



AAA Mediation.org™

FN-13991 MN-13991 LN-13991, Jr., Esq.

Boston, Massachusetts



Current Employer-Title Peabody & Arnold – Partner

Profession Arbitrator, Attorney, Mediator

Work History Partner, Peabody & Arnold, 1995 – Present; Partner/Associate, Parker Coulter Daley & White, 1987 – 1995; Associate, Sisson, Bloomenthal & Allen, 1984 – 1987.

Experience Thirty-two years as a civil trial lawyer on behalf of plaintiffs and defendants in cases involving construction, environmental, maritime, contract, consumer rights, products liability, franchise disputes, real estate, business and employment disputes. Business and employment disputes involve issues of stock transfer, agency, unfair competition, breach of fiduciary responsibilities, interference with business relationship, consumer lending practices, non-compete agreements, quantum meruit, franchises, fraud and wrongful termination. Construction experience includes litigating disputes involving a variety of issues such as architectural and engineering design, site conditions, HVAC, pile driving and blasting. Environmental claims have included hazardous waste, oil contamination, wildlife protection and commercial use of federal land. Extensive experience interpreting construction, insurance and employment contracts as well as lease agreements.

Employment Experience - Experience in cases involving executive contracts as both an arbitrator and in representing clients. Tried executive contract claims brought by the CEOs and CFOs of credit unions and banks. Also involved in cases brought by CEOs and presidents of fitness companies and restaurant chains. Defended whistleblower claims brought against banks, hospitals, nursing homes and a myriad of other businesses under both state and federal law. Has sat as an arbitrator on a number of whistleblower cases. Decided as an arbitrator matters related to the misclassification of drivers for an international delivery company, vendors at a hospital and workers at an auto dealership. Arbitrated cases involving disputes over commissions and ownership of product. Defended class action cases involving hundreds of allegedly misclassified employees. Handled matters involving non-compete agreements and interference with business relationships. Considerable experience in wrongful termination cases related to disability, age, gender, sexual orientation, race, national origin, and pregnancy. As well as violations of FMLA and claims of retaliation.

Mediator Experience	Mediated disputes between property abutters (cases involve disputes over property lines, nuisance due to noise, encroachments, overburdening easements); employers and employees (cases involve alleged discrimination for disability, age and whistleblowing, breach of employment contract, dispute over independent contractor status); insurers and injured plaintiffs (cases involve auto accidents, premises liability, injuries on railroad and commercial vessels); franchisers and franchisees (cases involve restaurants, mail distribution companies); as well as various contract disputes and commercial transactions (cases include sales of business, disputes among condominium owners, construction related claims).
Representative Issues Handled as a Mediator	<p>Mediated real estate disputes involving disputed easements and claims of adverse possession. Mediated a multi-party suit between condominium owners over destruction to a roof when building competing roof decks. Other issues at mediation included an employment case involving the termination of a bank CEO and another case involving the termination of an employee claiming disability.</p> <p>Helped settle cases involving disputes over the sale of a business (airline) and a medical practice.</p>
Mediator Style & Process Preferences	My approach is to get involved before the mediation. I speak to counsel beforehand to learn their insight about their clients and what they believe will help move the case. In those rare occasions when I believe it will be detrimental to settlement, I ask the parties not to do a presentation. Generally my philosophy is to get the parties as involved as possible so they own the result because of the cathartic effect of telling their story. I try to determine early whether money is the primary issue. I also make certain all decision makers, including interested third parties, are involved.
Education	Suffolk University (JD, cum laude-1984); St. Lawrence University (BA, cum laude-1980).
Professional Licenses	Admitted to the Bar: Massachusetts (1985), Rhode Island (2003); U.S. District Court: Districts of Massachusetts (1985), District of Rhode Island; U.S. Court of Appeals, First Circuit; U.S. Supreme Court (2004).
Professional Associations	American Bar Association, Massachusetts Bar Association; Rhode Island Bar Association.
Recent Publications & Speaking Engagements	Spoken at seminars about trial advocacy, tactics and procedure. Also given lectures on subjects ranging from products liability, maritime law, insurance coverage and environmental law.
Mediation Rate	\$375 Per Hour
Languages	English
Citizenship	United States of America
Locale	Boston, 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.