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FN-12056 MN-12056 LN-12056, Esq.

New York, New York

Current Employer-Title Janet Maleson Spencer, P.C.

Profession Arbitrator, Mediator

Work History Professor of Law, St. John's University Law School, 1974 – 1998; Associate, Surrey Karasik Morse & Seham, 1973 – 1974; Attorney, European Economic Commission (EEC) in labor law ("Droit du Travail") division, 1973; Consultant, in labor law to Management Counselors International (MCI) Brussels, 1972 – 1973; Assistant Corporation Counsel, New York City, 1968 – 1972; Attorney, Simpson Thacher & Bartlett, 1966 – 1968; Attorney, National Labor Relations Board, 1962 – 1965; Assistant to Legislative Assistant, Office of Senator Hugh Scott (Washington, DC), 1962.

Experience Over 45 years of legal experience. Over 24 years as a law professor, specializing in Labor and Employment law. Taught Labor law, Employment Law (including employee obligations, such as non-competition clauses, workers' compensation, OSHA, wage and hour, etc.), Employment Discrimination Law, Labor and Employment Arbitration, Arbitration Law, and, in addition, Constitutional Law and Legal Research and Writing. Prior to teaching, for 12 years, practiced law, 100% in labor and employment law, representing management primarily, or neutral agencies and organizations. Handled diverse employment matters, including individual contract matters involving local, state, and federal statutes, such as the National Labor Relations Act, Title VII, FLSA and related federal, city, and state employment discrimination statutes.

Mediator Experience Mediated disputes pursuant to employer promulgated ADR plans and pursuant to individually negotiated employment or other employment contracts. These cases have involved employment disputes in a broad range of industries and enterprises, including manufacturing, broadcasting, retail, broker-dealer, communications, sales, insurance, restaurant, higher education, public employer and others. They have involved a range of employees from high-level executives and professionals to relatively unskilled workers. Monetary claims have ranged from less than \$5000 to two or three million dollars.

Mediated over twenty discipline grievances involving a utility and its union. Has also handled about 20-30 employment mediations involving private sector employers in various industries including restaurant, television/radio, manufacturing, retail sales, etc. Has mediated a couple of cases for the EEOC. Informally mediated (with both parties and at their request) hundreds of labor disputes in the context of arbitrations where a mediated result has seemed preferable to an arbitrated decision. These have involved many different types of private and public sector employers and unions such as manufacturing, retail sales, television/radio, theatre, schools and universities, police and fire, utilities, municipalities, automotive, airline, hospitals, newspaper, transportation, trucking, non-profit organizations, security, shipping, military, rental agencies and others.

Representative Issues Handled as a Mediator Mediated claims of statutory discrimination (including violations of Title VII, the ADEA, the ADA and various state laws, including laws of NY, NJ and CA), constructive termination, failure to accommodate under the ADA, violations of company personnel policies, wrongful withholding of benefits, bonuses, commissions and other entitlements, and other individual claims. Has also mediated breach of executive employment contract claims and counter-claims. A recent case involved a dismissed executive of a corporation who claimed entitlements, which the company

claimed it could not pay; the settlement included a plan for payment over a specified period, with various provisions for contingencies. In addition, has mediated grievance disputes and EEOC cases.

Issues mediated in the context of arbitrations include contract interpretation, subcontracting, discharge, discipline, leaves of absence, attendance policies, schedules, overtime, management rights, discrimination, work assignments, environmental issues, union rights, and others. Traditional grievance mediation has involved discipline issues.

Mediator Style & Process Preferences	Mediation provides the disputants an opportunity to resolve the controversy between them in a non-confrontational and relatively informal atmosphere. I try to establish this atmosphere from the beginning. As a mediator, my goal is to open communications between the parties, help the parties identify their primary interests, and work with the parties to create and develop settlement options. In this process, listening to the parties and giving them confidence that I understand their positions and concerns is essential, in my view. Beyond this, I have a flexible approach and use a combination of techniques, both facilitative and evaluative; whatever I sense will help keep the process moving to a satisfactory resolution.
Education	Harvard University Law School (LLB-); Cornell University (BA, Phi Beta Kappa-).
Professional Licenses	Admitted to the Bar: New York (1963), Pennsylvania (inactive).
Professional Associations	National Academy of Arbitrators, Member (Past Member, Professional Responsibility Committee; Board of Governors, Employment Arbitration Committee); College of Labor and Employment Lawyers (Fellow); Association of the Bar of the City of New York; American Bar Association; New York State Bar Association; American Arbitration Association (Past Member, Board of Directors); Association of American Law Schools (Labor and Employment Section, Past Chair).
Recent Publications & Speaking Engagements	"The Troubled Employee," THE COMMON LAW OF THE SHOP, NAA/BNA, 1998, 2nd ed., 2005; co-author, THE COMPLETE GUIDE TO COLLEGE VISITS, Criterion Press, Carol Publishing Group, 1993, subsequent editions published by Random House/Princeton Review; "When Preferential Hiring Becomes Discrimination," 14 EMPLOYEE RELATIONS LAW JOURNAL, No. 4, Spring 1989; "The Developing Notion of Employer Responsibility for the Alcoholic, Drug-Addicted or Mentally Ill Employee: An Examination under Federal and State Employment Statutes and Arbitration Decisions," 53 ST. JOHN'S LAW REVIEW 659, Summer 1979; co-author, "Reflections on Arbitration under the Family Dispute Services," 1977 ARBITRATION JOURNAL 111, June 1977; co-author, "Mediation-Arbitration: A Proposal for Private Resolution of Disputes Between Divorced or Separated Parents," 1976 DUKE LAW JOURNAL 911, December 1976; partial list.
Mediation Rate	\$650 Per Hour
Languages	English
Citizenship	United States of America
Locale	New York, NY

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.