocate in various industries including technology, telecommunications, transportation, energy, finance, healthcare, banking, financial services, real estate, hospitals, hotels and hospitality, retail, manufacturing, employee staffing and leasing, grocery, recruiting and executive search and legal (law firm).

As a neutral, involving the following types of disputes:

intellectual property, trade secrets, confidentiality, covenants not to compete, breach of fiduciary duty and duty of loyalty;

licensing agreements technology, software, and hardware;

healthcare, including prompt pay, disputes between providers and payers, disputes between providers and hospitals/clinics, healthcare related software, disputes among providers, practice disputes;

shareholder and partnership matters, business litigation, breach of contract, and officer/director liability and derivative claims;

dispute over patent portfolio;

executive compensation, bonus, stock grants, and stock options;

defamation;

collective and class actions;

FLSA claims, including overtime, minimum wage, fluctuating work weeks, exemptions and "off the clock" claims;

labor and employment matters of all types, statutory, common-law, or contractual,

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*Neutral ID : 142247*

including matters involving discrimination, retaliation, lost wages, compensation or commissions, nonsubscriber, workplace injury, ERISA, ADA/FLMA.

**Alternative Dispute Resolution Experience**

As a neutral: Member of Commercial and Employment Panels of the American Arbitration Association since 1996.

As an advocate: counsel in over 100 mediations and 50 arbitrations.

**Alternative Dispute Resolution Training**

AAA/ICDR/AAA Mediation.org Panel Conference, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Chairing an Arbitration Panel (ACE05), 2017; AAA Dealing with Difficult Attorneys in Arbitration, ACE13, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA eDiscovery: Arbitration in a Digital World (ACE012), 2015; AAA Top Techniques for Improving Arbitration Case Management Efficiency, 2015; AAA Conducting Research & Investigations: The Arbitrator's Authority (ACE9) 2014; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2012; AAA, ADR Strategies That Save Time and Money, 2010; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2010; DBA, Annual Labor and Employment Law Update, 2009; AAA Arbitrator Ethics & Disclosure (ACE003), 2007, 2004; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2005; AAA Arbitrator Update, 2002; AAA Employment Arbitrator II Training: Advanced Case Management Issues, 2002; Faculty, AAA Employment Arbitrator Training, 1999; Faculty, AAA Panel Retreat, 1997; AAA Employment Arbitrator Training, 1996.

**Professional Licenses**

Admitted to the Bar: Missouri, 1979; Texas, 1981; U.S. District Court: Western District of Missouri; Northern, Eastern, Southern, and Western Districts of Texas; U.S. Court of Appeals, Fifth Circuit; U.S. Supreme Court; Board Certified in Civil Trial Law and Labor and Employment Law by the Texas Board of Legal Specialization.

**Professional Associations**

Fellow, College of Commercial Arbitrators and Chartered Institute of Arbitrators (2018); Best Lawyers in America, Arbitrations; Dallas Bar Association (Past President 2001); State Bar of Texas (Board of Directors 2004-2006); ABOTA; State Bar Employment Law Section (Chair 1998- 1999); Dallas Bar Employment Law Section (Chair) 1994), State Bar Litigation Section (Council 2012-2018); State Bar of Texas ADR Section; Dallas Bar ADR Section; .

**Education**

Southwest Missouri State University (BS, Political Science-1976); University of Missouri (JD-1979); Southern Methodist University (LLM-1984).

**Publications and Speaking Engagements**

Substantial number of speaking and writing engagements; list provided upon request.

**Citizenship Languages Locale**

United States of America  
English  
Dallas, Texas, United States of America

**Compensation**

Study: \$395.00/Hr  
Travel: \$395.00/Hr  
Cancellation Period: 0 days

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The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

Comment: Offices in Dallas and Austin area; no travel charges for matters in DFW or Central Texas (Austin). Travel expense only (no travel time) for any other venue in Texas. Charges for study time and routine internal expenses, not including local travel time, personal administrative assistant, stamps and local telephone calls. May charge for associate attorney at rate of not more than \$265.00 per hour.

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