

Mediation Experience

By early 2017, I was a professional trial lawyer in complex and high stakes commercial litigation, recognized as a top performer by every major peer evaluation-based publication.

By then, I had accumulated 34 years of experience in courtrooms and conference rooms in Michigan and across the U.S. With my teams of client witnesses, expert witnesses and lawyer colleagues, I had tried 57 cases to verdict or award, and our clients prevailed in each of those cases.

Initially, I became a novice mediator by happenstance; and then five years later, I became a professional mediator by choice.

In my first mediator engagement (2017), a U.S. District Judge asked that I serve in a \$350 million class action, multi-level marketing securities case in the sports nutrition supplements industry, with eight defendants and three insurance silos. The case settled.

Soon thereafter, the General Counsel of a leading automotive OEM asked me to serve on a panel of three mediators in a state court case with a European Tier 1 supplier, involving a \$300 million voluntary recall. The case settled.

While I operated on litigation instinct and intuition, clearly, I was a rookie mediator.

By design, I went back to basics. In 2018, I participated in the award winning 40-Hour Mediator Training Program offered by ICLE (affiliated with the University of Michigan Law School); during which I began to learn the foundational skills for becoming a resolution professional.

Over the next five years, as an important adjunct to my litigation practice, I mediated cases of all sizes and for all manner of clients – Fortune 500, middle market, small family owned businesses, high net worth entrepreneurs, IP creators, owners and licensees, real estate developers, professional service providers (engineers, architects, appraisers, accountants, actuaries, lawyers) and their clients, private equity firms and their investors and portfolio companies, financial lenders and borrowers.

These matters invoked more than 30 commercial litigation disciplines, but with substantial concentration in my trial lawyer areas of expertise: contracts, business torts, financial statement/valuation litigation, shareholder/member disputes (governance, 50/50 ownership breakups and alleged squeeze outs of owners of less than 50% of the business) and automotive supply disputes. A significant number of those matters reached resolution.

I drew from my litigation experience, including serving as trial lawyer advocate for my clients in more than 100 mediations, practicing before some of the very best mediators in Michigan and nationally. As I had with Judges and opposing counsel, as the mediator I relied upon honesty, integrity, common sense, plain speaking, humor, apocryphal and colorful war stories, and doing my best to adhere to the maxim of legendary Detroit Tigers Manager, Sparky Anderson: “play the game the right way.”

At the end of 2022, after 38+ years with my AmLaw 125 firm (500 lawyers), I made a leap of faith to establish Tom McNeill Alternative Dispute Resolution, PLLC, serving as a full time professional mediator – a solo practitioner, fully independent and neutral.

I am solely dedicated to service as a mediator in complex and high value cases and pre-litigation disputes. I do not litigate or try cases; I do not serve as an arbitrator.

And I am not a “volume mediator.” I selectively accept just one matter per week. I specialize in the kinds of cases I handled as a trial lawyer. I study the details of the merits and risks of that matter; and when we all come together on mediation day, I work tirelessly with business clients and their lawyers to assist in identifying a resolution that works for everyone.

And if we do not reach a resolution on that mediation day, I have made the commitment and reserved the necessary time to pursue all avenues and angles for resolution/settlement -- vigorously, proactively and intensely. I don't quit on the cause of resolution, unless and until the lawyers, on behalf of their clients, say something like “enough, we need to resort to litigation, at least for now.”

But most of all, I focus on the business clients and their designated decision-makers. On this website, in the **Resources** section, I have included my recent article on this critical point, entitled “*Proposed Advancements in Mediation Practices: Placing Clients at the Center of Mediation.*”

I absolutely do care deeply about working collaboratively and creatively with all stakeholders in reaching fair and reasonable mediated resolutions.

Thank you for considering me as a candidate to serve as mediator in your important and difficult business dispute.

A handwritten signature in blue ink that reads "Tom McNeill" with a stylized flourish at the end.

Professional Commercial Litigation Mediator

Tom McNeill ADR, PLLC