



AAA Mediation.org™

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New York, New York



Current Employer-Title Townley ADR, PC - Arbitrator, Mediator, and Factfinder

Work History Principal, Townley ADR P.C. 1986 – Present; Director of Labor and Employee Relations, Ardsley UFSD, 1980 – 1984; New York State Office of Court Administration, Associate, Office of Contract Negotiations, 1978 – 1980; New York State Department of Education, Associate, Office of Labor and Employee Relations, 1976 – 1978, Teacher and Administrator, 1973 – 1976.

Experience Over 35 years of experience involved in negotiations, mediation or arbitration under various institutional and ad hoc rules either as a panel chairperson, panel "wing" member, or in most cases as a solo mediator or arbitrator. Experienced in over 2500 labor management arbitration cases under collective bargaining agreements and 300 employment contracts. Extensive experience in employment agreements involving individual and/or multiparty cases implicating statutory subjects as diverse as FLSA wage-and-hour and ERISA claims, OSHA, SEC, civil RICO/money laundering, CFAA, NYC Civil Rights Act, NYS Civil Rights Act, and New York Executive Law, among others. Broad experience in matters involving health insurance, RIFs, equitable defenses, affirmative defenses, class action/waivers, general commercial breach of contract disputes (fraud, stock evaluation/options/vesting, change of control, consulting and independent contractor issues, tortious interference, negligence, legal malpractice, misappropriation of corporate assets. Discrimination, including sex, race, age, national origin, religion, disability, pregnancy), retaliation, sexual harassment, hostile work environment, ADA, ADEA, OWBPA, EEOC, and FMLA. Taught collective bargaining law at St. John's University School of Law in the late 1990s.

Also handled disputes involving executives in institutional matters, especially in the C-suite, within the domestic and international commercial banking and investment sphere. Matters concerned securities trading, risk specialists, equity redemption issues, book of business, proprietary trading, day trading, trading platforms, hedge funds, credit management, fixed income securities and commodities, derivatives and financial products development, business development, options trading, electronic real-time news/distribution of content to business customers.

Recognized for experience in sports law disputes between professional football players and NFL League Club/Teams.

Experience, which includes the disposition of over 2500 arbitration cases and 450 mediation matters, ranges from commercial to contractual. Serves as a permanent contract arbitrator on many

contracts in industries such as transportation, education, energy (electric, oil, gas and nuclear), home health care, entertainment venues, news/reporters, among others. Skilled in matters dealing with employment arbitration, especially in the area of executive C-suite contract disputes as well as in federal and state discrimination statutes.

Mediator Experience

Mediated over 100 cases in the employment and commercial areas.

Representative Issues Handled as a Mediator

Mediated cases have included the following examples: age discrimination claim based on contractual failure to promote; wrongful termination based upon sexual harassment of fellow employees brought under employer's ADR program in cosmetics industry; racial discrimination claim based upon failure to reassign to more lucrative franchise in pest control industry; employee/attorney breach of contract claim for wrongful termination/defamation/non-compete issues in IP sector; national origin and same-sex discrimination claim brought by employee under contractual relationship against high-level supervisor in publishing industry; break-up of medical practice with multiple claims of alleged fraud, discrimination, defamation, and related claims raised by partners against each other; Family Medical Leave Act and American with Disabilities Act claim by employee under company's ADR plan based upon failure to accommodate ergonomic needs of employee in securities sector; statutorily-related claims of age, sex, religion brought by employee pursuant to individual contract with company for failure to promote in transportation industry; executive compensation claim based upon contractual wrongful termination/restricted stock release related to change of control question as well as national origin claim in banking/investment sector; claim of wrongful termination by employee of major restaurant chain for failure to properly maintain business records; claim of breach of non-compete provision in franchise agreement by franchisor when franchisee started own business; and, employee claim of age discrimination and severance pursuant to executive compensation agreement in insurance industry.

Mediator Style & Process Preferences

I do not regard myself as either a "facilitative" or "evaluative" mediator. Rather, I view the process of mediation as a convergence of the two approaches, which are to be relied upon at various stages of the process, depending upon the reaction of the parties, the progress being made, and my reading of those intangibles that are unique to mediation. In order to fully understand my philosophy, I suggest that you read a chapter I authored in *How ADR Works*, which was published by the ABA Section of Labor and Employment Law (BNA, 2002). The chapter is entitled "How Mediators Operate: A Mediator's View". It provides a summary of the principles that I believe should serve as guidance for the conduct of a mediation session.

Education

Brooklyn Law School (J.D. 1992); Syracuse University (Ph.D. 1978); SUNY at Buffalo (Ed.M.1976); D'Youville College, Buffalo, New York (B.S.1969).

Professional Licenses

Admitted to the Bar: New York (1992); U.S District Court: Eastern and Southern Districts of New York (2015); U.S. Supreme Court (2001). Licensed School Administrator and School Superintendent in New York State (1978).

Professional Associations

Fellow, National Association Distinguished Arbitrators
Fellow, Chartered Institute of Arbitrators (UK)
Fellow, College of Labor and Employment Lawyers
National Academy of Arbitrators, Former Member, Board of Governors
New York State Bar Association, Former Chair, Section on Labor and Employment Law
Inaugural Member, New York International Arbitration Center
Fellow, American College of e-Neutrals (e-Discovery).

Recent Publications & Speaking Engagements

Faculty, AAA Labor Arbitration Advocacy - Case Preparation, 2015; Presenter, November 2011, "Arbitration in the NFL"; Centre for the Law and Economics of Sport (CDES), Limoges University, France, MESGO (Executive Master in European Sport Governance candidates); Moderator, "How Arbitrators Rule," FMCS, May 2011; Panelist, "Impact of U.S. Supreme Court's 14 Penn Plaza v. Pyett," NYS Bar Association, Oct. 2010; Co-Coordinator, "The ADR Track: I Won't See You in Court" (employment arbitration), ABA Annual CLE Program, November 2007; Panelist, "What Employment Mediators Want From Advocates," Cornell Univ. Law School/ILR, Oct. 2007; panelist, "Mock-Arbitration/Federal Jury Trial-How Do Judges Rule on Objections vs. Arbitrators", NAA Annual Conference, Las Vegas, 2004; Chapter Author, "How Mediators Operate: A Mediator's View", *HOW ADR WORKS*, BNA (2002); "10 Tips to Improve Employment Mediation," *ADR CURRENTS*, vol. 5, no. 2, June-August 2000; "Use of ADR in Intellectual Property Disputes," *BRIGHT IDEAS*, Spring/Summer, 2000; "Non-Traditional Joins Traditional in

Labor and Employment Law," NEW YORK LAW JOURNAL, pp. S7, January 26, 2000; Former member, Board of Directors and contributor, NEW YORK EMPLOYMENT LAW & PRACTICE, American Law Media/New York Law Journal Seminar Press, 1999-present; Panelist, "The Use of Alternate Dispute Resolution in Intellectual Property Disputes," New York State Bar Association, October, 1999; Panelist, "Sexual Harassment in the Law Firm Teleconference," New York State Bar Association, November, 1998; Chair-Arbitrator, "Mock Pre-Hearing Discovery Conference of an Employment Arbitration," Association of the Bar of the City of New York, September, 1998; Panelist, "What to Expect at Your Employment Arbitration," National Academy of Arbitrators Annual Conference, May, 1998; Panelist, "Practical Advice in Handling Mediation and Arbitration of Employment Disputes," Georgetown University Law Center's Annual Employment Law & Litigation Update Conference, April , 1998; Conference Chair, "The Ill, Injured and Disabled Employee/Job Applicant," New York State Bar Association, April, 1998; Contributor, DISCHARGE and DISCIPLINE in ARBITRATION, BNA, 1998; Contributor, HOW ARBITRATION WORKS-SUPPLEMENT, BNA, 1997; contributor, ARBITRATION 1997: THE NEXT FIFTY YEARS, BNA, 1998; Co-author, "Arbitration and the Americans with Disabilities Act," ADR CURRENTS, vol. 1, no. 1, Summer 1996.

Locations Where Parties Will Not be Charged for Travel Expenses New York City Metropolitan region, unless extenuating circumstances.

Mediation Rate \$800 Per Hour

Languages English

Citizenship United States of America

Locale New York, NY

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.