

DAVID M. WELLS

Twin Lake, Michigan 49457

(231) 740-9354

www.davidmwellsjd.com

dmwjd@aol.com

Profession Arbitrator, Mediator & Attorney

Work History Solo practitioner 2014-2024; Partner - Vander Ploeg, Wells & Sweeting, LLP 1996- 2013; Partner - VanderPloeg, Ruck & Wells (and predecessor firms) 1980-1996; Associate- Marcus, Ruck & Flynn 1976-1980

Education Muskegon Community College (AA-1971); University of Michigan (BA, Political Science/Economics-1973); Valparaiso University (JD-1976)

Professional Associations State Bar of Michigan; Muskegon County Bar Association (Past President); Lake Michigan Estate Planning Council; American Academy of Estate Planning Lawyers; American Arbitration Association; International Mediation Institute (The Hague, Netherlands); American Health Lawyers Association; Professional Association of Diving Instructors.

Professional Licenses Admitted to the Michigan Bar, 1976; U.S. District Court, Western District of Michigan, 1977

Appointments and Elections

- Michigan State University College of Osteopathic Medicine Dean Selection Advisory Committee - 2018
- Muskegon Community College Alumni Relations Committee 2011-2021; Chairman 2013 - 2021
- 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.
- Commission on Osteopathic College Accreditation, Commissioner 2007- 2016

- Medical School Accreditation Examiner for the Commission on Osteopathic College Accreditation, 2009-2017, Team chairman 2015 - 2017.
- Foundation for Osteopathic Health Services, Board 2004-2015
- Michigan Osteopathic College Foundation Board 2004-2022
- 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
- Executive Director of the Osteopathic Foundation of West Michigan 1998-2008
- 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
- St. Gregory's Episcopal Church, Vestry (Board) 1987-1991; 1995-1998; 2006-2008; 2013-2015; 2016 - 2019; 2021-2024, Chairman of Lay Eucharistic Ministers, 1991 to 2025; Senior Warden 1996 & 2014-2015; 2017-2019, 2022-2024.
- Muskegon County Bar Association, 1976-present; President (1987), Vice-President (1986)
- Scouting 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
- Delta Theta Phi Law Fraternity, Renter, Senate, President, 1975-1976
- White Lake Eagles Aerie 3214 2007-present; Trustee 2019- 2020, President 2020-2024; Current Past President

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; National Rifle Association, since 1965; Muskegon Rotary Club, 1993-1995; Twin Lake Gun Club member, since 2001; State of Michigan licensed Foster Parent 2009-2012.

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

HONORS

- 2011 Muskegon Community College Distinguished Alumni Award

- American Bar Association Judge for the 2007 Advocacy in Mediation Regional Competition at Michigan State University
- Rotary International Paul Harris Fellow 2006
- Michigan State University Extension 4-H Youth Development Partnership Award 2005
- Strathmore's Who's Who of American Lawyers - 1997
- Boy Scouts of America District Award of Merit 1981
- One of the Outstanding Young Men of America - 1981
- Boy Scouts of America Eagle Scout - 1967

AREAS OF EXPERTISE AND PRACTICE

Arbitration Neutral civil case evaluator for Circuit Courts in the State of Michigan since 1983. Member of the Labor Arbitration Panel of the American Arbitration Association since 1997. Member of the American Arbitration Association's Commercial Arbitration Panel since 2001, Employment Law panel since 2009 and Healthcare panel since 2010. Member of the American Health Law Association panel of arbitrators since 2014. Mr. Wells arbitrates numerous cases each year with some involving very complex issues and potential damages in the millions of dollars.

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, domestic relations 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. Member of the American Arbitration labor, commercial and healthcare mediation panels since 2009 and ADR Select's commercial healthcare and personal injury mediation panels since 2010. In 2009 Mr. Wells was certified by the International Mediation Institute (The Hague, Netherlands).

Alternative Dispute Resolution Training

Arbitration: Disclosure Dynamics 2024, Safety and Security 2023, Employment Arbitration 2022, Impartiality: Do you know where your biases are?, 2021; Best practices for Arbitrators in Expedited/Fast Track

Arbitrations, 2020; Cyber Security, 2019, ADR & Emerging Technologies, 2017; Avoiding Ten Common Missteps Arbitrators Make, 2015; (Arbitrability and Jurisdiction) What's a Respondent Like You Doing in a Place Like This B 2011; Protecting Patient Safety & Quality Care B Embracing the Joint Commission's Leadership Standard on Conflict Management, 2009; Issues Surrounding Surveillance in the Workplace, 2009; Dealing With Delay Tactics in Arbitration, 2007; Arbitrator Ethics & Disclosure, 2006; Pro Se: Managing Cases Involving Self-Represented Parties, 2005; Arbitration Awards: Safeguarding Deciding & Writing Awards, 2005; Advanced Mediator Training, Understanding and Managing Difficult Conflicts, 2005; Arbitrator Update, 2004; Advanced Negotiation & Dispute Resolution Institute B 2014, 2013, 2012, 2009, 2008, 2007; AAA Labor Arbitration Workshop II, 2003 AAA Commercial Arbitrator Training II, 2001; AAA Commercial Arbitrator Training I, 2001.

Mediation: Advanced Mediation Training 2022, Advanced Mediation, 2020; The Ethics Game, 2020; Trigger Points - What to do with Challenging Parties, 2018; Harnessing the Power of the Master Mediator, 2018; Advanced Mediator Training - GR Bar Assn. 2016; Westshore Dispute Resolution Center B Role of Humor in Mediation, 2010; Power Imbalances in Mediation, 2009; Beyond Apology, Forgiveness as a Reachable and Practical Goal, 2009; Effective Apologies in Mediation, 2008; Understanding and Managing Difficult Conflicts, 2005; Dispute Resolution Center for Central Michigan Advanced Mediator Training, 2004; Mediator update by the Advanced Negotiation & Dispute Resolution Institute - 2014, 2013, 2012, 2009, 2008, 2007; Michigan Supreme Court approved General Civil Case Mediation Training, 2001.

Health Care

Past legal advisor for physicians and physician practice groups. Previous legal counsel for Muskegon General Hospital, five years. Experience with health care financing, billing/coding, 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 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 Committees 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 since 2004.

Commissioner on the Commission on Osteopathic College Accreditation since 2007. (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 in the areas of administration and finance.

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

Employed as an inhalation therapist at Muskegon General Osteopathic Hospital 1969-1974.

Probate and Estates Experience with managing/administrating complex estates. Frequently appointed by Probate Courts to manage complex estates when original personal representatives have failed. Represented

numerous clients in Probate litigation. Experienced estate planner of estates smaller than \$10 million including drafting wills, trusts, powers of attorney, medical advocate documents and matters involving estates for deceased individuals, minors, the mentally disabled, physically incapacitated and developmentally disabled. ICLE Probate and Estate Planning Program Certificate of Completion 2005.

Municipal Contract Attorney for the Little River Band of Ottawa Indians 2015-2017. Attorney and Assistant Attorney for the City of Whitehall 1997-2008; Attorney for Dalton Township attorney 2006-2008; Assistant Corporate Attorney for the County of Muskegon in the 1980's & 1990's. Experienced with issues involving contracts, construction, negligence, employment, labor, workers= compensation, insurance, pension/retirement, real estate, taxes, purchasing, commercial and residential waste, water and sewer construction, cemeteries, advertising, telecommunications, environmental issues, franchises and ordinance enforcement.

Commercial and 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, contracts, commercial leases, retail and wholesale distribution, shareholder agreements and disputes, joint ventures, strategic relationships and financing. Extensive experience with commercial litigation.

Employment and Labor Extensive experience 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 health insurance, pensions, discrimination, harassment, wrongful discharge, Whistle Blowers' Act, Bullard-Plawecki Right-To-Know Act, MESC benefits, wage/ hour/benefits 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.

Personal Injury and Negligence Litigated hundreds of workers= compensation, personal injury and negligence cases for both Plaintiffs and Defendants.

Family and Domestic Relations Successfully represented parties in matters involving divorce, parenting time, child support and spousal support since 1976. Experience as a mediator in domestic relations

matters.

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.