DAVID M. WELLS

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Profession Arbitrator, Mediator & Attorney

Work History Solo Practice 2014 - present; Partner, Vander Ploeg, Wells & Sweeting, LLP (and predecessor firms), 1976- 2013; Executive Director Osteopathic Foundation of West Michigan, 1998-2008

Education Muskegon Community College (AA-1971); University of Michigan (BA, Political Science/Economics-1973); Valparaiso University (JD-1976); ICLE Probate and Estate Planning Program Certificate of Completion 2005.

Health Care
Current legal advisor for physicians and physician practice groups. Legal counsel for Muskegon General Hospital for five years. Experience with health care financing, mergers and acquisitions, medical staff credentialing, medical staff and hospital bylaws, individual and group professional service contracts, vendor contracts, employment issues, collective bargaining, employee discipline and discharge, employee benefits, physician recruitment, physician training, Stark and Medicaid fraud, privacy and confidentiality, HIPPA, medical provider accreditation, certificates of need issues, FQHCs, coding/billing and managed care. Writer of the original medical staff bylaws and medical staff credentialing rules for Mercy General Health Partners. Represented clients in hundreds of personal injury and disability cases including medical malpractice, traumatic injury, Social Security, psychological diseases and disabilities and occupational accidents and diseases. Fifteen years hospital board activity. Member of the Board Committee at Muskegon General Hospital and Mercy General Health Partners responsible for overseeing all medical staff, quality and credentialing issues.

Member of the Muskegon Community Health Project Board of Directors, June 1999- 2006, Secretary of the Board August 1999 2000, Vice-Chair 2000-2003. Member of the Board of Directors of Muskegon Community Health Ventures (the for profit arm of the Muskegon Community Health Project) 2000-2003, 2005-2006; Board chairman 2005-2006. Disability Awareness Center for

Independent Living, Board 2002-2003. Past instructor of medical/legal issues for family practice and OB/GYN post graduate residents in training.

Executive Director for ten years of the multi-million dollar Osteopathic Foundation of West Michigan overseeing all management, administrative, investment, financial and board matters. President of the National Association of Osteopathic Foundations 2004-2006.

Member of the American Osteopathic Association's Bureau of Osteopathic Clinical Education and Research 2003-2006 and the AOA's Council on Research 2003-2004. Member of the Michigan Osteopathic College Foundation 2004-2022.

Commissioner on the Commission on Osteopathic College Accreditation 2007 - 2016. (This is the organization authorized by the United States Department of Education to accredit all osteopathic medical schools in the United States) Since 2009, Inspector/Evaluator/team chairman (since 2015) for the Commission for Osteopathic College Accreditation performing evaluations and inspections of Osteopathic medical schools. Member of the Appeals Panel for the Commission since 2022.

Member of Commission on Osteopathic College Accreditation committees on development/revision of accreditation Standards and Graduate Medical Education 2008 – 2017.

Previously certified by Emergency First Response Corp. to teach CPR, AED and First Aid. Employed as an inhalation therapist by Muskegon General Osteopathic Hospital 1969 -1974.

Arbitration Mr. Wells arbitrates numerous cases each year with some involving very complex issues and potential damages in the millions of dollars. Health care arbitration experience includes, but is not limited to: billing/coding and related statistical extrapolation, employment and collective bargaining contracts, employee and physician disciplinary actions, group provider contracts and internal provider group management/ownership issues. Member of the American Health Lawyer Association arbitration panel since 2014. Member of the American Arbitration Association Commercial and Health Care Arbitration Panels since 2001. Member of the Labor Arbitration Panel of the American Arbitration Association since 1997. Neutral civil case evaluator for Circuit Courts in the State of Michigan since 1983.

Mediation Engaged in private and court appointed mediation since 2001. Served as a mediator in cases involving medical/legal issues, real estate, employment contracts, commercial contracts, personal injury, construction

contracts, partnership disputes, probate estates, commercial landlord-tenant, banking/finance, non-profit agencies, residential construction and commercial construction. Experience with multi-party mediation includes: shareholder derivative actions; probate, real estate, residential construction and condominiums. Training in facilitative, transformative and evaluative mediation. The method or methods used in any particular case depends upon the type of dispute. In 2009 Mr. Wells was certified by the International Mediation Institute (The Hague, Netherlands).

Alternative Dispute Resolution Training Advanced Mediation Training 2022, Arbitration Process Essentials 2022, Advanced Mediation Training, 2020, "The Ethics Game" 2020,Mediation and Restorative Services, Trigger Points – What to do with Challenging Parties, 2018; State Bar of Michigan, Harnessing the Power of the Master Mediator, 2018; AAA, Arbitrator Performance and Demeanor - Meeting Participant Expectations, 2018; AAA - ADR and Emerging Technologies, 2017; Advanced Mediator Training for Michigan Mediators, 2017 & 2016; Avoiding Ten Common Missteps Arbitrators Make, 2015; Advanced Mediation and Arbitrator Training B Advanced Negotiation & Dispute Resolution Institute - 2014, 2013, 2012, 2009, 2008, 2007; American Arbitration Association University - Arbitrability and Jurisdiction, 2016; What's a Respondent Like You Doing in a Place Like This - 2011; Westshore Dispute Resolution Center - Role of Humor in Mediation, 2010; American Arbitration Association University course: Protecting Patient Safety & Quality Care - Embracing the Joint Commission's Leadership Standard on Conflict Management, 2009; Power Imbalances in Mediation, 2009; Beyond Apology, Forgiveness as a Reachable and Practical Goal, 2009; Effective Apologies in Mediation, 2008; AAA Dealing With Delay Tactics in Arbitration, 2007; AAA Arbitrator Ethics & Disclosure, 2006; AAA Pro Se: Managing Cases Involving Self-Represented Parties, 2005; AAA Arbitration Awards: Safeguarding Deciding & Writing Awards, 2005; Advanced Mediator Training, Understanding and Managing Difficult Conflicts, 2005; AAA Arbitrator Update, 2004; Dispute Resolution Center for Central Michigan Advanced Mediator Training, 2004; Michigan Supreme Court approved General Civil Case Mediation Training, 2001; AAA Commercial Arbitrator Training II, 2001; AAA Commercial Arbitrator Training I, 2001.

Litigation Litigated hundreds of civil cases in nearly all areas of the law.

Employment and Labor Extensive experience in labor law representing both employers and unions including collective bargaining, arbitrations, unfair labor practice charges, union member clarification and accretion issues. Litigation experience involving a broad scope of employment-related issues including discrimination, harassment, wrongful discharge, Whistle Blowers' Act, Bullard-Plawecki Right-To-Know Act, MESC benefits, wage and hour issues, ADA and

the Family and Medical Leave Act. Labor arbitrator since 1997. Fair Employment Practices Investigator for the Little River Band of Ottawa Indians 2009-2015.

Commercial and Business Previous co-owner of a retail/agricultural business. Experience creating and advising small business entities including sole proprietors, partnerships, limited liability companies and corporations. Experienced in commercial and real estate matters, complex transactions, commercial and employment contracts, non-compete agreements, non-disclosure agreements, commercial leases, retail and wholesale distribution, shareholder agreements and disputes, joint ventures, strategic relationships and financing. Considerable experience as both an advocate and arbitrator with commercial litigation.

Municipal Assistant County corporate attorney for several years; assistant City attorney from 1997-2004; City attorney from 2004-2008; Township attorney 2006-2008. Contract attorney for the Little River Band of Ottawa Indians 2015- present. Experienced with issues involving contracts, construction, employment, labor, collective bargaining, health care, pensions, real estate, taxes, purchasing, commercial and residential waste, water and sewer construction, road construction, cemeteries, advertising, telecommunications, environmental issues, franchises and ordinance enforcement.

Probate and Estates Experienced estate planner including drafting wills, trusts, powers of attorney, medical advocate documents and matters involving estates for deceased individuals, minors and other incompetent individuals. Experienced with managing complex estates. Appointed by Probate Courts to manage complex estates when original personal representatives have failed. Completed the Probate and Estate Planning Certificate program of the Institute for Continuing Legal Education in 2005. Extensive experience with issues involving mentally and physically incapacitated individuals.

Real Estate and Construction General practitioner in the area of commercial and residential real estate law with experience drafting and interpreting documents, real estate taxes, zoning, construction liens, contracts and large construction projects and various types of real estate litigation.

Professional Associations State Bar of Michigan and its Alternative Dispute Resolution Section; Muskegon County Bar Association (Past President); American Arbitration Association; International Mediation Institute (The Hague, Netherlands); National Association of Osteopathic Foundations (Past President); American Osteopathic Association Council on Osteopathic College

Accreditation; Lake Michigan Estate Planning Council; Professional Association of Diving Instructors.

Professional Licenses Admitted to the Michigan Bar, 1976; U.S. District Court, Western District of Michigan, 1977; State approved mediator for various courts throughout Michigan since 2001; Certified by the Professional Association of Diving Instructors to teach more than 15 scuba diving courses. Certified by Emergency First Response Corp. to teach CPR, AED and First Aid.

Appointments and Elections

- Commission on Osteopathic College Accreditation Ad Hoc Study Committee on Osteopathic Graduate Medical Education 2011
- Fair Employment Practices Investigator for the Little River Band of Ottawa Indians 2009-2015.
- Commissioner on the Commission on Osteopathic College Accreditation, 2007- 2016. Appeals Panel Member 2022-present.
- Medical School Accreditation Inspector for the Commission on Osteopathic College Accreditation, 2009-present and team chair since 2015.
- Muskegon Community College Alumni Committee – (chairman) 2012 - 2021
- Foundation for Osteopathic Health Services, Board 2004-2010
- Michigan Osteopathic College Foundation Board 2004-2022; Treasurer 2009- 2022
- Lake Michigan Estate Planning Council, Board 2004-2008
- American Osteopathic Association Bureau of Osteopathic Clinical Education and Research, 2002-2005
- National Association of Osteopathic Foundations - VicePres 2002-2004, Pres. 2004-2006
- Montague-Whitehall Rotary Club 1996-2017, VicePres 2003-2004, Pres 2004-2005
- American Osteopathic Association Council on Research, 2003 & 2004
- Disability Awareness Center for Independent Living, Board 2002-2003
- Muskegon Community Health Project Board of Directors, June 1999-2006, Secretary of the Board August 1999-2000, Vice-Chair 2000-2003
- Muskegon Community Health Ventures Board of Directors, 2000-2003, 2005-2006; Board chairman 2005-2006
- White Lake Senior Services Board, 1998-2001
- Muskegon General Osteopathic Foundation Board, Vice Chair, Jan.-June 1998
- Joint Operating Board and Executive Committee of Mercy General Health Partners, July 1995 to June 1998
- Mercy General Health Partners Board Quality Committee, 1995- 2006

- Muskegon General Hospital, Trustee, 1990-1998; Board Treasurer, 1991- 1995, Vice-chair 1996-1997
- Muskegon County Bar Association, President (1987), Vice-President (1986)
- Boy Scouts of America, West Michigan Council Executive Board,1977-1988, 1993-1997, District Commissioner 1976-1978; District Chairman 1979-1982; Eagle Scout 1967
- Muskegon Community Foundation Advisory Board, 1987
- St. Alban's Episcopal Church, Vestry (Board) 1983-1986
- St. Gregory's Episcopal Church, Vestry (Board) 1987-1991; 1995-1998; 2006-2008, 2013- 2016; 2021-present; Chairman of Lay Eucharistic Ministers, 1991-2005, 2020-present.
- White Lake Eagles 3214 Trustee 2018-2019; President 2019-2023
- Delta Theta Phi Law Fraternity, Renter, Senate, President, 1975-1976

Additional Affiliations Boy Scouts of America - 1981 National Jamboree, Staff; Philmont Scout Ranch Contingent Leader, 1978; Great Lakes High Adventure Base Contingent Leader, 1979, Explorer Post Leader, National Eagle Scout Association; Muskegon Rotary Club, 1993 B 1995; Fraternal Order of Eagles since 2007; State of Michigan licensed Foster Parent 2009-2013.

PUBLICATIONS Author of "Healthcare and Mediation" published by the American Osteopathic Hospital Association in 2001.

HONORS

- 2011 Muskegon Community College Distinguished Alumni Award
- Certified by the International Mediation Institute, The Hague, Netherlands
- American Bar Association Judge for the 2007 Advocacy in Mediation Regional Competition at Michigan State University
- Boy Scouts of America District Award of Merit - 1981
- Boy Scouts of America Eagle Scout - 1967
- Michigan State University Extension 4-H Youth Development Partnership Award B 2005
- Rotary International Paul Harris Fellow B 2006
- Strathmore's Who's Who of American Lawyers