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Ingomar, Pennsylvania



Current Employer-Title Full-time Arbitrator and Mediator

Profession Attorney, Arbitrator, Mediator

Work History Arbitrator/Mediator, 1989-Present; Manager of Labor Relations, Duke University/Duke Medical Center, 1982-1989; Assistant Director of Regulatory Affairs, Public Service Division, Michigan Department of Commerce, 1979-1982.

Adjunct Professor, Carnegie Mellon University; 2006-2020; Trainer/Consultant, University of Pittsburgh Katz Graduate School of Business Center for Executive Education Center, 2004-2012; Assistant Director of the Geneva College Leadership Institute, 2007-2009; Instructor, Carnegie Mellon University Chief Information Officer Institute, 2008-2018; Adjunct Professor, University of Pittsburgh Katz Graduate School of Business, 2004-2012.

Experience Have served as a practicing arbitrator and mediator for over 30 years in a wide variety of private and public sector settings. Experience includes expertise in the fields of employment, labor, commercial, construction, energy, business, and real estate disputes.

Began professional career regulating the oil and gas industry in the Michigan Department of Commerce, then managed the labor and employment functions of the largest private employer in North Carolina (18,000+ employees) before commencing a neutral's practice.

Listed on numerous public and private local, state and national mediation and arbitration panels, including employment, labor, mineral extraction, public safety, USPS, and consumer disputes. Since 1996, have served as an EEOC contract mediator, and as a USPS Redress mediator since 1999. Educate and train on various ADR-related topics including workplace conflict resolution, negotiation, mediation, fact-finding, and arbitration. Author of numerous articles and frequent speaker on mediation and arbitration topics. Officer in the Western Pennsylvania Labor and Employee Relations Association, and past chair of the Allegheny Bar Association Alternative Dispute Resolution Committee. Appointed to serve on the Allegheny County Court of Common Pleas Mandatory Mediation subcommittee.

Hold a B.A. in Psychology, a Master's Degree in Labor and Industrial Relations, a Juris Doctorate, a

Doctorate in Education, and certification as a Senior Professional in Human Resources (SPHR).

Mediator Experience

Began mediating part-time in 1985, and practicing full-time since 1989. Have mediated hundreds of cases, with settlements up to \$10 million. Practice focuses predominantly on employment disputes, but also includes cases in the fields of contracts, commercial, industrial, health care, construction, partnership, and IT. Handle cases in both the private and public sectors, profit and non-profit, including government and labor. Have served as a contract mediator for the EEOC since 1996 mediating over 200+ employment cases, and as a USPS REDRESS mediator since 1999, mediating another approximately 200 employment and labor disputes.

Serve on a wide variety of private, local, state and national mediation panels, including the Pennsylvania Bureau of Mediation, the Ohio State Employee Relations Board, the Florida Public Employee Relations Commission, the U.S. Virgin Islands Department of Labor, the American Arbitration Association, the U.S. Federal District Court for the Western District of Pennsylvania, the University of Pittsburgh Medical Center System Intermediation Panel, the EEOC, the U.S. Postal Service, the Federal Mediation and Conciliation Service, Cuyahoga County (Ohio), and the National Mediation Board.

Experience in the field also includes serving as a mediation trainer for the Federal District Court for the Western District of Pennsylvania dispute resolution panel, writing numerous articles on mediation, giving presentations on mediation to various interest groups, including at national conferences such as at the annual meeting of the Labor and Employment Relations Association (twice), and earning a masters degree in industrial relations.

Representative Issues Handled as a Mediator

Cases include partnership disputes/dissolution, employment status, sales territory and commissions, age, race, sex, national origin/accent, disability, pregnancy, sexual harassment, tortious interference with contract, stock options, wrongful termination, exceptions to employment-at-will doctrine, share of practice income, scope of a non-compete, dissension within group leadership, geographic scope and duration of non-compete, professional negligence, long-term disability, purchase asset agreements, violation of policies and procedures, work rules, safety violations, route disputes, layoffs and reductions in force, severance payment, employment status, bonuses, etc. Experience includes 200+ cases serving as a contract mediator with the EEOC, and another 200+ cases mediating USPS REDRESS in-house employment complaints.

Construction-related cases include design defects, non-payment, failure to perform, breach of contract, substandard materials, delay, subcontractor liability, interpretation and application of contracts, etc.

Commercial-related cases include such issues as: broadcasting/television, utilities, securities, manufacturing, mining, partnership, non-compete agreements, real estate, landlord-tenant, design defects, franchise disputes, wrongful death, personal injury, stock options, patents, tortious interference with contract, hospitality, food service, restaurant, insurance, tax, family-owned business, energy (oil, gas), trucking, IT, wireless, etc.

Healthcare-related cases include med-mal, quality of care, health care/medical/dental/nursing, long-term care disputes, professional practice partnership disputes, professional licensure, pharmaceuticals, appropriateness of medical care, etc.

Labor grievance mediation including contract impasse, subcontracting work, discipline, bargaining unit composition, interpretation of contract language, successor agreements, non-payment of dues, duty of fair representation, attendance, what constitutes bargaining unit work, retirement, etc.

Miscellaneous cases include state and federal government, state and federal regulatory agencies, non-profits, wills and estates, tax, et al.

Mediator Style & Process Preferences

Mediators are entrusted with a singular responsibility - to help parties resolve disputes and arrive at solutions that provide terms that are both workable and viewed by both parties as "fair" under the circumstances. Parties deserve a mediator who accepts that settling cases is hard work, is both fair and persistent, is flexible enough to adjust their settlement style to fit the situation, enters mediation with the conviction that every dispute is resolvable, anticipates and overcomes roadblocks as they arise, and remains committed to the process until either settlement is reached, or impasse becomes unavoidable. Even under those circumstances, taking a hiatus to work with the parties individually

away from the table is often able to restart the mediation process. As the late basketball coach Jim Valvano famously said near the end of his life, and that is the appropriate mediator mantra, "Don't give up, don't ever give up."

Because of the complexity of conflict, i.e., different parties, different interests, power differentials, competitive imbalances, political considerations, etc., it's critical to be knowledgeable about the continuum of available mediation resolution styles from transformative to evaluative, flexible and experienced enough to be able to adjust the style to fit the situation and parties' expectations, experienced enough to recognize the parameters of a mutually advantageous and workable settlement, and persistent enough to push through any and all real or assumed roadblocks to get a deal done.

Have mediated cases for almost forty years, in a wide variety of work settings, in multiple industries, including multi-party disputes, with high visibility cases in highly politicized environments, and with settlements ranging in value up to \$10 million.

Technology Proficiency	Familiar with Microsoft Office, Zoom, Teams.
Education	Duquesne University (Ed.D. - 2013); Michigan State University (M.S., Labor and Industrial Relations - 1982); Western Michigan-Thomas M. Cooley Law School (J.D. - 1979); Oxford University/University of San Diego School of Law (Joint Certificate, International Law - 1978); Calvin College (B.A., Psychology - 1975).
Professional Licenses	Admitted to the Bar: Pennsylvania (1989), Florida (inactive), Michigan (inactive), North Carolina (inactive); U.S. District Court: Western District of Pennsylvania; U.S. Court of Appeals: Third Circuit; U.S. Supreme Court.
Professional Associations	Allegheny County Bar Association (ACBA) - Two-term past chair the Alternative Dispute Resolution Committee, past chair of the Lawyers in Other Professions Committee, member of Council of the Labor and Employment Law Section, member of the Health Care Law, Corporate Law, Environmental & Energy Law and Construction Law Sections; Officer, Pittsburgh Chapter of the Labor and Employment Relations Association (LERA); Member, Mediation Council of Western Pennsylvania; Past Board Member, Conflict Resolution Center International, the Center for Conflict Resolution & Negotiation at the University of Pittsburgh Katz Graduate School of Business, and the Durham, NC Dispute Settlement Center; Former Executive Director and founding member of the Western Pennsylvania Dispute Resolution Alliance.
Recent Publications & Speaking Engagements	What Labor and Employment Attorneys Need to Know about ADR (Allegheny County Bar Association Legal Journal); New mediator training, the Federal District Court of Western Pennsylvania; The Evolving Employment Status of Adjuncts (National LERA Conference); The Past, Present and (hopefully) Future of Arbitration (The Allegheny County Bar Association); Med-Arb: Why aren't You Using It to Resolve Your Disputes (Allegheny County Academy of Trial Lawyers); Public Policy Issues in Law Enforcement - Excessive Use of Force (National LERA Conference); Win-Win Negotiating training (The City of Pittsburgh / Firefighters' Local); Basic Negotiation Skills Training (University of Pittsburgh Medical Center Emerging Physician Executives' Program); "Yesterday I Couldn't Spell Negotiator and Now I Am One" (Allegheny County Bar Association Lawyer's Journal); Mediating Disputes Arising During the Collective Bargaining Process (Annual meeting of the Ohio State Employee Relations Board); "Women Don't Ask: So Why Aren't They Willing to Learn How? (doctoral dissertation); Emerging Trends in Public Sector Arbitration (Pennsylvania Municipal League); Negotiating IT Contracts (Carnegie Mellon University's Chief Information Officer Training Institute); Gender Differences in Negotiation (Pennsylvania Council of Mediators); Using Mediation to Improve Employee Relations (Annual Meeting of the Pittsburgh Human Resources Association); Commercial Business Negotiating Skills (San Paulo, Brazil & Prague, Czech Republic Chambers of Commerce); Negotiating Commercial Contracts (University of Pittsburgh's Katz Graduate School of Business Executive Education Center); Advanced Negotiation Skills (Young Executives Forum); Employment Law (Pittsburgh Technical Institute); Why Attorneys Need to Embrace ADR (University of West Virginia School of Law); Effective Team-Building (Polytechnical Institute of Nicaragua); Resolving Construction Disputes More Effectively (Port Authority of Pittsburgh); Design and Implementation of In-House ADR Programs (Pittsburgh Human Resources' Association); Mediating Construction Disputes and

Effective Construction Conflict Management (Pittsburgh office, the American Arbitration Association); Negotiating Workers' Compensation Commutations (Pennsylvania Self-Insureds Association); Healthcare Mediation (University of Pittsburgh School of Law); International ADR (University of Pittsburgh School of Law); Mediating Employee Grievances in Health Care (Hospital Council of Western Pennsylvania); Arbitration and Mediation of Construction Industry Disputes (Pittsburgh office of the American Arbitration Association); Techniques in Conflict Resolution for Healthcare (Hospital Council of Western Pennsylvania); Mediation in the New Millennium (Western Pennsylvania Federal Bar Association); Employment Mediation as a Litigation Management Strategy (Healthcare Human Resources Society of Southwestern Pennsylvania). CLE/CEU presenter for professional associations and author of articles on ADR-related topics for a number of professional publications including the Allegheny County Bar News, the Bulletin (a publication of the Allegheny County Medical Society) and past author of a column on mediating workplace disputes for the Workplace Section of the Association for Conflict Resolution (ACR).

Locations Where Parties Will Not be Charged for Travel Expenses	Travel time not charged for any case where travel time + hearing time does not exceed ten (10) hours in a day.
Mediation Rate	\$3,000 Per Day
Languages	English
Citizenship	United States of America
Locale	Ingomar, PA

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.