



AAA Mediation.org™

**FN-1371016 MN-1371016 LN-1371016,  
Esq.**

Traverse City, Michigan



**Current Employer-Title** Arbitrator, Mediator, Hearing Officer

**Professional Summary** Member, National Academy of Arbitrators. Over 40 years experience in labor management relations. National arbitration practice. Over 15 years experience as full-time neutral arbitrator, mediator and hearing officer/referee. Conducted hundreds of arbitrations and mediations. Frequent author and speaker on ADR topics. Experience includes being Military Police officer, US Department of Labor attorney, and representing employers, employees, and labor organizations. Former Chair of State Bar of Michigan ADR Section. Received Distinguished Service Award from State Bar's ADR Section in recognition of significant contributions to field of dispute resolution and George Bashara Award from ADR Section in recognition of exemplary service.

**Work History** Arbitrator/Mediator and Hearing Officer, 2007-Present; Labor and Employment Attorney, Self-employed, 1982-2007; Labor Attorney, The Kroger Co., 1979-1982; Attorney, Dyer Meek Ruesegger & Bullard, 1974-1979; Attorney, U.S. Department of Labor, 1971-1974; Officer, Military Police Corps U.S. Army, 1969-1971.

**Experience** Over 40 years of labor and employment law experience representing government, individuals, labor organizations and management, including grievance arbitration and contract implementation. Speaks and writes on ADR issues. Former Chair of ADR Section of State Bar of Michigan; former President of Grand Traverse-Leelanau-Antrim Bar Association; Hearing Officer, Grand Traverse Band of Ottawa and Chippewa Indians; Little Traverse Bay Bands of Odawa Indians Hearing Officer list; former Hearing Referee, Michigan Civil Rights Commission; and former Chair of Traverse City Human Rights Commission. Former adjunct professor Salmon P. Chase College of Law, labor law and school law, and University of Cincinnati, administrative law and civil rights law. Editor Emeritus, The Michigan Dispute Resolution Journal.

Experience with severance agreements, including education, health care, hospitality, non-profit, and public sector employers.

Best Lawyers of America 2018 and 2019 for arbitration, and 2020-\_\_ for arbitration and mediation. First Tier ranking in Northern Michigan for Mediation by U.S. News – Best Lawyers® Best Law Firms 2022-\_\_; and Second Tier ranking in Northern Michigan for Arbitration by U.S. News – Best

Lawyers® Best Law Firms 2022-\_\_\_\_. Second Tier ranking in Northern Michigan for Mediation by U.S. News – Best Lawyers® Best Law Firms 2020. First Tier ranking in Northern Michigan for Arbitration by U.S. News – Best Lawyers® Best Law Firms 2019.

2016-\_\_\_\_ Michigan Super Lawyers lists for ADR.

"The Verdict: Town's Top Attorneys," Cincinnati Magazine (1995).

"Northern Michigan's A-List" of Attorneys, Traverse Magazine (2009).

While with U.S. Army in Vietnam, awarded Bronze Star Medal, Army Commendation Medals, Vietnam Service Medal with two bronze service stars; unit awarded Meritorious Unit Commendation and Vietnam Gallantry Cross with Palm Unit Citation Medal.

American Jurisprudence Award in Restitution (1968).

## **Mediator Experience**

Mediated 50+ employment-related involving employer-employee, private sector, public sector, tribal, EEOC and MDCR cases, as well as human resource and personnel issues. Forty+ personal injury cases, 150+ family law cases, 50+ business cases, and 90+ other general civil cases, including owner-contractor, landlord-tenant, probate, real estate, and other cases.

Mediated cases as advocate in state and Federal administrative agencies, state courts, U.S. District Courts, and Sixth Circuit Court of Appeals. Issues include age, civil service, collective bargaining agreement, disability, FMLA, gender, harassment, housing, labor management mediation, promissory estoppel, public policy, race, Rehabilitation Act, retaliation, Title IX, whistleblower, and wrongful discharge.

## **Representative Issues Handled as a Mediator**

Employment case issues include administrative, age, buy-out, compensation, defamation, disability, gender, harassment, intentional infliction, invasion of privacy, national origin, non-compete, pregnancy, promissory estoppel, race, retaliation, unfair labor practice, and whistle-blower, as well as human resource and personnel issues. Personal injury cases include assault and battery, dog-bite, mold, no fault, professional liability, and trespass. Family law cases include conservatorship, custody, parenting time, and property division. Other cases include business dissolution, collection, condominium, construction, consumer, easement, False Claims Act, foreclosure, insurance, landlord-tenant, mechanic's lien, Michigan Consumer Protection Act, over-payment, partition, partnership, probate, quiet title, real estate, receivership, riparian rights, sovereign immunity, transportation, tribal, Truth in Lending Act.

## **Mediator Style & Process Preferences**

My style as neutral depends on interests, needs and desires of parties. Depending on mediation environment, my mediation style can range from evaluative to facilitative. Usually I use BADGER stages of mediation process, including beginning mediation, asking for and acknowledging parties' opening statements, developing agenda, gathering information and generating movement, and resolving dispute.

## **Technology Proficiency**

Experienced in doing virtual arbitrations and mediations. Zoom, Google Meet, and Microsoft Teams.

In-person and virtual hearings and mediations in Michigan. Only virtual hearings and mediations outside of Michigan.

## **Education**

Wayne State University (LLM, Labor Law-1982); University of Michigan (JD, cum laude-1968; AB-1966).

## **Professional Licenses**

Admitted to the Bar: Michigan (1969), Ohio (1980-inactive); U.S. District Court: Western (1973) and Eastern (1978) Districts of Michigan, Eastern District of Kentucky, Northern (1971) and Southern (1982) Districts of Ohio; U.S. Court of Appeals: Sixth Circuit (1973), Federal Circuit (2003); U.S. Court of Military Appeals (1970); U.S. Supreme Court (1998).

## **Professional Associations**

National Academy of Arbitrators; State Bar of Michigan (former Chair, ADR Section [2017-2018]; former member, Representative Assembly); and Grand Traverse-Leelanau-Antrim Bar Association (former President; former Chair, ADR Committee); former Chair, Traverse City Human Rights Commission; FMCS; FINRA; Forum; MERC; NAM; NFA; NMB; Oregon Employment Relations

Board; Editor Emeritus, The Michigan Dispute Resolution Journal; Professional Resolution Experts of Michigan; National Academy of Distinguished Neutrals (Diplomate Member); Fellow, American Bar Foundation; Fellow, Michigan State Bar Foundation.

## Recent Publications & Speaking Engagements

PUBLICATIONS: "Michigan Case Law Concerning Use of Emails in Alternative Dispute Resolution," MI BAR J, June 2024; "COA Enforces Labor Arbitration Award," LEL LAWNOTES, Spring 2024; "Mich COA Reverses Vacatur of Labor Arbitration Award," MI DISPUTE RES J, Winter, 2024; "Mediation Confidentiality," MI DISPUTE RES J, Fall 2023; "ADR Case Law Update," MI DISPUTE RES J, Fall 2023; Judicial Review of Arb Issues," LEL LAWNOTES, Fall 2023; "Mi AFSCME Council 25 v Wayne Co: Steelworkers Trilogy, Mi Family, and Gavin Epic," MI DISPUTE RES J, Winter 2023; "Reflections on Civility and Ethics," MI BAR J, February 2023; "Successful Post-Hearing Brief in Labor Arbitration," MI DISPUTE RES J, Summer 2022; "Overview of Cognitive Biases," MI DISPUTE RES J, Winter 2022; "Successful Opening Statement in Labor Arbitration," LITIGATION J, Fall 2020; "Historic Moments in Negotiation," MI BAR J, May 2019; "Effective Use of Mediation," LEL LAWNOTES, Winter 2015; "Pre-Award Suit Concerning Arbitrator Selection" GENERAL PRACTITIONER, March 2014; "Arbitration or Mediation" TRAVERSE CITY BUSINESS NEWS, Dec 2013; "Nassar But-For Decision" GENERAL PRACTITIONER, Sep 2013; "Ministerial Exemption Decision" GENERAL PRACTITIONER, March 2012; "Staub Decision," GENERAL PRACTITIONER, Sep 2011; Co-author, "Employment Settlement Agreements" PRACTICAL LITIGATOR, March 2010; "ADR Law" LEL LAWNOTES, Fall 2009; "Age Discrimination Decision" GTLA NEWSLETTER, Fall 2009; "Case Evaluation" GTLA NEWSLETTER, Summer 2009; "Retaliation Decision" GTLA NEWSLETTER, Spring 2009; Contributor, DRAFTING EMPLOYMENT AGREEMENTS AND POLICIES, ALI-ABA, 2008; "Due Process Protocol" LEL LAWNOTES, Fall 2007; "Mediation for General Practitioner" GENERAL PRACTITIONER, Nov 2006; "Mediation Preparation" MI LAWYERS WEEKLY, Sep 4, 2006; "Unemployment Compensation Settlements" LEL LAWNOTES, Spring 2006; "Police-Fire Arbitration" MI LAWYERS WEEKLY, March 6, 2006; co-author, "Settlement Agreements (Part II)," LABOR AND EMPLOYMENT LAWNOTES, Winter 2006; Co-author, "Settlement Agreements (Part I)" LABOR AND EMPLOYMENT LAWNOTES, Fall 2005; Co-author, "HIPAA in Mediation" ADR NEWSLETTER, Oct 2005; "Promissory Estoppel" MI LAWYERS WEEKLY, March 21, 2005; "Pre-Dispute ADR" ADR NEWSLETTER, Feb 2005; "Employment Discrimination Law" MI BAR J, Sep 2003; "Dealing With EEOC" NORTHWEST MI BUSINESS NEWS, April 2003; "Disability Discrimination Law" MI LAWYERS WEEKLY, Nov 18, 2002; "Unemployment Compensation Law" BUSINESS COURIER, Oct 20, 2000; co-author, "Age Discrimination" OH TRIAL, Winter 1999; "Sexual Harassment" OH SCHOOL L J, July 1991; "Age Discrimination" 1989 DETROIT COLLEGE OF LAW REV 667, 1989; "Wrongful Discharge Decisions" 15 N KY L REV 303, 1988; "When Contractor Can Become Primary Employer" 12 CAPITAL UNIV L REV 195, 1982; "Occupational and Safety Health Act" 21 CLEV ST L REV 1, 1972; "Title I of Landrum-Griffin Act" 6 ID L REV 77, 1969. For complete list, see [https://www.leehornberger.com/index.php?page=Lee\\_Hornberger\\_Articles](https://www.leehornberger.com/index.php?page=Lee_Hornberger_Articles) .

SPEAKING ENGAGEMENTS: "ADR Case Law Update," Oakland Co Bar Assn ADR Committee; Co-panelist, "Mi AFSCME Council 25 v Wayne Co," American Arbitration Association, 2023; "Employment Arbitration Case Law Update," American Arbitration Association, 2023; "Ins and Outs of Employment and Labor Arbitration" SBM ADR Section. 2022; Using Science of Settlement to Better Represent Clients, FLI, ICLE; "Impact of Virtual Hearings," LERA Annual Meeting. For complete list, see [https://www.leehornberger.com/index.php?page=Lee\\_Hornberger\\_Seminars\\_Presented](https://www.leehornberger.com/index.php?page=Lee_Hornberger_Seminars_Presented).

## Mediation Rate

\$400 Per Hour

## Languages

English

## Citizenship

United States of America

## Locale

Traverse City, 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.