



AAA Mediation.org™

**FN-1165170 MN-1165170 LN-1165170,
Esq.**

Newton Highlands, Massachusetts



Current Employer-Title Mediator and Arbitrator

Profession Mediator, Arbitrator.

Work History Mediator/Arbitrator, Self-employed (1992-Present); Executive Director, Middlesex Multi-Door Courthouse (2001-2008); Lecturer of Mediation Course, Boston University School of Law (2007-2020); Lecturer of ADR Survey Course, Suffolk Law School (2012), Litigation Counsel, Farella Braun & Martel (1990-1992); Litigation Associate, Brobeck Phleger & Harrison (1987-1990); Enforcement Attorney, U.S. Securities and Exchange Commission (1984-1987).

Experience Handled over 1500 cases as mediator or arbitrator. Former litigation practice included all aspects of pre-trial and first chair trial work in federal court, state court, and arbitration. Litigation practice included securities, construction, commercial, and employment matters. Served as sole arbitrator or panel chairperson in more than 200 cases involving a wide range of disputes involving commercial, individual and business contracts, licenses, purchases, franchises, Uniform Commercial Code claims, sales, partnerships, employment, wrongful termination, discrimination, breach of contract, negligent supervision, housing, environmental, securities customers-broker disputes, insider trading, manipulation, intra-industry transactions, IPO class actions, accountant liability, construction of residential, commercial, and municipal projects. Adjunct professor for 14 years of the mediation course at Boston University School of Law; and one year of the ADR Survey course at Suffolk Law School.

Mediator Experience Served as a mediator in more than 1,000 disputes: at least 900 employment disputes between businesses and their current or past employees with claims ranging from equitable relief to \$2,000,000, in nearly every industry and type of business (private, government, non-profit, regulated) and every type of claim (discrimination, wrongful termination, executive compensation, wage/hour, whistle-blowing, con-compete); at least 100 securities customer disputes involving equities, options, bonds, and insurance products in individual, trust, and retirement accounts with claims ranging from \$5,000 to \$2,000,000; at least 75 commercial disputes with approximately 25 involving sales representatives in the securities, insurance, and retail industries ranging from \$7,000 to \$9.5 million; at least 15 involving the sale of equipment or assets in the food, office supply, gift/retail, or securities industries ranging up to \$400,000; at least 15 involving equipment leasing in

the food or various gift/retail industries; at least 20 licensing or franchise disputes in the pharmaceutical, real estate, food, software, technology, and securities industries ranging up to \$200,000 and one involving international bond brokers over bond sales (\$300,000); at least 20 real estate disputes with approximately 10 between purchasers and sellers (some involving real estate agents) with claims ranging up to \$2 million, approximately 10 neighbor or family member disputes (zoning, use/variances, improvements, or adverse possession) ranging from equitable relief to \$2 million; at least 10 construction disputes between municipalities, contractors (and sub-contractors and sureties), or private commercial or residential owners and contractors (and sub-contractors and sureties) involving construction of parks, schools, houses, and commercial buildings ranging up to \$4 million; at least 10 residential housing cases involving landlord -tenant disputes; at least 10 disputes involving public accommodation disability discrimination claims from customers of restaurants, schools, hotels, retail shops, and transportation companies with claims ranging from equitable relief to \$10,000; at least two disputes involving the lease of commercial property; at least four shareholder disputes (individual, consolidated, and class actions) ranging up to \$9.5 million; few personal injury cases resulting from accidents; two wrongful death disputes resulting from suicides: one involving a terminated employee and one involving a customer of a securities brokerage firm; and one mediation separating a CEO from a publicly traded company. Many cases have involved professional interpreters for parties who are not fluent in English or hearing impaired. Several mediations have involved international parties participating by telephone or in person.

Representative Issues Handled as a Mediator

Employment discrimination disputes involving claims of harassment, discrimination, or hostile work environment based upon sex, race, age, religion, sexual preference, and disability; claims of retaliation and constructive discharge.

Other employment or independent contractor sales disputes involving claims of executive compensation, breach of contract, wage/hour, wrongful termination, whistle-blowing, defamation, theft, breach of non-compete, non-solicit, raiding.

Business disputes involving claims of breach of contract for sales, transfers, and leases of goods or services; claims under franchise agreements involving the use of the product, territorial limits, and payments; dissolution and buy-outs of business or family partnership, closely held corporations.

Other discrimination cases including public accommodation and housing disputes involving lead-based paint (children), race, sex, and disability.

Securities customer disputes involving claims of negligence, fraud, breach of fiduciary duty, unsuitability, unauthorized trading, and churning.

Shareholder disputes involving claims of market manipulation in connection with false press releases or stock valuation.

Construction disputes involving claims of negligence or breach of contract, delay, damage, failure to perform, unauthorized change orders, owner interference, and monies owed.

Real property disputes involving breach of purchase and sale agreement, adverse possession, title, zoning, and variance disputes involving city, family, and surrounding neighbors.

Licensing and regulatory disputes in the real estate, pharmaceutical, insurance, and securities industries, commercial contract cases involving multinational parties.

Mediator Style & Process Preferences

I combine the facilitative and evaluative approaches to mediation. I listen to parties to help them explore their interests in resolution. I also draw from my years of experience as an attorney and arbitrator to help them assess their case strengths and weaknesses, consider possible outcomes, evaluate and fashion proposals, and move toward settlement.

I believe that every case can be settled with hard work and an open mind. I expect counsel to prepare for the mediation by exploring with their clients a range of settlement options in light of the facts of their case and the applicable law. I ask counsel to submit materials in advance (confidential mediation statements, pleadings, motions, and damage/expert reports where applicable) and I always review them thoroughly before the mediation session. It is also my practice whenever possible to speak to counsel in advance, to discuss the process, to confirm who will be attending the session, to discuss the role of counsel and their clients, and to address any possible challenges to the mediation.

I make myself available for questions or assistance before the mediation session.

Most of my mediations conclude with a settlement within five-eight hours. If the case is not able to conclude during the scheduled time, I follow up with counsel (typically by telephone) until the matter is resolved.

Education

University of Wisconsin Law School (JD, Editor, Wisconsin International Law Journal-1984); University of Massachusetts, Amherst (BA, Economics, cum laude-1981); University of Paris, Sorbonne (Certificat de langue Francais-1981).

Professional Licenses

Admitted to the Bar: Massachusetts (1986), California (1985), Wisconsin (1984).

Professional Associations

Over time: Boston Bar Association (Litigation and International Law Sections, ADR Committee, past Co-Chairperson); Massachusetts Bar Association (Labor and Employment Section); California State Bar Association; Women's Bar Association; State Bar of Wisconsin; Association for Conflict Resolution (New England Chapter). Real Estate Bar Association panelist, Historic Newton member, board member Hyde Community Center.

Recent Publications & Speaking Engagements

PUBLICATIONS: Primary editor and author: THE ALTERNATIVE DISPUTE RESOLUTION PRACTICE GUIDE (national two-volume set with yearly updates, Thomson/West 1993-2021); Contr. author: MCLE "Civil Mediation Workshop" annual seminar past 10+ years; Author, "Ten Tips for an Effective and Ethical Negotiation" (ABA Business Law Spring Meeting 2011); Author: "Ten Tips for an Ethical and Effective Negotiation" (Mass. Lawyer's Weekly, July 2011 and RI Lawyers Weekly, July 2011); Author: "Negotiation Ethics in Mediation" (ADR & THE LAW, MCLE 2010); Co-author, ADR AND THE LAW (MCLE 2009); Co-author, "Mediating Closely Held Corporation Disputes" (MBA CLE 2009); Author: "Class Action Arbitrations: A First Circuit Update" (Boston Bar Assoc. Journal, April 2008); Co-author: ARBITRATION PRACTICE UPDATE 2007 (MCLE 2007); Author: "Litigation Tactics in Mediation: Are They Ethical?," (Mass. Lawyers Weekly, February 2005); Co-editor, co-author: COURT MANDATED BASIC TRAINING FOR ARBITRATORS (MCLE 2005); Editor, contr. author: WHAT EVERY LAWYER SHOULD KNOW ABOUT ARBITRATION (MCLE 2004); Author: "Ten Suggestions for Negotiation in Employment Mediation" (The Practical Lawyer, ALI-ABA, Oct. 2004); Co-author, "Maximizing the Potential of Mediation" (Mass. Lawyers Weekly, April 2004); Author: "Mediating Your Securities Disputes Successfully" (NSCP Currents, Winter 2004); Author: "Selecting the Right Organization and Arbitrator," (Mass. Lawyers Weekly, February 2003); Editor and contr. author: "Arbitration Practice and Update 2002" (MCLE 2002); Co-author, "Per Se Legality of Some Naked Restraints: A [Re]Conceptualization of the Antitrust Analysis of Cartelistic Organizations" (The Antitrust Bulletin, July 2000); Co-author: SECURITIES ARBITRATION: SPECIAL REPORT (Wiley Law Publications 1989); Contr. author: SECURITIES LITIGATION: STATE AND FEDERAL (California CLE 1988)

SPEAKING ENGAGEMENTS: Speaker: MCLE "Civil Mediation Workshop" annual seminar past 10+ years; Speaker: "Negotiation for Women" (Questrom School of Business Women's Summit 2016); Speaker: "Litigation Management: The End Game" (Association of Corporate Counsel 2014); Speaker: "Legal Updates" ("Representing Clients in Mediation", MCLE 2013); Speaker: "Ten tips for an effective and ethical negotiation" (2011 ABA Business Law Spring Meeting); Speaker: "Choosing the Right Dispute Resolution Process & Neutral in Closely Held Corporation Disputes" (Mass Bar Association 2011); Speaker: "Negotiation Ethics in Mediation" (ADR & the Law, MCLE 2010); Speaker: "Securities Arbitration and Mediation" (BBA 2009); Faculty member, "Arbitration, Mediation, Hybrid Forms of ADR" (AAA Advanced Mediator Training 2009); Faculty member, "Arbitration, Mediation, Hybrid Forms of ADR," (ADR and the Law", MCLE 2009); faculty member, "Closely Held Corporation Disputes" (Mass Bar Association CLE 2009); Chairperson and faculty member: "Arbitration Practice Update 2007" (MCLE 2007); Speaker: "Securities Mediation" (ALI/ABA Securities Litigation Conference, 2007); moderator & faculty member, ADR bi-monthly program series (Boston Bar Association, 2006-2007); Co-chair and faculty member: "Court Mandated Basic Training for Arbitrators" (MCLE 2005); Speaker: "Ethical Considerations for Advocates in Mediation" (Boston Bar Association 2004); Chair and faculty member: "What Every Lawyer Should Know About Arbitration" (MCLE 2004; co-chair & faculty member: "Arbitration Practice and Update" (MCLE 2002)

Locations Where Parties

Metro Boston.

**Will Not be Charged for
Travel Expenses**

Mediation Rate \$500 Per Hour

Languages French, English

Citizenship United States of America, United States of America, United States of America

Locale Newton Highlands, MA

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.