# SCOTTY SHIVELY

**Scotty Shively, PLLC**
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Scotty Shively has practiced law in Arkansas for over thirty-five years, focusing on healthcare law, employment law, and complex civil litigation. As an advocate, she has appeared before judges, juries, administrative agencies, arbitrators, and mediators, and has provided counsel to her clients on compliance with applicable laws. Practicing in a state with relatively few healthcare attorney, she has had the opportunity to represent a wide variety of providers and other stakeholders in the healthcare industry, including hospitals, nursing homes, home health and hospice agencies, physicians and other individual providers, managed care organizations, and a state QIO. She has litigated and/or advised clients on a wide variety of healthcare issues, including fraud and abuse, anti-kickback, employment and labor, medical staff issues, licensure and certification, permit of approval/certificate of need, reimbursement, medical malpractice and nursing home liability, privacy issues, and other issues that arise in institutional and individual provider practices. She has drafted medical staff by-laws, contracts, corporate documents, and policies mandated for healthcare providers in areas such as EMTALA, OSHA exposure, Limited English Proficiency, HIPAA and ADA. She has represented employers (including healthcare entities) and individuals in all areas of employment and labor law, both litigating and providing guidance on compliance with the myriad of laws and regulations applicable to employers.

For the past twenty years, Ms. Shively's practice has expanded to include arbitration, mediation and conflict resolution as a neutral. Beginning in1996, she has served on arbitration and mediation panels of the American Arbitration Association and the American Health Lawyers Association and. In 2004, she obtained a 200-hour Graduate Certificate of Conflict Resolution and is certified by the Arkansas Alternative Dispute Resolution Commission as a mediator in Circuit Courts. She has received over 300 hours training in arbitration and mediation, including training specifically related to healthcare and employment matters. She currently focuses on alternative dispute resolution and consulting on health law matters. Her past legal and neutral experience and training uniquely qualify her to arbitrate, mediate, and resolve conflicts involving a wide range of legal issues.

## LEGAL and ALTERNAIVE DISPUTE RESOLUTION EXPERIENCE:

Scotty Shively, PLLC, 2013--present, Arbitration, Mediation, and legal consultation on health law matters

ADR, Inc., Mediator, 2013—2017, Mediator in court ordered and voluntarily submitted civil cases

Cross Gunter Witherspoon & Galchus, P.C., Director, 1997--2012

Robinson, Staley & Marshall, P.A., Partner, 1985 –1997

House, Holmes & Jewell, P.A.: Associate Attorney, 1981 –1985

## EDUCATION:

Graduate Certificate in Conflict Resolution; University of Arkansas at Little Rock, 2004, 15 semester hours, including mediation, arbitration, and conflict resolution courses

University of Arkansas at Little Rock School of Law, J.D., with High Honors, 1981

Southeast Missouri State University, B.S., magna cum laude, 1968

## ALTERNATIVE DISPUTE RESOLUTION TRAINING:

American Health Lawyer Association Courses: Health Law Mediation Training, 1997 (3 days); Arbitration Training, 2005, 2002

American Arbitration Association Courses: Advanced Mediation of Healthcare Matters Training, 2015 (2 days); Employment Arbitrator Training, 1996 (2 days); Advanced Employment Arbitration Training, 2002; Annual ACE (arbitrator continuing education) course requirement

Arkansas Alternative Dispute Resolution Commission, 40 hour training as a Court Certified Mediator in civil cases, 2010; 6 hour Annual CME requirement

Association of Attorney Mediators, Advanced Mediation Training 2015 (10 hours)

## PROFESSIONAL AFFILIATIONS:

Licensed attorney In Arkansas since 1981; member of federal bars in Eastern and Western Districts of Arkansas, Eighth Circuit Court of Appeals, D. C. Circuit Court of Appeals, United States Supreme Court

Arkansas Bar Association: Member; past Chair of Dispute Resolution Section, Health Law Section, Labor and Employment Law Section, and Law School Committee; former House of Delegates

Arkansas Civil Rules of Procedure Advisory Committee, 1990-96; Federal Practice Committee for Eastern District of. Arkansas, 1985-91

Arkansas Bar Foundation: Sustaining Fellow, Board of Directors- 2009-2015
Special Associate Justice to Arkansas Supreme Court, 1992

American Bar Association: Member of Health Law Forum, Labor & Employment Law Section, and past Chair of ADR in Labor & Employment Law Committee

American Health Lawyers Association: past Co-Chair of Employment Law Practice Group & Newsletter Editor; Dispute Resolution Panel of Arbitrators and Mediators

Arkansas Conflicts Resolution Association: past Board of Directors

Rotary International, Club 99; member 1995-present; Paul Harris Fellow

Arkansas Hospice, Inc.: Board of Directors: 2008-present; past Chair; member of various Committees, including Standards, Public Policy and Strategic Planning

Central Arkansas Executive Association, member since 1991, past Board of Directors

## SPECIAL RECOGNITIONS:

The *Best Lawyers in America* – Healthcare Law (1995-2012) and Labor and Employment Law (2008-2012)

*Mid-South Super Lawyers* – Labor and Employment Law (2006-2009) and ADR (2012)

UALR Bowen School of Law Outstanding Alumna for 1980

## PUBLICATIONS AND SPEAKING ENGAGEMENTS:

"Does the Patient Hear (and Understand) the Provider?-The Requirement for a Limited English Proficiency Policy", AHLA Health Lawyers News (June, 2015)

"Resurgence of the Class Action Lawsuit in Employment Discrimination Cases: New Obstacles Presented by the 1991 Amendments to the Civil Rights Act", UALR Bowen School of Law, Vol. 23: 925 (2001)

Frequent presenter on continuing education in healthcare law, employment law, and conflicts resolution at state, regional and national level. Recent ADR topics include "Use of ADR in the Healthcare Setting"; "Addressing Disruptive and Intimidating Behaviors in the Healthcare Setting"; "Conflict Resolution in the Workplace"