



SUMMARY BIOGRAPHY

Don Philbin, J.D., M.B.A., LL.M., was named “Lawyer of the Year” in San Antonio by [Best Lawyers®](#) (Mediation: 2014, 2016; Arbitration: 2018), was recognized as the [2011 Outstanding Lawyer in Mediation by the San Antonio Business Journal](#), is one of [eleven Texas lawyers](#) and five “[North American Thought Leaders](#)” in the 2017 Who's Who Legal: Mediation Analysis, and is listed in [Texas Super Lawyers](#). He is an elected fellow of the [International Academy of Mediators](#), the [American Academy of Civil Trial Mediators](#), the [Texas Academy of Distinguished Neutrals](#), and is past chair of the [State Bar of Texas ADR Section](#). Don is also president of [Picture It Settled®](#), Moneyball for negotiation, curator of [www.ADRtoolbox.com](#), and an adjunct professor of law.



BUSINESS AND LEGAL EDUCATION

- LL.M. in Dispute Resolution (2007), Pepperdine University School of Law (Straus Institute)
 - CALI awards for (1) Negotiation and Settlement Advocacy; (2) Commercial and International Dispute Resolution, and (3) Selected Issues in Dispute Resolution (Labor Disputes); capstone paper published in *HARVARD NEGOTIATION LAW REVIEW*
- MBA (Executive Program, 2001), University of Texas at San Antonio
 - Dean's Graduate Student Honor Roll (1999 – 2001); Beta Gamma Sigma and Omicron Delta Kappa
- JD (1987), Pepperdine University School of Law
 - Pepperdine Law Review (1985 – 87); Moot Court Board (1986 – 87); Margaret Martin Brock Scholar (1986 – 87); Teaching Assistant – Writing (1986 – 87)
 - American Jurisprudence Awards for (1) Corporations and (2) Agency and Partnerships
- BA, Business Administration (1984), Trinity University
 - Intern, The White House (1984), United States Senate (Don Nickles, 1983), University President (1982 – 83); Chief Justice, Student Judicial Board (1983 – 84); Teaching Assistant – Writing Lab (1983 – 84)

NEGOTIATION AND MEDIATION TRAINING

- Straus Institute for Dispute Resolution, Pepperdine University School of Law (ranked No. 1 in the country by *U.S. News and World Report* multiple times, including years of LL.M. training) (TADRA §154.052(a))
 - Over 600 hours of classroom and practicum training culminating in a 28-academic unit LL.M. degree

- Selected Academic Courses: Commercial and International Dispute Resolution, Mediation, Negotiation and Settlement Advocacy, Arbitration, International Investment Disputes, Labor Disputes, Third-Party Processes, Faith-Based Diplomacy and International Peacemaking, Communication and Conflict, Social Psychology of Conflict
- Professional Skills Courses: Advanced Mediation (2006); Improvisational Mediation (2007); Mediating the Complex Case (2008); Mediating Complex Construction Disputes (2009); Neuro-Collaboration: How New Perspectives from the Neurosciences Can Enhance Your Collaborative Conflict Resolution Skills (2009); Domestic Relations Dispute Resolution (2010); Using Practical Tools of Mindful Awareness to Improve the Work of Mediators (2013)
- Program on Negotiation at Harvard Law School
 - The Program on Negotiation for Senior Executives (2007)
 - Dealing with Difficult People and Difficult Situations (2007)
- Cambridge Executive Enterprises: Senior Executive Training (MIT Professor John J. Donovan (2002))
- Global Pound Conference Austin (co-director, 2017)
- International Academy of Mediators: Advanced Mediation Training (Salt Lake City 2010; Nashville 2010 (faculty); Austin 2011; Washington 2012; Harvard 2012; Chicago 2014; Austin 2017 (faculty))
- American Academy of Civil Trial Mediators, Advanced Mediation Training (Manchester 2010 (faculty); Lake George 2012; Couer d'Alene 2013 (faculty); Half Moon Bay 2017)
- National Academy of Distinguished Neutrals: Advanced Mediation Training Retreat (Orlando 2010; Amelia Island 2011 (faculty); Boston 2013 (faculty))
- Association of Attorney-Mediators (Austin 2008 (faculty); San Antonio 2009; St. Louis 2010; New Orleans 2011 (faculty); Austin 2012 (faculty); Dallas 2014 (faculty)); San Antonio 2015 (faculty)
- Advanced Commercial Mediation Institute (AAA and ACR) (Austin 2008; San Diego 2011 (faculty))
- Dispute Resolution Section of the American Bar Association: Advanced Mediation and Advocacy Skills Training (2007; San Antonio 2014 (faculty); Malibu 2017 (faculty)); Annual Conferences (2008 – 17 (faculty 2008 – 17))
- Texas Bar CLE: Advanced Mediation: Skills and Techniques (Houston 2009; San Antonio 2009; San Antonio 2010; Houston 2011 (course director); Austin 2012; Houston 2013); Dallas 2014; Austin 2015 (faculty))
- Texas Bar CLE: Arbitration Clause Drafting and Practice in the Wake of *AT&T Mobility v. Concepcion* (Webcast 2011) (faculty)
- Global Collaborative Law Council, Civil Collaborative Training (September 2009)
- Securities Arbitration & Mediation Hot Topics (City Bar of New York 2011 (faculty))
- Austin Dispute Resolution Center, Advanced Family Mediation Training (2007) (TADRA §154.052(b)); Texas Council on Family Violence Training (2017).
- Bexar County Dispute Resolution Center, Group Facilitation Skills Training (2007), Children's Court Training (2010)

AREAS OF MEDIATION PRACTICE

- Accounting Malpractice
- Appellate
- Business
- Civil
- Commercial
- Community
- Constitutional
- Consumer
- Construction
- Contracts
- Copyright
- Discrimination
- Divorce
- Education
- Employment
- Energy
- e-Neutral
- Environmental
- Estate
- Excessive Force
- Family
- Financial
- Franchising
- General Counsel
- General Mediation
- Government
- Health Care
- Home Owners Associations
- Insurance
- Insurance Bad Faith
- Intellectual Property
- Land Use
- Landlord / Tenant
- Labor
- Legal Malpractice
- Medical
- Municipal
- Organizational
- Partnership
- Patent
- Personal Injury
- Premises Liability
- Probate
- Products Liability
- Professional Fees
- Professional Malpractice
- Public Policy
- Real Estate
- Regulatory
- Securities
- Settlement Counsel
- Shareholder Disputes
- Software
- Tax
- Technology
- Telecommunications
- Torts
- Trademark
- Valuation (ad valorem)
- Wills, Trusts & Estates
- Workplace
- Wrongful Death

MEDIATION REVIEWS

- Who's Who Legal Mediation Thought Leaders (2017): Donald Philbin Jr at ADR TOOLBOX in Texas is recommended for his "exceptional" mediation skills and depth of knowledge of the mediation process. One client says of him, "His grasp of the forces that drive a successful mediation is always spot on. There is not a mediator working today that I would trust more in bringing a case to resolution."
- "Don is a mediator that I can trust to have the knowledge and insight to settle any kind of case from family law to complex commercial matters. His pragmatic approach helps to steer parties into a position to make sensible business decisions." Lawyer on BestLawyers

- “I have worked with Donald R. Philbin, Jr. as a mediator at least six times in the last two years. Don's track record of success in those mediations is beyond compare. He is extremely hardworking, patient, and whip smart. In each case Don assisted the parties to reach a settlement. I highly recommend him as a mediator.” Lawyer on Best Lawyers
- “Don Philbin is a very quick study. He boils a case down to the important issues rapidly and he doesn't get distracted by non-issues.” Lawyer on BestLawyers
- “Don has a thoughtful and deliberate approach to mediation. Far more than a "message carrier," Don helps parties look for solutions to their disputes that may not have to come to their minds.” Lawyer on Best Lawyers
- “Don R. Philbin, Jr. is one of the most practical and effective mediators I know of. He spends his time efficiently with each side and has the intuition to know just where the "give and takes" are in each case. He has an extensive legal background, but unlike many of his competitors, he also has an extensive business background. While the lawyers are thinking like lawyers, Don often comes up with creative solutions based on his multidimensional expertise.” Lawyer on BestLawyers
- “Thank you, Don, for another successful mediation of another intractable dispute. You are very good at what you do, working a system of dispute resolution that is so much better than scorched-earth litigation, where usually only the lawyers end up winning in the end. A palpable aura of respect, pleasant demeanor, knowledge of the issues, sincerity, patience, unquestioned impartiality – you have all of the qualities that make an excellent mediator who gently nudges the parties to a fair resolution of a dispute that they weren't able to resolve on their own. I know you will say you were only doing your job, but thank you for doing it so well.” Lawyer on Best Lawyers
- “I just completed the most difficult mediation of my career. We literally worked for 22-hours straight. Don Philbin quickly recognized the legal and factual issues involved as well as the unique and challenging personalities that needed to be managed. He did a flawless job keeping the parties focused on the goal of settlement and helped the parties find common ground and a path to resolution. Most importantly, he did not give up and kept the parties working 22-hours. This was my first mediation with Don, but it will not be my last. I highly recommend Don to all who are in need of a dedicated and skillful mediator.” Trial attorney on LinkedIn
- “Don Philbin successfully mediated a complicated and emotionally-charged business divorce matter for me. He built a positive rapport with the participants and introduced creative ideas. Don was determined to resolve the dispute, which he did after 18-hours of mediation.” National firm lawyer on Best Law Firms
- “Don is an incredible mediator. Two weeks ago he was appointed to mediate a visitation dispute – first time I had met him. We reached an agreement. This couple had very poor communication. After the mediation, the father called the mother and they talked for two hours. My client is very thankful the matter settled out of court, and for this new ability to communicate with her former spouse. Second mediation with Don was last week – more difficult facts and equally satisfying results.” Anonymous private practice attorney on Martindale
- “[Philbin] is an excellent mediator. He works hard to forge an agreement and employs his experience to suggest creative solutions to disputes.” Lawyer on Best Lawyers
- “I'm very familiar with Don R. Philbin's estimable mediation skills. He has mediated for me, and I have mediated as a co-mediator with him. He is personable, intelligent, and creative with the perfect demeanor for even the toughest mediations. I highly

recommend him for a broad range of mediations from business matters to family law.”
Lawyer on BestLawyers

- “Don stepped in to mediate a case with interesting legal issues and emotionally charged parties. He did a great job realistically evaluating the potential legal outcomes from both perspectives. In a single session with Don, we were able to reach a settlement agreement that included a novel, non-financial element neither party had previously considered. It was a creative solution that enabled the parties to resolve their differences without further litigation.” National firm lawyer on Martindale
- “Donald Philbin, Jr. is well informed, savvy, and very personable. He took an active role in negotiating the settlement of a tough employment discrimination case involving a professor who was denied tenure. Mr. Philbin, Jr. took the necessary time with and gave the necessary attention to the concerns of all parties and their counsel and played an integral role in helping the parties to resolve this case. I will certainly recommend him to any area clients who need an effective mediator who is very likeable.” Lawyer on Best Lawyers
- “Mr. Philbin’s education in the legal field as well as his business knowledge serves a client very well.” Lawyer on Best Lawyers
- “I was an attorney in a very difficult custody case. We lucked out and drew Donald R. Philbin, Jr. as our Dispute Resolution Center mediator. He was unbelievable in his tenacity, even having a second mediation in order to make sure our issues were resolved. Don’s professionalism and friendly demeanor was a true blessing to our very lucky clients. I would highly recommend him.” Lawyer on BestLawyers
- “Don has helped to settle cases with some of the most difficult clients. His business-sense helps clients understand the long-term and unseen costs of litigation to a business versus pursuing a matter on principal.” Lawyer on Best Lawyers
- “Donald R. Philbin, Jr. is a very effective and tenacious mediator. He refused to give up, and even though it took more than one day, he was able to get a very difficult case resolved. He is great!” Lawyer on Best Lawyers
- “This was my first mediation with Mr. Philbin and I was very impressed with his professionalism, creativity and commitment to the parties and attorneys in resolving some very difficult issues. Mr. Philbin was dedicated to staying the course and gratuitously spent considerable additional time to reach resolution. I’ve been involved in many mediations in 20+ years of practice and this was one of the most positive mediation experiences I have had. I look forward to working with him again.” Anonymous private practice attorney on Martindale
- “Don Philbin is a fantastic mediator. The proof is in his success. I go back to him with any case that it is in my client's best interest to settle.” Lawyer on BestLawyers
- “Don Philbin is one of the very best mediators I have seen. He is a top-notch professional.” Lawyer on Best Lawyers
- “Mr. Philbin worked hard to get the parties to agreement during the formal meeting and mediation session. Later, after he had already earned his fee, he kept in touch with both parties and continued to work with and encourage settlement; with a final result of a mutually acceptable settlement on the eve of trial.” Lawyer on BestLawyers
- “Don is an incredibly personable attorney. He is extremely intelligent and able to communicate difficult concepts with ease.” Anonymous private practice attorney on Martindale
- “Fantastic mediator with great follow-up. You want Don to mediate your case!” Anonymous private practice attorney on Martindale

- “Don Philbin has developed a well-earned and well-deserved reputation since beginning his practice as a mediator. His is very highly regarded.” Lawyer on BestLawyers
- “Donald R. Philbin, Jr. is my preferred mediator.” Anonymous big firm lawyer and former judge on BestLawyers
- “I am impressed by Don Philbin's advance preparation, command of the subject matter, and post-mediation follow up. I highly recommend him as a mediator in complex civil matters.” Lawyer on Best Lawyers
- “Don Philbin is a great mediator! He is smart. He knows how to make litigants consider the risk / reward of a settlement.” Anonymous lawyer on Best Law Firms
- “Don Philbin has an advanced approach to dispute resolution that is effective in complex situations.” Lawyer on BestLawyers
- “Donald R. Philbin, Jr. is an extremely effective mediator. He is quick to grasp the issues that will be the biggest problems (leading to a possible impasse), and assist in formulating solutions for these issues. He is professional, likable and quick to establish rapport with the client.” Lawyer on BestLawyers
- “Mr. Philbin possesses a keen insight into the essence of the issues at hand and understanding of the matters at risk.” Lawyer on BestLawyers
- “Don does an exceptional job of building rapport with parties to mediation, keeps them at the table, and works thoughtfully and tirelessly to achieve a settlement.” Lawyer on BestLawyers
- “Don is a wonderful professional to work with. I have worked with him on a number of matters, and I really appreciate his ability to help mediate to resolution complicated and hotly contested matters.” Lawyer on BestLawyers
- “Excellent person, lawyer, mediator.” Anonymous judge on Martindale
- “Don is one of the very best mediators. He is very smart, very talented, and very dedicated to his work.” Anonymous private practice attorney on Martindale
- “Don Philbin is effective and thorough. He is always pleasant to work with and goes the extra mile to assist in resolving your case long after his earned fee has been expended.” Lawyer on BestLawyers
- “Don was able to really understand a very complex business “divorce” and help the parties dissolve a 14-year business relationship. He kept pushing the parties toward resolution and was able to obtain a great result for my client.” Anonymous private practice attorney on Martindale
- “Donald R. Philbin, Jr. is an excellent mediator, who has frequently settled highly contentious cases for both myself and colleagues. I recommend him highly.” Lawyer on Best Lawyers
- “Stellar intellect & character.” Anonymous judge on Martindale
- “Don is one of the top of the line, go to guys. He is genuinely committed to achieving resolution.” Lawyer on BestLawyers
- “Donald R. Philbin, Jr. is a great mediator, particularly for complex commercial, family, or estate disputes. He brings his analytical expertise related to litigation and his experience as an attorney and litigator to bear on all parties for successful resolution of cases.” Lawyer on Best Lawyers
- “An outstanding and innovative mediator.” Commenter on SuperLawyers
- “Don is an innovative genius in the area of dispute resolution. Among other things he recently developed a negotiations app for the iPhone. His techniques are cutting edge

and he is always looking for a new avenue to assist parties in resolving disputes.”
Commenter on SuperLawyers

- “Donald R. Philbin Jr. is extremely knowledgeable and does a great job.” Lawyer on Best Lawyers
- “This was my first time to use Don. He came to me highly recommended. He was fair, objective and absolutely knew his stuff. I was impressed with how rapidly he grasped the important points of a complex transaction. I will use him again.” Anonymous private practice attorney on Martindale
- “I have mediated several cases with Don Philbin. He is one of the highest rated mediators in San Antonio. I find the best cases to mediate with Don are commercial disputes because of his business analysis approach.” Lawyer on BestLawyers
- “Using his business skills, legal skills and a lot of common sense, he is able to understand and be extremely effective. Mr. Philbin is very sensitive to the stress mediation places on a client. He is able to put the client at ease to achieve results.” Anonymous private practice attorney on Martindale
- “Donald R. Philbin, Jr. is a good mediator who was helpful in getting cases resolved, even if they did not finish at mediation. He provided good follow-up after mediation and assistance in resolution.” Lawyer on BestLawyers
- “We call Donald R. Philbin, Jr. for some of our bigger, more difficult, and more important cases, especially commercial, probate, and property disputes. If it can get settled, he finds a way. He's very quick to understand complex matters. He works hard and stays with it.” Lawyer on Best Lawyers
- “Donald R. Philbin, Jr. is a highly experienced and an excellent mediator.” Lawyer on Best Lawyers
- “Mr. Philbin resolved a highly conflicted post-divorce matter. He exhibited great professionalism and skill during the mediation. I have recommended him to many of my colleagues.” Lawyer on BestLawyers
- “Don is an extremely talented mediator. Don works hard, and has the skill to get a tough case settled.” Anonymous private practice attorney on Martindale
- “Don Philbin is a very talented mediator, truly committed to assisting the parties to resolve their issues through mediation.” Lawyer on BestLawyers
- “Donald R. Philbin, Jr. is a fine mediator, an innovator in the field, and a first class individual with great ethical values.” Lawyer on BestLawyers
- “Donald R. Philbin, Jr., is professional, hardworking and highly effective.” Lawyer on BestLawyers
- “I have known Don for many years but just recently mediated with him on a very tough custody issue. Don was quite professional and helped my client through an extremely difficult situation. He has good suggestions and ideas to help the parties reach a resolution.” Private practice attorney on Martindale
- “Donald Philbin, Jr. is a very effective mediator.” Lawyer on BestLawyers
- “Don is a great mediator!” Anonymous private practice attorney on Martindale
- “Don Philbin has an excellent work ethic and concentrates on the job at hand.” Lawyer on BestLawyers
- “Don is an excellent mediator. I have found him very effective in getting commercial disputes resolved.” Lawyer on BestLawyers
- “Excellent and creative approach to arrange a settlement that all agree.” Anonymous private practice attorney on Martindale

MEDIATION, NEGOTIATION, AND ARBITRATION PUBLICATIONS

- *Why Can't They Settle? The Psychology of Relational Disputes*, 18 CARDOZO J. CONFLICT RESOL. 311 (2017)(with Harry L. Munsinger).
- *SABA Pioneers Shape Development of Alternative Resolutions*, SAN ANTONIO LAWYER MAGAZINE 10 (January-February 2017).
- *Recent Bexar County District Court Statistics*, SAN ANTONIO LAWYER MAGAZINE 8 (July-August 2016)(winner of a Stars of Texas Bars Awards (news: 2016 – 17).
- *Checkmate: Early Moves Define Negotiation Outcomes*, NEWS FOR THE BAR (Texas Bar Litigation Section; Spring 2015), reprinted in ABA Dispute Resolution Section's JUST RESOLUTIONS (June 19, 2015), Texas Bar ADR Section's ALTERNATIVE RESOLUTIONS (July 16, 2015), and SAN ANTONIO LAWYER MAGAZINE (July-August 2014).
- *The One Minute Manager Prepares for Mediation: A Multidisciplinary Approach to Negotiation Preparation*, 13 HARVARD NEGOTIATION LAW REVIEW 249 (2008); excerpted in Carrie J. Menkel-Meadow et al, DISPUTE RESOLUTION: BEYOND THE ADVERSARIAL MODEL (Aspen WoltersKluwer, 2nd ed. 2010), reprinted in *Securities Arbitration & Mediation Hot Topics 2008: "The" Program for Attorneys, In-House Counsel, Experts, Arbitrators & Mediators*, New York City Bar (2008 & 2010), and other publications and courses.
- *Harnessing the Power of Information and Insight to Improve Strategic Decision Making and Choice*, 16 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 193 (2016).
- *The Value of Economic Analysis in Preparing for Mediation*, 63 DISPUTE RESOLUTION JOURNAL 49 (April 2008), reprinted in AAA HANDBOOK ON MEDIATION (2d 2010), ALTERNATIVE RESOLUTIONS (2014), and as *The Value of Economic Analysis in Mediation*, 23 ALTERNATIVE RESOLUTIONS 13 (Spring 2014).
- *Deal or No Deal? Or Perhaps a Better Deal? The Impact of Improved Information*, 25 ALTERNATIVES TO THE HIGH COST OF LITIGATION 177 (Dec. 2007).
- *Decisional Errors – On the Field, On the Bench, In Negotiations*, HARVARD NEGOTIATION LAW REVIEW Online Edition (2009).
- *Decisional Errors – Why We Make Them and How to Address Them*, 64 DISPUTE RESOLUTION JOURNAL 64 (Nov. 2009 – Jan. 2010).
- *The Psychology of Bad Economic Decisions*, 7 JAMS DISPUTE RESOLUTION ALERT 1 (Fall 2007).
- *The Critical Role of Dispute Resolution Skills in Legal Decision Making*, 8 AMERICAN JOURNAL OF MEDIATION 13 (2015).
- *Comprehensive Trial Preparation Includes ADR Process Design: What Type of Mediator Best Fits This Case?*, 11 CONFLICT MANAGEMENT Newsletter 17 (ABA, Section of Litigation, Fall 2007); reprinted as *Trial Preparation Includes ADR Process Design: What Type of Mediator Fits Best?*, 9 ABA COMMERCIAL & BUSINESS LIT. 1 (ABA LIT. WINTER 2008).
- *How "Tomorrow's Lawyers" are Using Technology Today to Improve Outcomes*, 31 ALTERNATIVES TO THE HIGH COST OF LITIGATION 81 (June 2013), reprinted in ALTERNATIVE RESOLUTIONS (2014).
- *Thankful for Unanswered Prayers? Unconscionability 'Equilibrium'*, 27 ALTERNATIVES TO THE HIGH COST OF LITIGATION 145 (Oct. 2009).

- *Litigators Needed to Advise Transaction Lawyers on Litigation Prenups*, 56 THE ADVOCATE 36 (Fall 2011), reprinted at 23 ALTERNATIVE RESOLUTIONS 19 (2013).
- *Trends in Litigating Arbitration: Using Motions to Compel Arbitration and Motions to Vacate Arbitration Awards*, 76 DEFENSE COUNSEL JOURNAL 338 (2009).
- *Litigating Arbitration: A 2007 Texas Arbitration Review*, 60 BAYLOR LAW REVIEW 613 (2008) (with Audrey Lynn Maness).
- *Litigating Arbitration Slows as Mediation Becomes More Popular*, 43 TEXAS TECH LAW REVIEW 757 (2011) (with Audrey Lynn Maness and Philip J. Loree).
- *Still Litigating Arbitration in the Fifth Circuit, But Less Often*, 42 TEXAS TECH LAW REVIEW 551 (2010) (with Audrey Lynn Maness).
- *Litigating Alternative Dispute Resolution in the Fifth Circuit*, 41 TEXAS TECH LAW REVIEW 739 (2009) (with Audrey Lynn Maness).
- *Alternative Dispute Resolution*, 40 TEXAS TECH LAW REVIEW 445 (2008) (with Audrey Lynn Maness).
- *Loser Pays Rules May Exclude Mediation in Some Small Cases But Overall Impact Muted*, 21 Alternative Resolutions 16 (Spring 2012) (with Mike Schless).
- *Chief Justice Rehnquist's First Bout with Classroom Instruction*, 58 OKLAHOMA BAR JOURNAL 817 (1986) (with Pamela J. Minetto).
- *Off the Bench: While Senators Debated His Future, William Rehnquist Became a Laid-Back Professor in Malibu*, LOS ANGELES TIMES MAGAZINE, Nov. 2, 1986, at 8 (with Pamela J. Minetto).
- *Christmas Gifts to Employees: Ham It Up and You May Come Out Looking Like a Turkey*, UNITED STATES LAW NEWS, Dec. 1, 1986, STUDENT SECTION at 11 (with Charles W. Ryan).

SELECTED COURSES AND PRESENTATIONS

- The Future of Mediation and ADR in the Age of AI (Texas Bar: Litigation Section Update, Austin 2018)
- Investigation and Settlement Strategies; The Right Number at the Wrong Time is the Wrong Number (UT Corporate Counsel Institute, Houston 2017)
- The Right Number at the Wrong Time is the Wrong Number (ABA Dispute Resolution Spring Conference, San Francisco 2017)
- Negotiation Techniques to Use in Settling Cases and Everyday Life (Texas Bar: Practical Skills for New Lawyers, Austin 2017)
- Mediation in the Trenches: What Works and What Doesn't (Texas Bar: Litigation Section Update, San Antonio 2017)
- Checkmate: Early Moves Define Negotiation Outcomes (ABA Dispute Resolution Spring Conference, New York 2016)
- Tools to Hit a Bullseye at Your Next Mediation (ABA Environmental, Mass Torts & Products Liability Litigation Committees' Joint CLE Seminar. Park City 2016)
- Mediation Techniques (Texas Bar Litigation Section Update, Austin 2016)
- Harnessing the Power of Information and Insight to Improve Strategic Decision Making and Choice (Pepperdine Law: Managing Conflict 4.0: The New Wave of Opportunities for Businesses Around the Globe, Malibu 2015).

- Decision Making Under Conflict (academic track at Pepperdine Law's Straus Institute for Dispute Resolution (2013 – 18) and SMU's Dispute Resolution Program (2013 – 15)); Guest Lecturer at SMU Law (2013; 2015), UT Law (2012), St. Mary's Law (2013; 2014)
- Preventing Bad Settlement Decisions and Impasse: Using Brain Science, Game Theory, Animated Communication, and Micro-Interventions (Pepperdine Professional Skills Program (with Doug Noll) (Malibu: 2011 – 16) (Vermont: 2012) (Baltimore: 2015); Pearlman Association (surety counsel) 2013; Nebraska Bar Association 2014; private versions of course offered multiple times
- Technology in Legal Practice Course (Vanderbilt Law 2016)
- Predicting Future Negotiating Behavior (ABA Dispute Resolution Spring Conference 2015); View from the Trenches Panel (2015)
- Skeleton Keys to a Successful Mediation (San Antonio Bar Family Law Section's Extreme Family Law Makeover VIII: Keep in Touch with Your Ex: 2015) (San Antonio Bar County Courts Committee 2015)
- Alternative Dispute Resolution Methods (Western District of Texas's Arc of a Case 2014)
- Imagine Magically (or Perhaps Technologically) and Effectively Predicting Future Behavior (Association of Attorney-Mediators 2014)
- Moneyball for Negotiation: Predicting Future Negotiating Behavior – Acting on the Intelligence (ABA Dispute Resolution Annual Conference in Miami 2014; Middle District of Pennsylvania 2014; Cyberweek 2014 – 16)
- Concession Rates: Offers and Counter-Offer; Deal or No Deal: Leveraging Information to Overcome Psychological Barriers to Efficient Deals (National Academy of Distinguished Neutrals 2011)
- Leveraging Technology in Mediation – The New Best Way for Resolving Disputes (ABA Litigation Section General Counsel Conference in Palm Springs 2014)
- Settlecasting: Predictable Paths to Successful Settlement (Association of Attorney-Mediators 2012)
- Alternative Methods for Dispute Resolution, National Association of Hearing Officials (San Antonio 2012)
- Settlement Week CLE 2012 (Austin Bar Association 2012)
- Mediation Round Table Discussion (San Antonio Bar Association 2012)
- Deal or No Deal: Leveraging Information to Overcome Decision Errors (Advanced Commercial Mediation Institute 2011)
- Moderator, Tactical Interventions in Mediation (ABA Dispute Resolution Teleconference 2011)
- Negotiation Skills (Texas Bar Essentials of Business Law Course 2011)
- Using "Picture Power" In Settlement Negotiations to Enhance Communications and Reduce Decision Making Mistakes (ABA Dispute Resolution Annual Conference in Denver 2011)
- Mediation Roundtable of Daily Ethical Issues Faced by Mediators (Association of Attorney-Mediators 2011)
- Co-Course Director, Magic of Conflict Resolution (Texas Association of Mediators 2011)
- Course Director, Tactical Interventions in Mediation: Preventing Bad Settlement Decisions and Impasse Minute by Minute (State Bar of Texas 2011)
- Music to My Ears: A Mediation Program (International Academy of Mediators 2010)
- Advanced Mediation Training (American College of Civil Trial Mediators 2010)

- Administrative Law Course (UT CLE 2010)
- Using “Picture Power” in Settlement Negotiation (Dallas Bar Association 2010)
- Bench Motions & Trials II (San Antonio Bar Association 2010)
- Securities Arbitration & Mediation Hot Topics (City Bar of New York 2010; 2011)
- Using Game Theory to Improve Negotiating Results (Akin Gump nationwide 2010)
- Southern California Mediation Association (2009)
- Texas Mediator Credentialing Association (2009)
- Advanced Decision Analysis Class with Marjorie Aaron, University of Cincinnati School of Law (2009)
- Mediation Course, St. Mary’s University School of Law (Spring & Fall 2009; 2010 – 12)
- Association of Attorney-Mediators (San Antonio 2009)
- Texas Attorney General In-House Training Course (Austin 2009)
- Bench Motions & Trials – Bexar County Style (San Antonio Bar Association 2009)
- Litigation Section of the American Bar Association (Atlanta 2009)
- Technology Panel, Ohio State Journal on Dispute Resolution (Columbus 2009)
- Dispute Resolution Symposium, Texas Wesleyan Law Review (Fort Worth 2009)
- Employment Disputes Class; Straus Institute for Dispute Resolution at Pepperdine School of Law (2008, 2010; 2012)
- The Conference Board: Council of Chief Legal Officers (Washington 2008)
- Manufacturers Alliance / MAPI Law Council (Chicago 2008)
- Basic Mediation Training for the Bexar County and Hill Country Dispute Resolution Centers (2008; 2010 – 12)
- International Association of Heat and Frost Insulators and Allied Workers (Las Vegas 2008 with C. Richard Barnes and Associates)
- San Antonio Family Lawyers Association (2008)
- San Antonio Bar Association Litigation Section (2008)
- Dispute Resolution Section of the American Bar Association (Seattle 2008)
- National Electrical Contractors Association (New Orleans 2008 with C. Richard Barnes and Associates)

TRAINING REVIEWS

- “One of the best lectures using humor and factual information I’ve ever attended.”
- “Witty and fantastic speaker. Enthusiastic.”
- “A Siskel and Ebert 4-star review!”
- “Don is a gifted presenter and mediator.”
- “Great. Entertaining and informative!”
- “Excellent speaker.”
- “Best and most entertaining statistical analysis I’ve ever seen.”
- “In my role as the Executive Vice President, General Counsel of JAMS I see and participate in many programs all over the world. Don Philbin is clearly head and shoulders above the rest and presents one of the most entertaining and most informative programs on risk analysis I have ever seen. Drop whatever you are doing and try to see him in action.” Jay Welsh, Executive Vice President, General Counsel, JAMS
- “In a 25-year career of commercial litigation and five of full-time mediation and arbitration practice, Don Philbin’s “Deal or No Deal: Leveraging Information to

Overcome Psychological Barriers to Efficient Deals” program stands out as one that actually gave me the tools to improve my practice the very next day. Don’s talk riveted my attention; made me laugh out loud; and, made me think of negotiation and mediation in an entirely different light. This program – without more – will equip in-house counsel to WAX the other side at the negotiation table AND to teach his outside counsel how to negotiate a better deal for him the next time around. The day of the marginalized client in settlement negotiations is over and Don Philbin is the guy with the bargaining talent to watch.” Victoria Pynchon, Los Angeles mediator, Negotiation Law Blog

- “Enjoyed the hands on application.”
- “Makes you think.”
- “Excellent and, as usual, just plain fun!”
- “Don practices what he preaches, and shows his audience how to do it too — he uses a highly dynamic, compelling, richly visual presentation to convey his message to both the linguistic and graphic learning centers of his audience’s minds. He takes an increasingly rich field of study – how people make decisions, and in particular how and why they make erroneous or irrational decisions — and applies that to the process of negotiation and settlement. What separates a “deal” from “no deal”? Don explains how psychological factors and biases cause litigants and even the most experienced counsel to make irrational decisions, and how to overcome these tendencies in a simple and systematic way.” Deborah Rothman, Mediator & Arbitrator, Los Angeles
- “Excellent. Very Interesting. Would have liked more time to discuss and learn what the science shows about predictability.”
- “Always first rate!”
- “Fantastic.”
- “He was superb and info excellent. He knows his stuff.”
- “Kept us going after lunch! Deal or no deal metaphor and show was brilliant!”
- “Well documented and smoothly presented.”
- “Really excellent presentation.”
- “Outstanding presentation. Lots of useful information provided in an entertaining package.”
- “Don always is entertaining while informing.”
- “Great presentation. One of the best.”
- “Don presented an excellent CLE seminar on negotiation to Akin Gump’s litigation section, broadcast to all US offices by videoconference. Don tailored the presentation to the audience of litigators, such that guidance on successful mediation strategies was an important part of the program. Don demonstrated his grasp of academic research in the field of negotiation strategies, made the results of that research understandable and interesting, and provided practical insights based on the research. The reviews of his presentation were uniformly positive. Don clearly is not the type of mediator who merely shuttles proposals back and forth and hopes the parties settle. He brings both intellectual rigor and a practical approach to the mediation process.” Neel Lane, litigation partner, Akin Gump
- “Great insights, engaging presentation.”
- “Best speech – funny, intelligent, real life examples – moved my mediation skills dramatically forward today!!!” Unknown Participant, Southern California Mediation Association

- “Excellent talk. Could easily be an extra session. Kept everyone’s attention well.”
- “Excellent program.”
- “Very interesting concepts. Presentation was fast paced and engaging.”

ADMISSIONS AND PANELS

- CPR’s Panels of Distinguished Neutrals (2007 – present)
- American Health Lawyers Association Dispute Resolution Service (2014 – present)
- Conflict Solutions of Texas (2008 – present)
- Resolute Systems (2010 – present)
- Supreme Court of the United States (1991 – present)
- United States Courts of Appeal for the Fifth (1988 – present) and Tenth (1990 – present) Circuits
- United States District Courts for the Northern (1989– present), Southern (1989 – present; ADR panel: 2009 – present), Eastern (1990 – present) and Western (1988 – present; ADR panel: 2008 – present) Districts of Texas
- All State Courts of Texas (1988 – present)

FELLOWSHIPS AND HONORS

- Listed as a [North American Thought Leader](#) (2017-) and for [The International Who’s Who of Commercial Mediation](#) (inception in 2011–present)
- Mediation “Lawyer of the Year” (2014, 2016); Arbitration (2018), THE BEST LAWYERS IN AMERICA®
- Outstanding Lawyer in Mediation (2011), SAN ANTONIO BUSINESS JOURNAL
- Distinguished Service Award (2011), Bexar County Dispute Resolution Center
- Listed in TEXAS SUPER LAWYERS (2010–present)
- Listed in THE BEST LAWYERS IN AMERICA® (Alternative Dispute Resolution, 2007 – present)
- Listed in the U.S. NEWS AND BEST LAWYERS “BEST LAW FIRM” survey (2010 – present)
- Listed in The BEST LAWYERS IN SAN ANTONIO (Arbitration and Mediation, 2007 – present; Business Litigation 2012)
- Listed in the BAR REGISTER OF PREEMINENT LAWYERS (2007 – present)
- Martindale-Hubbell® rating: AV (1999–present)
- Fellow, American Academy of Civil Trial Mediators (2009 – present); Editorial Board, AMERICAN JOURNAL OF MEDIATION (2012 – present)
- Distinguished Fellow, International Academy of Mediators (2010 – present; Communication Committee 2011 – 13)
- Distinguished Fellow, National Academy of Distinguished Neutrals (2010 – present)
- Founding Member and Executive Committee Member, Texas Academy of Distinguished Neutrals (2010 – present)
- President’s Award, Association of Attorney-Mediators (2013)
- Certified Mediator, International Mediation Institute (IMI) (2009 – present)
- Fellow, American College of e-Neutrals (2011 – 13)
- Credentialed Distinguished Mediator, Texas Mediator Credentialing Association (2007 – 15)

MEMBERSHIPS

- State Bar of Texas (1988–present):
 - Alternative Dispute Resolution Section (2006 – present): ADR Section Chair (2014 – 15); Chair-Elect (2013 – 14); Treasurer (2012 – 13); Council (2009 – 12); Communications Committee Chair (2011 – 14); Purpose Committee Chair (2012 – 13); CLE Program (Chair, 2011; Committee 2012 – 15)
 - Litigation Section (1988–present)
 - Antitrust and Business Litigation Section
 - Computer and Technology Section
 - Corporate Counsel Section
 - Family Law Section
 - Annual Meeting Committee (2015)
 - Bar Foundation Local Committee (2015)
- American Bar Association:
 - Dispute Resolution Section (2006 – 17): Technology Committee (Chair 2013 – 14); Negotiation Committee (Chair 2009 – 11; co-chair 2011 – 12); Task Force on Planned Early Dispute Resolution (2011 – 12)
 - Litigation Section (1987 – 2017)
 - Business Law Section (2007 – 17)
- San Antonio Bar Association (1988 – present): Publications Committee (2010 – present); CLE Committee (2009 – present); ADR Committee (2007 – present); Technology Committee (2012 – 14)
- Member, Association of Attorney – Mediators (2007 – present); San Antonio Chapter President (2013 – present)
- Member, Society for Empirical Legal Studies (2008 – present)
- Member, Society of Decision Professionals (2008 – present)
- Fellow, College of the State Bar of Texas (1997 – present)
- Life Fellow, Texas Bar Foundation (2001 – present)
- Life Fellow, San Antonio Bar Foundation (2007 – present)
- Life Fellow, American Bar Foundation (2009 – present)
- Member, Bar Association of the Fifth Federal Circuit (1988 – 2016)
- Member, Federal Communications Bar Association (1997 – 2014)
- Member, The Texas General Counsel Forum (2002 – 06)
- Member, Texas Association of Mediators (2007 – 11; Co-Chair Conference 2011)
- Global Collaborative Law Council (2009 – 11)

BUSINESS AND LEGAL EXPERIENCE

- Twenty-five-plus years' experience representing public and private business entities and individuals in various matters, first as an associate and partner in *Bar Register* law firms and as a senior manager in companies involved in the communications,

technology, software, and Internet industries, and as a neutral with business and legal experience, including:

- President; Chief Operating Officer; General Counsel, Billing Concepts, Inc., affiliates and predecessors (legal functions; strategic direction and day-to-day operations; doubled operating income in three years)
- Vice President and Associate General Counsel, USLD Communications Corp. (through mergers with LCI Communications and Qwest Communications)
- Partner, Law Firms of Wheatley, Campagnolo & Sessions, L.L.P. and Campagnolo & Philbin, L.C.
- Associate, Law Firm of Oppenheimer, Rosenberg, Kelleher & Wheatley, Inc.
- Substantial experience handling disputes in various courts and other dispute resolution forums as well as negotiating and drafting a variety of contracts, license agreements, and corporate documents in many areas of commercial and general civil law, including accounting, antitrust, banking, bill processing, civil rights, commercial, communications, construction, consumer, contract, corporate and organizational, employment, entertainment, environmental, family, insurance coverage, intellectual property, international, partnership dissolution, personal injury/death, property damage, public policy, real estate, regulatory, securities, software licensing and technology law, and business and personal torts.

SOCIAL MEDIA

- [Blog](#)
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PUBLISHED OPINIONS WITH SUBSTANTIAL INVOLVEMENT

- *L.U.L.A.C. v. Clements, et al and Rickoff, et al.*, 999 F.2d 831 (5th Cir. 1993), *cert denied* 114 S.Ct. 878 (1994), *same case earlier*, 111 S.Ct. 2376 (1991) (challenge to Texas' at-large system of electing state district judges in metropolitan counties; local intervenors).
- *City of San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762 (Tex. 1991) (orig. proceeding), and the related case of *Vamarie v. The Honorable T. Armour Ball, Judge, Probate Court No. 1*, 793 S.W.2d 749 (Tex. App. – San Antonio 1990) (orig. proceeding) (open meetings challenge arising from a condemnation case).
- *Metropolitan Life Insurance Company v. La Mansion Hotels & Resorts, Ltd.*, 762 S.W.2d 646 (Tex. App. – San Antonio 1988, writ dismissed w.o.j.) (lender liability action).
- *University National Bank v. Ernst & Whinney*, 773 S.W.2d 707 (Tex. App. – San Antonio 1989, no writ) (accounting malpractice action).

COMMUNITY ACTIVITIES

- Trinity University: Chair of the Associates Program (2009 – present); Alumni President and Ex-Officio Member of the Board of Trustees (1993 – 95); Board of Visitors (2004 – 06; 2009 – present); Business Advisory Council (1999 – present)
- William S. Sessions American Inn of Court (1990 – present): Immediate Past President (2013 – 14); President (2012 – 13); President-Elect (2011 – 12); Vice-President (2010 – 11); Treasurer (2009 – 10); Secretary (2008 – 09)
- American Inns of Court Foundation: National CMS Advisory Board (2008 – 10)
- Editorial Board, SAN ANTONIO LAWYER and THE SUBPOENA (2010 – present)
- Editorial Board, AMERICAN JOURNAL OF MEDIATION (2012 – present)
- Rotary Club of San Antonio (2005 – 14): Director (2008 – 09); Secretary – Treasurer (2009–10); Sergeant-at-Arms committee (2007 – present); Trinity Rotaract committee (2008 – 12)
- First Presbyterian Church of San Antonio (1987 – present): Elder (2007 – 10); Welcoming and Belonging Committee (2007 – 10; chair 2009 – 10); Benevolence Oversight Committee (2008 – 10); Usher (1998 – present); Stewardship and Finance Committee (1989 – 90)
- Goodwill Industries of San Antonio: Advisory Council (2007 – 10)
- Leadership San Antonio XXIX (2003 – 04)
- Judicial Conference of the Fifth Federal Circuit: Host Committee (1990 & 1994)
- Adjunct Professor, Pepperdine University School of Law (2008 – present)
- Instructor, Dispute Resolution, Southern Methodist University (2013 – present)
- Guest Lecturer, Trinity University Business Department (various), St. Mary's University School of Law (2009 – 12), University of Cincinnati School of Law (Advanced Decision Analysis 2009); University of Texas School of Law (Alternative Dispute Resolution 2012)
- Frequent Volunteer Mediator, Bexar County Dispute Resolution Center, Hill County Dispute Resolution Center, U.S. District Court for the Western District of Texas

PERSONAL

- Born in Oklahoma City on January 25, 1962; married to Mary C. (“Micki”) McGee Philbin; one daughter: Mary Katherine (“Kate”) Philbin