



AAA Mediation.org™

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Cedar Rapids, Iowa

Current Employer-Title Lynch Dallas, P.C. – Attorney/Shareholder

Profession Attorney, Arbitrator, Mediator

Work History Shareholder, Lynch Dallas P.C., 1987 – Present; Arbitrator, Iowa Public Employment Relations Board, 1997 – 2008; Attorney, Office of the General Counsel/Appellate and Supreme Court Litigation Branch National Labor Relations Board, 1985 – 1986; Staff Counsel, National Labor Relations Board, 1984 – 1987.

Experience Since 1987, has worked as an attorney in a 20-lawyer general practice law firm in Cedar Rapids, Iowa, concentrating practice in general labor and employment law (90% defense and 10% plaintiff) and general civil litigation. Served as first chair in over 15 jury trials. Extensive experience arguing before the United States Courts of Appeal. For further experience and selected reported cases, go to www.lynchdallas.com.

Mediator Experience Extensive experience as an arbitrator, mediator, advocate, and trainer. Served as an arbitrator on the Iowa Public Employment Relations Board's panel from 1997 to 2008. Has been selected as an arbitrator for interest arbitration, grievance arbitration, age discrimination, sex discrimination, retaliation, FMLA, and ERISA litigation cases over 70 times. Extensive experience with FLSA issues, including class action and certification procedure, independent contractor, exempt-non-exempt classification issues, and remote work/teleworking issues. Extensive experience with ERISA and employee benefits litigation also, including executive compensation, and plan assets and fiduciary compliance. Arbitrated over 50 arbitration hearings and mediated over 60 labor and employment disputes.

Participated in dozens of multi-party mediations as an advocate in cases involving police officer and jailer uses of force against police/sheriff's department, police officers and sheriff's deputies and jailers, paramedics and hospitals, and third-party providers; employment litigation involving employer and individual supervisors in age, sex and retaliation lawsuits; arbitrator in 2020 AAA managed ERISA breach of fiduciary duty class action arbitration with multiple plaintiffs, defendants and arbitrators.

Extensive negotiation and mediation experience gained over 40 years of active litigation law practice including family law; public and private collective bargaining and grievance arbitration negotiations; age, disability, FMLA, race, retaliation and sex discrimination lawsuits; construction, insurance coverage and bad faith litigation; personal injury slip and fall and automobile/truck/road plow/police and fire emergency litigation; and use of force including high profile officer involved shooting and inmate death litigation. Have participated in over 100 mediations as an advocate with a 90% settlement rate.

Representative Issues Handled as a Mediator Mediated over 60 public sector labor-management impasse disputes mostly involving wages, insurance and leaves of absence issues while mediating with the Iowa PERB, with an 85 % settlement rate. Mediated over 20 commercial and employment cases involving age discrimination,

breach of contract, construction, disability discrimination, real estate, sex discrimination, and retaliation claims, with a 90% settlement rate.

Mediator Style & Process Preferences	Mediation is assisted negotiation. The mediator provides structure to the negotiation and is an active participant. Listening, questioning, and cajoling in both private and joint sessions the mediator helps the parties to determine what is possible and what is not possible. The mediator listens to the parties' concerns and possible solutions and provides the mediator's own suggestions or evaluation of the case, where requested. The mediator must be assertive enough to relay to a party when a solution is unreasonable or unlikely to get any traction from the other side, including requesting that a party support a great argument with evidence. The mediator is the devil's advocate, and the asker of hard questions. In this respect, the mediator also knows there are various reasons, not just monetary, why a case needs to be tried. While the mediator does not decide who is right or wrong, the mediator was hired to assist the parties in resolving their dispute. Accordingly, an effective mediator should do his or her best to strongly "coax" the parties into settlement, if necessary, including the use of "mediator's proposals," and creative alternatives or additions to monetary settlements such as training, joint press releases, apologies, and so on. At all times, however, the mediator must conduct mediation conferences in an atmosphere of respect, persistence, and professionalism.
Education	Georgetown University (LLM, Labor Law-1987); University of Iowa (JD, with distinction-1984); Cornell University (MILR-1981); The College of Wooster (BA, Economics-1978).
Professional Licenses	Admitted to the Bar: Iowa (1984); U.S. District Court: Northern (1987) and Southern (1990) Districts of Iowa, District of Colorado (1995); US Court of Appeals: 2nd (1986) and 8th (1987) Circuits; US Supreme Court (1993).
Professional Associations	Iowa State Bar Association (Labor and Employment Law Section); various school law and municipal attorney's organizations.
Recent Publications & Speaking Engagements	<p>Publications: Author, "Remote work and tracking employee hours, " 2020; " Employee mental health issues during the coronavirus, 2020 "; "Four ways to improve diversity, 2020"; "Trim off the clock work," 2019; " The NLRB and joint employer liability," 2019, "Managing a harassment free workplace, 2019" ;</p> <p>Speaking engagements: "Employment law update for Iowa city/county administrators," 2020, "Ethical issues in Employment Law for In House counsel," 2019; "Defending law enforcement on claims of excessive force," 2019; "Increasing Effectiveness in Arbitration," 2016; "Employment Law/Ethics Update for Corporate Counsel," 2015.</p>
Mediation Rate	\$400 Per Hour
Languages	English
Citizenship	United States of America
Locale	Cedar Rapids, IA

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.