

GENERAL BACKGROUND INFORMATION

William Larry Latham has practiced law for 44 years. He received a Bachelor of Business Administration (BBA) degree with a major in accounting from the University of Mississippi in June, 1965. From 1965 to 1966, he was employed by International Paper Company at its Southern Craft Division as a division level accountant. From 1966 to June 1967, Mr. Latham was employed as an accountant for the Mississippi Public Service Commission where his primary focus was the accounting aspects of utility rate regulation. From June 1967 to August 1969, he attended the University of Mississippi School of Law. He received his Juris Doctorate degree in August 1969 and graduated second in his class. While in law school, Mr. Latham was a member of the *Mississippi Law Journal* and served as Special Projects Editor (1968), Index and Review Editor (1969), and Assistant Editor (1969). Mr. Latham was also a member of Phi Delta Phi and received numerous American Jurisprudence awards.

From 1969 to 1971, Mr. Latham was employed by the Daniel, Coker law firm in Jackson, Mississippi. In the spring of 1971, he entered into his own private practice, where he remained with the exception of a temporary position with the Jackson, Mississippi law firm of Gerald & Brand from January 1990 to January 1991, where, in addition to servicing all his clients from his private practice, he undertook associate training and chaired the firm's litigation section. In February 1991, Mr. Latham returned to his private law practice until January 2000 when he formed Latham & Burwell. Mr. Latham withdrew from Latham & Burwell in April 2009 to focus on special litigation projects and alternate dispute resolution. Mr. Latham was a member of the Mississippi Trial Lawyers' Association from 1975 to 1982. While a member of the Mississippi Trial Lawyers' Association, he served as Treasurer, President-Elect and President. He has served on numerous Mississippi State Bar Committees, including the Mississippi State Bar Workers' Compensation Committee on two occasions. Also, Mr. Latham is a member of the Lamar Order and a Fellow in the Mississippi Bar Foundation by invitation.

Martindale-Hubbell, Inc. published an "AV" rating for Mr. Latham in 1988 and has done so each year thereafter. This is the highest rating Martindale-Hubbell, Inc. grants to attorneys. Martindale-Hubbell, Inc. is a highly regarded lawyer rating source and Mr. Latham's biographical data is summarized therein. Chambers USA has designated Mr. Latham as a leading commercial litigator in Mississippi in 2004 and recognized Mr. Latham again in 2005, 2006, 2007 and 2008, 2009 and 2011.

The Best Lawyers in America has recognized Mr. Latham on many occasions. His inclusion in the 2012 edition recognizes him in the specialties of Alternate Dispute Resolution and Commercial Litigation. *Best Lawyers* is a peer review survey comprising confidential evaluation by attorneys.

Mr. Latham has been an invited lecturer at the University of Mississippi Law School on numerous occasions and has presented papers and lectured at numerous seminars. Seminar topics presented by Mr. Latham include:

1. *Intersectional Accidents*, presented to South Carolina Trial Lawyers' Association Meeting in Atlanta, Georgia;

2. *Perspectives of a Plaintiff's Practice*, presented to the Mississippi Law Institute in Jackson, Mississippi;
3. *Statute of Limitations: Jurisdictional Considerations*, presented to American Trial Lawyers' Association's National Convention in Los Angeles, California;
4. *Statute of Limitations: Procedural or Substantive*, presented to Memphis/Shelby County Bar Association in Hot Springs, Arkansas;
5. *Family Law in Mississippi: "Winning for Your Client"*, presented by the National Business Institute, Inc. and approved by the Mississippi Commission on Continuing Legal Education in Jackson, Mississippi.;
6. *The Apportionment Defense*, presented to the Mississippi Trial Lawyers' Association in Jackson, Mississippi;
7. *Your Practice and the MSBDE*, presented to the Central Mississippi Dental Society in Kosciusko, Mississippi; and
8. *Understanding Mediation*, presented to the Rankin County Bar Association.
9. *Understanding Mediation*, presented to recent Magistrate appointees in Natchez, Mississippi and Oxford, Mississippi.
10. *The CPA's Role in Mediation*, presented to the annual meeting of the Mississippi Society of CPAs in Jackson, Mississippi.

In addition to the foregoing, Mr. Latham regularly represented regional banks in the defense of liability cases, as well as in commercial loan transactions involving real estate and asset-based lending agreements. Mr. Latham served as a member of Union Planters Bank of Central Mississippi Board of Directors from his election to the Board in 1995 until July, 1997. Prior to the merger of Union Planters and Sunburst Bank, Mr. Latham regularly represented Sunburst and served on its advisory Board of Directors from 1991 to 1995. Mr. Latham is a founding shareholder of Pinnacle Trust Company, a state chartered bank focused on investment management and served on its Board of Directors from 1997 to 2005.

As a member of the Mississippi State Bar, Mr. Latham is authorized to practice in all Mississippi state courts and in the United States District Court for the Northern and Southern Districts of Mississippi and the Fifth Circuit Court of Appeals. Mr. Latham has practiced by special admission in the state courts of Alabama, Arkansas, Louisiana, Tennessee, Georgia and Kentucky and in the United States District Courts of Kansas, Eastern District of Louisiana, Southern District of Florida, Eastern District of Tennessee and the Seventh Circuit Court of Appeals.

Mr. Latham accepts limited engagements in litigation and arbitration as an expert witness. Cases in which Mr. Latham has been retained as an expert witness are:

1. Charles Dane Leathers v. Aetna Casualty, United States District Court, North District of Mississippi. Retained on behalf of Aetna. Issue: workers'

compensation bad faith.

2. Travis v. Hartford Insurance Co., Chancery Court of Rankin County, Mississippi. Retained on behalf of Hartford. Issue: workers' compensation and bad faith.
3. Billy Ray Stephens v. State Farm Fire & Casualty Company and Jack Land , Circuit Court of Forrest County, Mississippi, Cause No. 2-91-3250. Retained on behalf of Jack Land. Issue: lawyer's standard of conduct during discovery.
4. Helen Sims v. Hartford Accident & Indemnity Co. and Conagra, Inc., Circuit Court of Humphreys County, Mississippi, Cause No. 95-0075. Retained on behalf of Hartford Accident & Indemnity Co. and Conagra, Inc. Issue: workers' compensation bad faith.
5. Deborah McGee v. Schering-Plough Corp, et al., Civil Action No. 2:95cv143PS, consolidated with John M. McGee, et al. v. Schering-Plough Corp, et al., Civil Action No. 2:65cv170PS. Retained on behalf of Schering-Plough Corp. Issue: validity of release.
6. Jimmy Ray v. Travelers Insurance Company and Deborah Powell, As Agent, Servant And Employees of Travelers Insurance Company, United States District Court for the Northern District of Mississippi, Delta Division, Civil Action No. 2:98CV33-B-B. Retained on behalf of Travelers Insurance Company. Issue: workers' compensation bad faith.
7. Joseph P. Wise, Charlene C. Wise and Elizabeth Ramsey Wise, A Minor, By and Through Her Mother and Next Friend, Charlene C. Wise v. Alfred Larry Aswell, Steven N. Bostic, Steel Service Corporation and JMH Operating Company, Inc. Formerly Known as Ramada Inn Operating Company, Inc., Peoples Security Life Insurance Company and American General Hospitality, Inc. Retained on behalf of American General Hospitality, Inc. Issue: extent of plaintiff's loss of earnings from the practice of law.
8. James Kelly v. Travelers Property Casualty Insurance Company and Swisher International, Incorporated; In the United States District Court for the Southern District of Mississippi, Jackson Division No.: 3:99cv750BN. Retained on behalf of Travelers Insurance Company. Issue: workers' compensation bad faith.
9. Estate of Frank M. Holliday, Dorothy Holliday, Adminstratrix, Dorothy Holliday, Individually, Jerry Dale Holliday, Mark Allen Holliday, Cherish Michelle Holliday, a Minor, and Elija Derek Holliday, a Minor, by their Mother and Next Friend, Donna Gibson Holliday Martin v. Mueller Brass Company, Sharon Specialty Steel, Inc., Mueller Industries, Inc., Paul Holley, Ronnie Scott, Randy Tucker, ABC Corporations, Fictitious Corporations and John Does 1, 2, and 3, Fictitious Individuals, Reliance Insurance Company, Gallagher Basset Services, Inc. Retained on behalf of Gallagher Basset Services, Inc. Issue: workers' compensation bad faith.

10. Estate of Frank M. Holliday Dorothy Holliday, Administratrix, et al. vs. Mueller Brass Company, et al., Circuit Court of Itawamba County, Mississippi, Civil Action No. 96-071 (G) I. Retained on behalf of Gallagher Bassett. Issue: insurance bad faith.

During the course of representing individuals and business entities in disputed matters, Mr. Latham has appeared as counsel in numerous arbitrations conducted in accordance with the rules of the American Arbitration Association and mediations through various provider organizations. Substantive subject areas include construction disputes, collections, personal injury, family law, contract issues and security/broker losses.

As a member of the Mississippi Bar in good standing who has completed mediation training of at least 14 to 16 hours at one training session administered by a training organization approved by the Court-Annexed Mediation Committee, Mr. Latham is included in the *Directory of Mediators* published by the Mississippi State Bar. In addition to the minimum training required for inclusion in the *Directory of Mediators*, Mr. Latham has successfully completed the 40-hour mediation training at Duke University as required by the rules of the Supreme Court of North Carolina and numerous advanced mediation training courses conducted by the Association of Attorney-Mediators and is an approved neutral for the United States District Court for the Northern and Southern Divisions of Mississippi.

In 2005, Mr. Latham completed Harvard Law School's Program of Instruction for Lawyers' Mediation Project consisting of 40 hours of advance mediation training conducted by Professor Frank Sander, Michael K. Lewis and Linda R. Singer.

In 2009, Mr. Latham withdrew from Latham & Burwell to allow him to focus his time and direct his practice exclusively to ADR.

Mr. Latham accepts engagements to serve as a neutral mediator in select cases, completing in excess of 1,500 mediations since the initiation of his mediation practice in 2003. The following are representative of complex cases mediated by Mr. Latham:

- Mass torts involving consumer fraud, predatory lending, asbestos and environmental.
- Serious personal injury and wrongful death.
- Commercial contract disputes involving oil and gas, health care, construction and real estate.
- Wills and estate conflicts.
- Medical malpractice and hospital negligence.
- Nursing home injury, abuse and death.
- Parental / child conflicts.

- Partnership, LLC and joint venture termination.
- Employee-Employer conflict including race, age and sex discrimination.
- High-profile, high-asset divorce cases (limited).

A substantial portion of Mr. Latham's mediation practice involves higher risk, multi-party disputes and his practice is statewide. As a private instrument rated pilot Mr. Latham has been regularly engaged to conduct mediations in all areas of Mississippi. In addition, Mr. Latham has clients in Memphis, Tennessee, New Orleans, Louisiana and Birmingham, Alabama that engage his services.

While Mr. Latham has personally elected not to work through the American Arbitration Association he is frequently requested to serve as an arbitrator. Since 2006 Mr. Latham has served as the sole arbitrator in 28 cases involving a variety of issues ranging from commercial and residential construction to medical malpractice. Mr. Latham employs a case manager and follows a developed in-house process to ensure no ex parte communications and complete neutrality in his mediation and arbitration practice. With each request to serve as a neutral in a mediation or arbitration, a conflicts check is concluded and full disclosure is made to all parties prior to acceptance of the responsibility to serve as a neutral.

Mr. Latham is a founding member of the Mississippi Chapter of the Association of Attorney Mediators.

Representative clients who consent to disclosure can be provided upon request.

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