



Patricia H. Thompson, Esq., FCIArb

Case Manager

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Patricia H. Thompson is available to conduct cases virtually. JAMS is equipped to provide virtual ADR services on a variety of online platforms, including Zoom, Microsoft Teams, WebEx, and more.

Biography

Patricia H. Thompson, Esq. is a full-time neutral at JAMS, concentrating her practice in construction, employment, surety, fidelity, financial insurance matters, and other complex commercial disputes in state and federal courts.

Her goal as an arbitrator is to meet the parties' pre-dispute expectations of efficiency and cost reductions. In mediation, she balances facilitation, evaluation and perseverance to direct the best avenue of resolution for all parties involved.

Ms. Thompson has been regularly listed in The Best Lawyers in America, Chambers USA Guide to America's Leading Business Lawyers, The International Who's Who of Construction and Business Lawyers, and similar Florida publications ranking attorneys in her areas of practice concentration. She is a fellow of the American College of Construction Lawyers.

Ms. Thompson has served as chair and in other senior leadership roles of major committees of the Tort and Insurance Practice and Litigation Sections of the American Bar Association.

Representative Matters

Construction

- Served as chair of a construction arbitration panel concerning issues of material breach of contract and wrongful termination
- Mediated a class/collective action involving 200 employees of a construction industry company asserting FLSA overtime claims
- Handled construction delay claims by surety against architect and engineer
- Nonpayment and wrongful termination claims by contractors against developers
- Cases of developers against nonpayment claims of contractors, in arbitration involving claims of design negligence and defective work
- Numerous claims of nonpayment by subcontractors against contractors and sureties
- Numerous performance bond claims by public and private owners against sureties
- Negotiation of numerous take-over and completion agreements between sureties and owners

Employment

- Mediated a claim by a senior university employee for breach of employment contract
- Obtained injunctive relief to enforce non-compete agreements
- Investigated and resolved numerous administrative charges involving gender, age, race and national origin discrimination, harassment, and retaliation claims
- Handled case involving international telecommunication company against claims of gender, age, and natural origin discrimination by senior executive on expatriate assignment, resulting in summary judgment in favor of client
- Handled case at trial and appellate levels involving claims of gender, age, and natural origin discrimination by senior executive on expatriate assignment against international telecommunication company
- Litigated and arbitrated numerous wage and hour claims involving multiple types of businesses
- Settled matter between national credit reporting company against claim of age discrimination by sales employee
- Handled case involving national moving company against claim of gender discrimination by warehouse employee Multiple collective FLSA actions against national restaurant chain
- Multiple ADA premises liability actions against national restaurant chains and shopping center owners
- Numerous retaliation actions involving wage, workers compensation, and whistle-blower claims

Commercial

- Served as sole arbitrator for a commercial dispute involving claims of fraud, FDUPTA, and multiple warranty claims
- Defended evidentiary proceeding on motion for preliminary injunctive relief in connection with contractual right of first refusal in sale of business; motion denied and case settled
- Handled numerous claims on notes and mortgages, including foreclosures involving low income rental properties
- Defense of claim in arbitration for damages for alleged breach of contract to purchase shopping center
- Handled claims on letters of credit

Insurance

- Served as chair of a three arbitrator panel sitting in Miami for an insurance coverage dispute involving international choice of law issues concerning coverage under a policy of insurance sold and issued in Costa Rica and allegations of negligence on the part of the soliciting insurance broker
- Claims of reformation of insurance policy Dishonesty claims under Financial Institution Bonds
- Handled numerous claims for disability or life insurance coverage
- Numerous coverage opinions, cases involving issues of fidelity, forgery, and other claims under bonds

and crime policies

Pro Bono

- Several cases involving churches, issues including suit against a contractor who misused \$50,000 in funds and employment related matters, and cases involving constitutional church-state statutes Providing employment counseling to pro bono legal aid organization
- Fraudulent claims in the area of elder law and care

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

• Professional Recognition

- Recognized as one of the *Best Lawyers in America*, 2018-2021
- AV rating by Martindale-Hubbell
- Listed in *Best Lawyers in America*, Employment Law – Management, Labor Law – Management (2006-2017, 2021)
- Listed as Miami Labor Law - Management "Lawyer of the Year" in The Best Lawyers in America (2016)
- Recipient of the 2013 Greater Miami Chamber of Commerce Salute to Miami's Leaders Awards (Legal/Law)
- Listed in Chambers USA Guide to America's Leading Business Lawyers (2006-2016)
- Selected for inclusion in Florida Super Lawyers (2006-2016); Florida Super Lawyers' Top 50 Female Lawyers and Top 100
- Selected for inclusion in The International Who's Who of Construction Lawyers (2005, 2007, 2008, 2010, 2011, 2013, 2014, 2020)
- Selected for inclusion in The International Who's Who of Business Lawyers (2015)
- Listed as a Top Lawyer in South Florida Legal Guide (2002-2003, 2005-2015)

• Professional and Civic Activities

- American College of Construction Lawyers
 - Past member, Board of Governors
 - Past member, Nominating Committee
 - Insurance and Surety Committee, Past Co-Chair
- The Florida Bar
 - Eleventh Circuit Unauthorized Practice Law Committee "A," Former Chair
 - Florida Bar Grievance Committee "IIB"
- American Bar Association Foundation, Fellow
 - Forum on Construction, frequent author and speaker
 - Tort Trial and Insurance Practice Section
 - Fidelity and Surety Law Committee, Past Chair & Vice-Chair
 - Past Program Co-Chair, Annual and Mid-Winter Fidelity and Surety Programs
 - Brief, Past Editor
 - Professionalism Committee, Former Member
 - Litigation Section
 - Construction Litigation Committee, Past Co-Chair
 - Mechanics Lien Subcommittee, Past Chair
 - Damages Subcommittee, Past Chair
 - ADR Committee, Past-Chair, Membership Subcommittee
 - Woman Advocacy Committee, Former State Coordinator
 - Task Force on Model Rules of Ethics for Mediators
 - The Ethics of the Deal, Section of Litigation Annual Meeting, Program Chair, 2005
- The Fidelity Law Association, Former Member, Board of Advisors
- Surety Claims Institute
 - Program Coordinator, January 2000
 - Fidelity Committee Member
- American Arbitration Association, Past Member, Approved Panel of Arbitrators for Complex Commercial Cases

- The Defense Research Institute, Former Member
- The Eugene P. Spellman American Inn of Court, Past Member
- Women's Chamber of Commerce of South Florida, Past Officer and Director
- **Publications**
 - Contributor, "PropertyCasualtyFocus," Carlton Fields (October 2016)
 - Co-Author, "Court Holds Insured vs. Insured Exclusion Unambiguous, Precluding Coverage," D&O Diary (April 2016)
 - Co-Author, "Drafting Disasters - Why You Need to Sharpen Your Clause," ABA Forum on Construction Midwinter Meeting (January 2015)
 - Co-Author, "Claims Management and Ethical Consideration," Commercial Crime Insurance Coverage, ABA (November 2014)
 - Co-Author, "The Danger of Inconsistent Choice of Law, Jurisdiction and Arbitration Clauses in Insurance Policies," Bloomberg BNA (May 2014)
 - Co-Author, "Is it time to include mandatory arbitration clauses in all reinsurance policies?," Global Reinsurance (March 2014)
 - Co-Author, "When One Size Does Not Fit All – Manuscript Endorsements," ABA program materials for ABA, Fidelity and Surety Law Committee Midwinter 2014 meetings (January 2014)
 - Co-Author, "Ten Steps to Help Insurers Preserve Their Right to Restitution Under Federal Victims' Rights Statutes," Carlton Fields Web article (October 2013)
 - Co-Author, "A Primer In Contract Surety Law," Fundamentals of Construction Law, American Bar Association (September 2013)
 - "Top Ten Ways to Avoid/Minimize Employer Liability for Overtime Pay," CarltonFields.com (July 2013)
 - "Drafting a Takeover Agreement," Carlton Fields Web article (February 2013)
 - Client Article: "Contractual and Federal Statutory Support for an Owner's Right to Withhold Payment for Work Performed," (July 2012)
 - Client Article: "Ethical Business Practices Construction," (June 2012)
 - "Best Practices for Litigation Budgeting," Carlton Fields Web article (December 2011)
 - Co-Author, "Claims Considerations for the Insurer Under a Financial Institution Bond When the FDIC is Claimant," program materials for the Fall Meeting of the ABA TIPS Fidelity and Surety Law Committee (October 2011)
 - Co-Author, "Can Direct Mean Direct? Untangling The Web of Causation in Fidelity Coverage," XVI Fidelity Law Journal 125 (2010)
 - "The Unexpected Pleasure of Pro Bono Work," The Woman Advocate, Volume 15, Number 4 (Summer 2010)
 - Co-Author, "A Work Product Overview in Light of Federal Rule of Evidence 502," The Florida Bar Topics in Evidence seminar in Tampa, FL (March 2010)
 - "Florida," State-by-State Guide to Architect, Engineer & Contractor Licensing (2002-2010 Cumulative Supplements)
 - Co-Author, "Financial Institution Bond Insurer's Rights of Subrogation and Indemnity," presented at the ABA TIPS Fidelity & Surety Law Committee meeting (January 2010)
- **Lectures**
 - Panelist, "Thinking Differently about Commercial ADR" CLE Program, JAMS, December 2018
 - Panelist, "Lessons from the Battlefield," Miami, November 2018

Background and Education

- Shareholder, Carlton Fields, 1997-2016
- Shareholder at Popham Haik Schnobrich & Kaufman, 1990-1997
- Shareholder at Kimbrell & Hamann, 1982-1990
- Associate at Kimbrell & Hamann from, 1976-1982
- J.D., Vanderbilt University Law School, 1976
- B.A., magna cum laude, St. Olaf College, 1973

Events

- April 9, 2021
Annual Bench and Bar: Surviving 2020 & Thriving in 2021 - A Virtual Conference
<https://www.jamsadr.com//events/2021/dade-county-bar-association-bench-bar-2021>

- February 26, 2021
The Future of ADR: Virtual is Here to Stay
<https://www.jamsadr.com//events/2021/the-future-of-adr-virtual-is-here-to-stay>
- February 25, 2021
Using Experts in Mediation: What Works and What's Different?
<https://www.jamsadr.com//events/2021/using-experts-in-mediation-what-works-and-whats-different>
- November 13, 2020
Arbitration Advocacy Institute
<https://www.jamsadr.com//events/2020/arbitration-advocacy-institute>
- May 14, 2020
Keep It Moving: Using Video Conferencing to Settle Your Mediations (JAMS Miami)
<https://www.jamsadr.com//events/2020/keep-it-moving-using-video-conferencing-to-settle-your-mediations-miami>
- February 28, 2020
Annual Bench and Bar Conference 2020
Miami, FL, USA
<https://www.jamsadr.com//events/2020/annual-bench-and-bar-conference-2020>
- May 17 - 18, 2018
11th Annual Arbitration Training Institute - A Comprehensive Training in Advanced Arbitration Skills
Miami, FL
<https://www.jamsadr.com//events/2018/11th-annual-arbitration-training-institute-a-comprehensive-training-in-advanced-arbitration-skills>
- January 24 - 26, 2018
The Fidelity & Surety Law 2018 Midwinter Conference
Washington, D.C.
<https://www.jamsadr.com//events/2017/the-fidelity-surety-law-2018-midwinter-conference>
- January 17 - 19, 2018
ABA Forum on Construction Law 2018 Midwinter Meeting
Fort Myers, FL
<https://www.jamsadr.com//events/2017/aba-forum-on-construction-law-2018-midwinter-meeting>

Publications

- April 13, 2020
Private Adjudication — A Solution to Justice Delayed by Coronavirus Disruptions
Daily Business Review
<https://www.jamsadr.com//files/uploads/documents/articles/freeman-thompson-dailybusinessreview-private-adjudication-2020-04-13.pdf>
- March 4, 2020
Demystifying the Surety Industry's Expedited Dispute Resolution Bond
Construction Executive
<https://www.jamsadr.com//files/uploads/documents/articles/bruner-thompson-demystifying-the-surety-industrys-expedited-dispute-resolution-bond-2020-03-04.pdf>
- Summer 2018
An Indispensable Resource for Construction Arbitration: The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration (4th ed. 2018)
American Bar Association: Under Construction, Vol. 20, No. 1 (Summer 2018).
<https://www.jamsadr.com//files/uploads/documents/articles/thompson-best-practices-in-commercial-arbitration-summer2018.pdf>
- November 21, 2017
The Key to Saving Time and Money in Dispute Resolution: Staying Out of Court

Daily Business Review

<https://www.jamsadr.com/files/uploads/documents/articles/thompson-dailybusinessreview-the-key-to-saving-time-and-money-in-dispute-resolution-november-2017.pdf>

- Summer 2017

JAMS Global Construction Solutions Newsletter, Summer 2017

<https://www.jamsadr.com/https://view.publitas.com/jams/global-construction-solutions-summer-2017/page/1>

- March 30, 2017

Drafting Arbitration Clauses in Construction Contracts: Best Practices and Questions to Consider

<https://www.jamsadr.com/blog/2017/drafting-arbitration-clauses-in-construction-contracts>

Practice Areas

- Appellate
- Banking
- Business/Commercial
- Construction
- Employment
- Engineering and Construction
- Financial Markets
- Insurance
- Surety

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