



AAA Mediation.org™

**FN-10951 MN-10951 LN-10951, Esq.**

**Free Union, Virginia**



**Profession**

Attorney, Arbitrator, Mediator - Business, Real Property, Employment, Commercial

**Work History**

Attorney/Arbitrator and Mediator, Self-employed, 1989-Present; Attorney, Private Practice (Boston), 1978-1989; Trial Adviser, Harvard Law School Trial Advocacy Workshop, 1983-1989; Associate, Looney & Grossman, 1982-1985; In-House Counsel, University Bank & Trust Company, 1980-1982; Of Counsel, Law Offices of Bernard A. Kansky, 1978-1980; Assistant Director of Admissions, University of Rochester, 1973-1975.

**Experience**

Primarily engaged in a business law practice focusing on corporate, real property, commercial law, and the arbitration and mediation of disputes in these specialties. Experienced in the negotiation and drafting of business, commercial and residential real estate, as well as franchise agreements and leases. Prior experience in banking and securities law. Substantial experience in arbitrating and mediating claims arising from the above specialties, and in managing and conducting arbitration and mediation proceedings.

**Mediator Experience**

Served as a mediator in over 150 business, real estate, franchise and securities disputes, the subjects of which have included, but are not limited to failures to disclose in the conveyance of real property, breaches of real property and business sales agreements, brokerage agreements, stockholder agreements, franchise agreements and securities claims. Also served as a mediator for the Prudential Life Insurance Company mass claims program.

**Mediator Style & Process Preferences**

There are times when good faith settlement negotiation goes only so far in the concerted effort to resolve a dispute. Attorneys and clients willing to bring a third-party neutral to the table, and willing to explore creative alternatives in the process of dispute resolution will discover increased settlement options through mediation. Contentiousness will abate, and opportunities to achieve settlement, finality, restoration of business relationships and preservation of capital will present themselves. Nothing is more costly, both economically and personally, than protracted litigation and its related appeals. As Voltaire once pronounced, "I was never ruined but twice: once when I lost a lawsuit, and once when I won one." And Martin Luther King, Jr. echoed that sentiment when he commented, "[a]bout that old law 'an eye for an eye' ? it leaves everyone blind."

Seeking dispute resolution that will leave the parties whole necessarily involves some serious reality checking and an ability to generate ideas that may initially be perceived as outside the box. And this is where a skilled mediator can assist parties mired in contested issues, and can help to clear a path

that will lead to a "win" for each of the disputants. A skilled mediator has substantive knowledge, good judgment, highly competent process management, interpersonal skills injecting trust, candor and fairness into the process, and a dedicated persistence and willingness to work with parties as long as it takes to reach settlement. Even if the case is not fully settled through mediation, the achievement of partial agreements and a distinct narrowing of the issues are indeed extremely valuable outcomes for all parties. It takes courage to settle a case. Making the effort through mediation before relinquishing control of a case by turning it over to a judge or jury not only is a manifestation of that courage, but is in a client's best interest. Why not go out on a limb? That's where the fruit is.

**Education**

Harvard Law School (Post Graduate Certification, Mediation, securities regulation and land use planning-1993); New England Law/Boston (JD, Law Review Editor-1978); Colby College (BA-1973).

**Professional Licenses**

Admitted to the Bar: Massachusetts (1978), California (1989); U.S. District Court: District of Massachusetts (1978), Southern (1989) and Central (1990) Districts of California; U.S. Court of Appeals: First Circuit (1979); U.S. Supreme Court (1982).

**Professional Associations**

American Bar Association; California Bar Association; Orange County Bar Association (Mandatory Fee Arbitration Committee; Alternative Dispute Resolution Committee, Past Co-Chair); Massachusetts Bar Association; Society of Professionals in Dispute Resolution; Association for Conflict Resolution; California Dispute Resolution Council.

**Mediation Rate**

\$350 Per Hour

**Languages**

English

**Citizenship**

United States of America

**Locale**

Free Union, VA

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.