



AAA Mediation.org™

**FN-1421225 MN-1421225 LN-1421225,
Esq.**

New Haven, Connecticut



Current Employer-Title Stohler ADR PLLC - Owner

Panelist Video <https://www.adr.org/videoresume?paramName=734049046>

Profession Attorney

Work History Owner, Stohler ADR PLLC, 2021-Present; Attorney, Carmody Torrance Sandak & Hennessey LLP, 1988-2020; Director of Personnel Administration/Executive Assistant to President, Otis Elevator Co., 1984-1988; Attorney, Robinson & Cole, 1982-1984; Attorney, Tryon Friedman & Espenshade, 1981-1982.

Experience Since 1981, career has been almost exclusively in employment and labor matters. For more than 40 years has been an employment attorney principally representing employers in both the private and public sectors. Handled matters all across the employment spectrum, including traditional labor relations and collective bargaining, employment discrimination, employment contract and severance issues, reductions in force, wage-hour and FLSA disputes, ERISA, Family and Medical Leave Act, OSHA and safety issues, affirmative action, compensation and benefit issues, and general preventive and policy matters. Has appeared in all relevant state and federal courts and administrative agencies (National Labor Relations Board, Equal Employment Opportunity Commission, Connecticut Commission on Human Rights and Opportunities, Departments of Labor, Occupational Safety and Health Administration, Office of Federal Contract Compliance Program, Unemployment Compensation, and Workers' Compensation). Experience in representing employers in response to statutory claims includes substantial experience in the discrimination area, including handling more than 100 cases at all stages before the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission. Has defended discrimination claims of all types including sex, sexual harassment, age, race, color, national origin, disability, sexual orientation, religious, and reverse discrimination claims.

Employee Benefits Supplement: As Arbitrator, has handled large multi-claimant ERISA challenges to plan administrator's fiduciary duties. Has addressed ERISA and benefits issues in executive employment disputes. As advocate, has negotiated more than 50 labor contracts involving multi-

employer benefit plans (pension, health and welfare, vacation, apprenticeship, training funds). Involved in numerous cases of withdrawal liability from multi-employer pension funds under the Multi-Employer Pension Plan Amendment Act (MEPPA). Handled numerous grievances and arbitrations involving payment disputes, benefit formula adjustments, employee contributions issues, coverage issues and change of providers. Experienced in arbitrations under collective bargaining contracts and Taft-Hartley pension and health and welfare plans. Similar experience with single employer plans in court and in arbitration. Familiar with ERISA benefit plans and plan design.

Commercial experience: As the result of service on the panels for other Dispute Resolution providers, has experience with Financial and E-Discovery and commercial disputes, particularly Franchise disputes. Has been involved in more than 30 cases involving franchise disputes with a national restaurant chain.

Mediator Experience

Practice has shifted more to a neutral role as a Special Master, Mediator, Fact-Finder, Arbitrator or Investigator. Mediator in more than 150 private employment mediations. Cases mediated include, FLSA and state law wage claims (including class and collective action disputes); discrimination (age, sex, race, national origin, harassment, disability, religion, sexual orientation); common law employment actions (contract, torts such as defamation, emotional distress, free speech, privacy); retaliation actions (workers' compensation and others); FMLA; Executive compensation, contract and severance disputes. Experience in more than 100 cases in all of above areas as advocate. Mediated with, and for, public and private employers and with many of the employment law firms (both plaintiff and defendant) in Connecticut, New England and New York City.

In 2019, appointed as Special Master in U.S. District Court in Connecticut in multi-state FLSA collective and state class action. Mediated numerous regional and national FLSA and state law wage-hour matters, particularly class and collective actions. Issues include FLSA exemptions and misclassifications, off-the-clock claims, tip and wage payment and overtime claims. Industries include retail, restaurants, manufacturing exotic dancer clubs, financial services, information technology, cleaning, construction, limousine, moving, transportation, insurance and health care.

Participant in at least 50 labor contract mediations and 30 grievance mediations as an advocate.

Representative Issues Handled as a Mediator

Employment cases include Fair Labor Standards Act and State Wage-Hour claims (including numerous collective and class action disputes); Family & Medical Leave Act; discrimination (age, sex, race, national origin, disability, religion, sexual orientation); other statutory and common law claims (contract and torts such as defamation, emotional distress, free speech, privacy; retaliation actions (including workers' compensation, Conn.Gen.Stat. Section 31-290a); Executive compensation, contract and severance disputes. Amounts in dispute have varied from \$50,000 to more than \$80 Million. Class sizes have ranged from under 50 to several thousand members. Numerous settlements in the \$1 million to \$20 million range.

Mediator Style & Process Preferences

My mediation philosophy is part facilitative and part evaluative. Typically, I am chosen because I am a subject matter expert in employment law matters, especially on wage-hour issues. My focus is on listening to the parties and helping them to establish what is a possible mutually acceptable settlement - not how I think the matter should settle. Unless absolutely necessary, and only at the parties' request, do I set a "Mediator's number" under very specific terms. My typical approach includes a pre-mediation telephone conference with the lawyers, pre-mediation statements sent one week in advance of the mediation, a plenary session where I discuss the ground rules, "shuttle diplomacy" between the parties, and a written term sheet of agreement before adjournment. My view is that the parties can structure the mediation process as they see fit but they hire me to guide them. I use a variety of techniques to bring the parties closer and will take strong positions as necessary. Each mediation is different, and a key part of my role is to determine the best approach for each case. I expect parties will have the appropriate personnel present with the authority to settle. When I determine that the parties are not serious, or the timing is wrong for a settlement, I will terminate the mediation. I am a strong believer in the "process," and most of my cases settle, sometimes shortly after the mediation.

Education

Duke University (JD-1981); Muhlenberg College (BA, Economics/Political Science-1978).

Professional Licenses

Admitted to the Bar: Pennsylvania (1981), Connecticut (1982), New York (2017); U.S. District Court: Eastern District of Pennsylvania (1982), District of Connecticut (1982); U.S. Court of Appeals: Third Circuit (1982).

Professional Associations Connecticut Bar Foundation (James W. Cooper Fellow); American Bar Association (Labor and Employment Section); Connecticut Bar Association (Labor and Employment Section, Executive Committee, Past Member); National Conference for Community and Justice, Greater Hartford and Western Massachusetts Region (Past Board Member); Asylum Hill Congregational Church (Past Moderator); Board Member, Community Mediation, New Haven, CT (Past Member).

Mediation Rate \$500 Per Hour

Languages English

Citizenship United States of America

Locale New Haven, CT

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 a 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.