



AAA Mediation.org™

**FN-13101 MN-13101 LN-13101, Esq.**

**Birmingham, Michigan**



**Current Employer-Title**

Kanter & Associates, P.C.  
Lippitt O'Keefe - Of Counsel

**Profession**

Attorney, Arbitrator, Mediator, Facilitator, Case Evaluator

**Work History**

Attorney, Kanter & Associates, P.C., 2023 – Present; Of Counsel, Lippitt O'Keefe, 2023 – Present; Vestevich Mallender DuBois & Dritsas P.C., 2008 – 2023; Senior Shareholder, Strobl & Sharp P.C. (and predecessor firm), 2001 – 2008; Principal Shareholder, Shapack, McCullough & Kanter P.C., 1980 – 2001; Attorney, Wick Minnet Otlewski & Kanter P.C., 1979 – 1980.

**Experience**

CONTRACT, COMMERCIAL AND BUSINESS ENTITY LAW (Transactional and Litigation):  
Business Entities:

- Creation of Business Entities.
- Equity ownership, executive and management contracts, tax and benefits valuation and succession planning.
- Employer sponsored benefit plans and trusts (ERISA and non-ERISA); preparation of employment policies, procedures and plans; statutory, regulatory, licensure, administrative and taxation issues.
- Enforcement of bylaws, shareholder agreements, buy-sell agreements, operating and partnership agreements and disputes.

EMPLOYMENT LAW:

- Representation of Employers and Employees; employment-related transactions, agreements and disputes.
- Common law claims and statutory violations (state and federal).
- Wage & hour (FLSA), issues; non-competition, trade secret issues and invention agreements.
- Severance agreements and reductions in force under federal and state laws.
- Employee handbooks and ADR plans.

HEALTHCARE LAW:

- Representation of providers, including Hospitals, Physicians, Nursing Homes, Managed Care/ Private Health organizations and participants (including ERISA Plans and Trusts), ACO's Government Health, Outpatient Care Facilities, Home Healthcare Agencies, physician specialty groups, DME Providers and Patients/ Participants/ Customers. Creation and representation of payors (creation, service and related contracts and dispute resolution mechanisms), including TPA's

PPO's, HMO's, health plans, insurance agencies, companies and underwriters, Medicare and Medicaid provider reimbursement, audit, dispute, claims-related procedures and payment issues, self-dealing, fraud, Stark, false claims, and similar problems at federal and state levels.

- Managed Care; Corporate and form of entity issues; Health care employer plan and insurance coverage issues, Provider/Payor and financial disputes; Medicare/Medicaid Reimbursement and Regulatory matters; Technology; Home Health; Medical Staff/ Governance; Integrated Healthcare; Physician Peer Review/Disciplinary Actions; Joint Ventures; Physician Credentialing; Labor/Employment; Provider-patient disputes; Licensing/ Intellectual Property; Patient Care disputes; long term care.
- Federal and State Surprise Medical Billing Arbitrator relative to OON claims;

**FRANCHISE AND BUSINESS OPPORTUNITY LAW:** Establishment of franchises; royalty, licensing, merchandizing and participation agreements; restrictions and obligations, including trade secrets, intellectual property and rights; Franchise contract issues; breach of fiduciary obligations; franchises and business opportunities; exclusive source and supply issues.

#### **E. COMMERCE, TECHNOLOGY, COMPUTER, SOFTWARE, ENTERTAINMENT, TELECOMMUNICATIONS & MEDIA**

- Transactions and disputes. Preparation of software, source code, and intellectual property related licensing agreements, SaaS and related service level agreements, information sourcing technology contracts, liability allocation and indemnification agreements; financing; internet hosting and more;
- Intellectual property rights and related assets; complex commercial transactions and intellectual property law; acquisition of software and intellectual property rights and obligations, including acquisition of acquired entity development and rights of key personnel and representation of service bureaus, website-related transactions and disputes.

#### **ENTERTAINMENT LAW:**

General: Negotiating and drafting contracts for audio-video related transactions; structuring and forming business entities; copyright and trademark acquisition, protection, infringement, and commercial exploitation, merchandising, publishing and Internet and new media transactions and ventures. Representation of facilities, various trades, acquisition of rights for commercial exploitation, preparation and negotiation of contracts relative to works of art.

<b>Mediator Experience</b>	As a neutral: 40% mediation primarily in various large complex and multi-party commercial, health care, insurance and employment disputes. 20% franchise licensing, distributorship and securities law 20% computer and Internet law and related issues.
<b>Mediator Style &amp; Process Preferences</b>	Each mediation necessarily involves custom devised goal methodologies which are generally discussed, agreed upon or directed by counsel for the parties, to enhance the likelihood of a full and final resolution in a cost effective and efficient manner. I prefer facilitative proceedings, to enable the parties to arrive at their own resolution of the dispute(s), but at the request of the parties, have implemented evaluative and various analytical mechanisms.
<b>Education</b>	Wayne State University (JD-1979; BA, with high distinction, Phi Beta Kappa-1976); Pepperdine University Strauss Institute (Post Graduate Programs for Advanced and Master Mediators for Dispute Resolution); Harvard University Law School (Post Graduate Programs on Advanced Mediation and Techniques).
<b>Professional Licenses</b>	Admitted to the Bar: Michigan (1979); U.S. District Court: Eastern (1979) and Western (1981) Districts of Michigan; U.S. Court of Appeals, Sixth Circuit (1982); U.S. Tax Court (1997).
<b>Professional Associations</b>	Member of American Health Lawyer Association (Panel of Neutrals) since 1995; American Bar Association - member of Health Law Section and ADR and litigation-related committees; State Bar of Michigan - Health Law Section; Substantive Law Committee, Chairperson Medical - Legal Subcommittee; designated and acted as Moderator for a number of webinars; College of Commercial Arbitrators (Fellow and Member of Board of Directors); International Academy of Mediators (Distinguished Fellow); National Academy of Distinguished Neutrals (Fellow).
<b>Recent Publications &amp; Speaking Engagements</b>	"Vacatur-Bulletproofing Your Arbitration Award," ICLE, 2011; "Cost Effectiveness and Efficiency in Arbitration Awards," ICLE, 2011; "Minimizing Discovery Abuses in Arbitration Means Drafting Provisions Carefully," MICHIGAN LAWYERS WEEKLY, vol. 22, no. 49, October 20, 2008; "The State of ADR Law in the State of Michigan," State Bar of Michigan Annual Meeting Publication,

2004-2006; co-author, "The Art of Writing an Effective Award," Paper presented at the AAA Neutral Retreat, Orlando, October 1998, revised January 1999; co-author, "The Family and Medical Leave Act - The Final Regulations," THE URBAN LAWYER, vol. 28, no. 1, Winter 1996; co-author "A Wake-Up Call for Employers," THE ADR NEWSLETTER, vol. 3, no. 3, Fall 1996. Author, developed ADR pilot programs, and prepared Standardized Court Forms adopted by Michigan Supreme Court.

SPEAKING ENGAGEMENTS: Panelist, Institute for Continuing Legal Education (ICLE); speaker, Advanced Dispute Resolution Institute (I.C.L.E.), March 2004, 2005, 2006; 1998-AAA Neutrals Retreat, Orlando, Florida regarding Interim Remedies in Arbitration; Numerous Speaking Engagement for the ADR Section of the State Bar of Michigan.

<b>Mediation Rate</b>	\$4,500 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Birmingham, MI

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.