Aric J. Garza

Attorney | Arbitrator | Mediator

CURRENT TITLE: Principal, Aric J. Garza Law PLLC (2 attorneys, 2 paralegals)

PROFESSION: Attorney | Arbitrator | Mediator

WORK HISTORY: Principal, Aric J. Garza Law PLLC, 2002 to present

ADR EXPERIENCE: ***Very Experienced with Zoom mediations and arbitrations***

Appointed to serve as Arbitrator in over 190 arbitrations since 2014 concerning in excess of $30 million in total claims, handling commercial, consumer, construction and employment cases, including business valuation claims, breach of contract claims against professional licensing institutions, Texas Deceptive Trade Practices Act (DTPA) claims, Telephone Consumer Protection Act (TCPA) claims, breach of contract claims, fraud claims, employment contract disputes, misclassification claims, auto fraud litigation and commercial/business disputes, crypto coin disputes, SIM card disputes, arbitrability and delegation issues.

Serve as a panel arbitrator of provider/insurance healthcare billing disputes under the No Surprises Act (NSA) with a Center for Medicare and Medicaid Services (CMS) approved Independent Dispute Resolution Entity (IDRE), handling over 7500 desk arbitrations.

Participated as an advocate in over 200 mediations and arbitrations in consumer law, property law, employment law, and family law disputes.

LITIGATION EXPERIENCE: Over 25 years of legal experience representing plaintiffs and defendants (businesses, nonprofit organizations and individuals) in litigation (commercial, consumer, real estate/construction and employment) in federal and Texas state courts.

COMMERCIAL LITIGATION:

- Successfully defended company directors and officers against fiduciary breach claims, culminating in a beneficial monetary settlement for clients against $4 million claims
- Advocated for agricultural real estate owners against fraud and fiduciary breach claims from a former owner's estate, involving disputes over $2 million in damages
- Represented a construction business owner contesting claims exceeding $2 million related to breaches of fiduciary duties and contract violations
- Defended a physician against employment breach of contract and non-compete clause violations by a former employer. Subsequently, after refuting all claims and securing sanctions against the opposing counsel, the physician was reinstated
- Assisted a company in addressing real estate fraud, leading to a successful recovery of property compensation
- Advocated for two start-ups on behalf of founding partners, ensuring asset and goodwill transfer following the expulsion of certain partners
- Managed the division of expansive real estate assets for a client, achieving significant real estate and farm equipment recovery
- Successfully represented 7 former graduate students in a lawsuit against a higher education institution, alleging fraud and misrepresentation, and secured a six-figure settlement
- Successfully brought series of demands against nursing program on behalf of 12 former nursing students based on claims of fraud and misrepresentation, resulting in settlements for each student

Aric J. Garza
Attorney | Arbitrator | Mediator

EMPLOYMENT LITIGATION:

- Represented both individuals and businesses in a comprehensive range of employment cases
- Successfully represented company in employment contract dispute relating to state health care licensing matters
- Prosecuted and defended cases based on:
  - Fair Labor Standards Act (FLSA) violations
  - Employee Retirement Income Security Act of 1974 (ERISA) claims
  - Physician employment agreement disputes
  - Title IX (including retaliation)
  - Americans with Disabilities Act (ADA) claims
  - Age Discrimination in Employment Act (ADEA) claims
  - Contractor vs. employee (misclassification) claims
- Successfully represented licensed professional against international company in termination, resulting in retention of bonuses, stock options and compensation
- Defended businesses in tip-pooling/tip-sharing claims (FLSA)
- Defended physicians and other professionals against non-compete and non-solicitation claims based on employment contracts (both litigation and arbitration)
- Represented employees facing age, gender, and disability-based discrimination
- Acted on behalf of claimants in worker misclassification suits against corporations
- Actively participated in both arbitrations and mediations as an advocate for various employment-related claims

REAL ESTATE LITIGATION:

- Extensive real estate litigation experience defending and prosecuting cases for/against individuals, groups, nonprofits and businesses in Texas state district courts, including—
  - commercial and residential lease disputes,
  - adverse possession claims,
  - boundary disputes,
  - oil/gas royalties and lease disputes, and
  - construction defect claims and commercial claims for non-payment for construction services.

SPEAKING ENGAGEMENTS AND PUBLICATIONS:

Faculty, 17th *ABA Arbitrator Training Institute*, 2024
Presenter, *Advanced ADR 2024*, State Bar of Texas ADR Section
Faculty, 16th *ABA Arbitrator Training Institute*, 2023
Presenter, *Advanced ADR 2023*, State Bar of Texas ADR Section
Faculty, 15th *ABA Arbitrator Training Institute*, 2022
Presenter, *Advanced ADR 2022*, State Bar of Texas ADR Section
Faculty, 14th *ABA Arbitrator Training Institute*, 2021
Presenter, *Advanced ADR 2021*, State Bar of Texas ADR Section
Presenter, *Advanced Mediator Training*, Association of Attorney-Mediators, 2020
Presenter*, "Everything You Always Wanted to Know About Arbitration (But Were Afraid to Ask)"* ABA Litigation Section, Four Part Series (2022-2023)
Co-Presenter, Will Work for Food, "Using Sales in Mediation" (2022)
Facilitator, 14th Annual Arbitrator Training Institute, American Bar Association, 2022
"Discovery and Motion Practice" and "Award and Post-Award Issues"
Co-Author (with Sylvia Mayer), ABA Section of Dispute Resolution
Arb Cmte Newsletter, Vol. 7, Ed. 2 (Winter 2022)
"Practice Tips for Business Divorce Arbitrations for Small Businesses"

Speaker, Advanced ADR CLE, State Bar of Texas ADR Section, 2022
"Arbitrator Toolkit: Tips and Advice for Advocates and Arbitrators"
Speaker, Association of Attorney-Mediators (AAM) 2021
"COVID Protocols in Mediation: Returning to In-Person Mediations"
Faculty, 13th Annual Arbitrator Training Institute, American Bar Association, 2021
"Handling Your First an Arbitration"
Speaker, San Antonio Bar Association "Brown Bag Series", 2021
"Motions to Compel Arbitration: Views from the Bench and the Arbitrator"
Co-presented with Hon. Cathy Stryker, Judge of 224th District Bexar County, Texas
Speaker, San Antonio Bar Association, 2021
"Arbitration Evidentiary Hearings from the Arbitrator's Perspective"
Speaker, San Antonio Bar Association, ADR Section Meeting, 2021
"Handling Arbitrations by Zoom"
Author and Panelist, State Bar of Texas, ADR Section, Advanced ADR CLE, 2021
"Consumer Arbitration Basics"
Author, San Antonio Lawyer, Winter 2020
"Arbitration Clauses in Client Agreements"
Speaker, The Arbitration Conversation Podcast, 2020
"Consumer Arbitrations" (https://www.youtube.com/watch?v=M9d84bWZAec)
Speaker, San Antonio Bar Association "Brown Bag Series", 2020
"Commercial Arbitration Basics under the American Arbitration Association"
Speaker, San Antonio Bar Association "Brown Bag Series", 2019
"Consumer Arbitration Basics under the American Arbitration Association"
Speaker, San Antonio Bar Association (2019)
"Arbitrations under the American Arbitration Association Consumer Rules"
Speaker, *Commercial Arbitrations under the American Arbitration Association Rules*
San Antonio Bar Association (2018)
Speaker, *Consumer Arbitrations under the American Arbitration Association Consumer Rules,* American Bar Association General, Solo Practice Group (2018)
Speaker, *Commercial Arbitrations under the American Arbitration Association Rules*
Mexican American Bar Association (2018)
Speaker, *Consumer Arbitrations under the AAA Consumer Rules*
San Antonio Bar Association Brown Bag (2017)

ADR ASSOCIATIONS:

Arbitrator, American Arbitration Association, Employment and Commercial Panels (2014)
Mediator and Arbitrator, Int'l Inst. For Conflict Prevention & Resolution (2020)
Arbitrator, American Health Law Association (2022)
Arbitrator, FINRA (2022)
Arbitrator, IDRE No Surprises Act healthcare billing disputes (2022)

PROFESSIONAL ASSOC.

Chair-Elect, ADR Section of the State Bar of Texas (2024 - 2025)
Co-Chair, Arbitration Committee, ABA Section of Dispute Resolution (2022 - 2023)
Co-Chair, Outreach/Marketing Cmte, ABA Section of Dispute Resolution (2020 - 2022)
Member, Arbitration Committee, ABA Section of Dispute Resolution (2016 - present)
Member, Mediation Committee, ABA Section of Dispute Resolution (2016 - present)
Chair, Panel 10-4, State Bar of Texas Grievance Committee (2012 - 2018)
Vice-President, Association of Attorney Mediators San Antonio (2020 - 2022)
Member, Mediator's Association of Colorado (2021 - present)
Member, Texas Mediator's Association (2019 to present)

Member, ABA Litigation Section (2016 - present)
Treasurer, State Bar of Texas, ADR Section (2020 - present)
Planning Cmte Member, State Bar of Texas, ADR Section (2021 - present)
Chair, San Antonio Bar Association ADR Section (2021 - 2022)
Member, San Antonio Bar Association District Courts Committee (2011 - present)
Member, San Antonio Bar Association, Fee Dispute Committee (2008 - present)
Member, National Institute for Trial Advocacy (2007 - 2015)

PROFESSIONAL LICENSES:

Admitted to State Bar of Texas (1999)
Admitted to State Bar of Colorado (2023)
Admitted to Federal District Court, Western District of Texas (1999)
Certified Mediator, State of Texas (1999)

EDUCATION:

St. Mary's University School of Law (J.D., 1998)
LBJ School of Public Affairs, University of Texas Austin (Master of Pubic Affairs, 1995)
St. Mary's University (B.A. 1989, Political Science and Communications)

VOLUNTEER ACTIVITIES:

Life Fellow, American Bar Foundation
Delegate, American Bar Association House of Delegates (San Antonio Bar Association)
Sustaining Life Fellow, Texas Bar Foundation
Sustaining Life Fellow, San Antonio Bar Foundation
Board Member, The Villages of Incarnate Word Retirement Community
Leadership SBOT, State Bar of Texas (Class of 2012)
Trustee, United Way of San Antonio and Bexar County, (2000 - 2012)
Advisory Board Member, *The Contemporary Journal,* Trinity University (2016 - 2022)
Advisory Board Member, Women's Business Center, LiftFund (2014 - 2023)
Chair, Parent Leadership Council, Trinity University (2013 - 2020)

LOCATIONS:

Willing to travel throughout the U.S.
Available everywhere via Zoom and similar online platforms