



AAA Mediation.org™

**FN-1708819 MN-1708819 LN-1708819,
Esq.**

Melville, New York



Current Employer-Title Garay ADR Services – Owner, Neutral Arbitrator and Mediator

Professional Summary As a litigator, handled multi-district, complex litigation and served on steering committee of disputes involving hundreds of millions of dollars. Now serves only as a neutral arbitrator and mediator handling primarily commercial and employment cases. Has been active in bar associations in litigation and alternative dispute resolution and was chosen to serve on the EDNY ADR Advisory Council. Is a frequent lecturer and author on alternative dispute topics, as well as shareholder disputes. Has considerable trial experience in court and arbitration before becoming a full-time neutral. Recognition includes "Long Island Top 50 Women Hall of Fame" and ABA Litigation Section's "Litigation Star" recognition.

Profession Attorney; Arbitrator and Mediator

Work History Garay ADR Services, 2017 – Present; Partner/Chair (Alternative Dispute Resolution Practice Group, Member of Management Committee), Meyer Suozzi English & Klein P.C., 2003 – 2017; Partner and Associate, Rivkin Radler LLC, 1983 – 2002; Associate, Willkie Farr & Gallagher, 1982 – 1983; Assistant Corporation Counsel, New York City Law Department, 1978 – 1982.

Experience Experience: Based out of New York (will travel)

Commercial, employment and complex litigation and arbitration experience at Meyer, Suozzi, English & Klein, PC; litigation experience at Rivkin Radler; Willkie Farr & Gallagher and NYC Law Department, including trials and appeals. Current practice is exclusively as a neutral (arbitrator and mediator), handling commercial cases involving a wide range of business disputes and employment cases.

Arbitration practice includes a broad array of business disputes; mediation practice includes employment and commercial cases.

Business Torts: breach of fiduciary duty, unfair competition; Lanham Act; interference with business relations, including breach of NDA, theft of trade secrets, disparagement, and breach of restrictive covenants of all types.

Commercial Disputes: breach of contract, shareholder and partnership disputes; dissolution of business entities (including corporations, partnerships and LLCs); valuation of business entities and partner interests; executive compensation, terminations/severance/separation disputes, buy-outs; shareholder derivative claims; breach of fiduciary duties; mergers and earn-outs; licensing and royalties disputes; unfair competition; interference with third-party agreements; non-compete and other restrictive covenants; injunctive relief; intellectual property, trademarks and copyright; theft of trade secrets.

Business Entity Disputes: joint ventures; partnerships, LLCs and corporations, mergers and acquisitions; sale of business and assets; freeze-out and corporate governance issues; post-sale and post-merger issues; break-ups and dissolutions, withdrawals and expulsions of members, partners and shareholders, including in accounting, medical and law practices.

Contracts: leases, real estate management, licensing and royalty agreements, shareholder and operating agreements; real estate.

Intellectual property: licensing and royalty agreements; trademark and copyright disputes, including Lanham Act violations (such as false advertising); unfair competition and theft of trade secrets.

Insurance: extensive experience in coverage issues; bad faith; exhaustion of policy limits; toxic torts, flood, hazardous waste, directors & officers, errors & omissions; CGL; first-party property damage/casualty.

Industries include: medical/physician practice; accounting practice; retail; hospitality (hotels, restaurants); real estate/brokerage/management; apparel/design/jewelry; sports management; hedge fund; broadcasting.

Employment: Claims of sexual harassment, hostile work environment; wrongful termination; discrimination (sex, race, gender, pregnancy, religion, ethnicity); unfair competition, theft of trade secrets, breach of fiduciary duties; breach of restrictive covenant (including non-compete, non-solicit and no-poach); executive compensation and bonus issues.

As a neutral has handled over 300 mediations and over 130 arbitrations.

Mediator Experience

Served as a mediator in a variety of disputes and concerning many different industries, including disputes concerning business dissolutions and shareholder derivative claims (corporations and LLCs); valuation of interest and removal of member (disassociation); shareholder disputes; wrongful termination and employment discrimination claims (sexual orientation, gender, sex, ethnicity, religion, race, and sexual harassment); civil rights claims; breach of contract and breach of fiduciary duties; valuations/appraisals; restrictive covenants (non-competition, non-solicitation, confidentiality and non-disclosure (NDA) agreements); misappropriation of trade secrets, intellectual property (copyright, trademark and Lanham Act), insurance coverage (all types including insurance broker, D&O, property damages, Super Storm Sandy); breach of fiduciary duty; accountant and insurance broker malpractice; intellectual property; and licensing/franchising.

Representative Issues Handled as a Mediator

Real estate options, breach of contract, breach of fiduciary duties, wrongful termination, employment discrimination (sex, religion, gender, sexual orientation, pregnancy, race, ethnicity), sexual harassment, severance agreements, shareholder and LLC operating agreements, dissolutions, valuations, and buy-outs, shareholder derivative claims, ; representative industries include: doctor/medical practices, insurance broker; commercial real estate broker; restaurant, hotel and hospitality; real estate and real estate development; retail; apparel and fashion industry; telecommunications; manufacturing and distribution; transportation; retail; hospitality; hotel management; sports and personal management; telecommunications; hi-tech; software development.

Mediator Style & Process Preferences

The parties and their counsel must buy into the process and may request a certain style of mediation, which would govern the mediator's role and may vary from case to case. This is the best way to help the parties achieve a settlement. Some parties and counsel want a mediator to be evaluative (i.e., to tell them what the mediator thinks of the claims and defenses - in other words, "who will win"). Other parties and counsel want a mediator to be facilitative (i.e., help them to evaluate their own case and opposing party's case; and to help them view what the risk/benefit of litigation is and the cost of litigation, and using all of this information to help create a settlement offer and demand and to help with the bargaining).

Believes that the "mediator's proposal" should be used only where there is a stalemate, in other

words, as a last resort. It is more important for the parties to create and respond to offers/demands and to use the mediator to help. However, she will bring her nearly 35 years of litigation experience to assist the parties in coming up with creative, business solutions as well as to fashion settlement opportunities.

In this regard, uses the mediation statements as an opportunity for the mediator to see where the parties agree and to help the parties and counsel be self-reflective including to see and analyze the strengths and weaknesses of their own cases, as well as that of their adversary.

Generally uses a combination of facilitative/evaluative mediation to help the parties resolve their disputes, try to salvage relationships, and to devise creative solutions.

Technology Proficiency

Proficient in Word, Excel, Zoom; uses secure cloud-based storage.

Education

St. John's University School of Law (JD-1978); Binghamton University (BA, English-1973).

Professional Licenses

Admitted to the Bar: New York (1979), California (1987-inactive); U.S. District Court: Southern (1979) and Eastern (1979) Districts of New York, Northern (1986) and Central (1987) Districts of California, Eastern District of Wisconsin (2000), District of Colorado (2007); U.S. Court of Appeals: Second (1998), Third (1992), and Federal (1988) Circuits.

Professional Associations

New York State Bar Association (Dispute Resolution Section, Labor & Employment Section, Commercial and Federal Litigation Section); former co-chair ADR Committee of Nassau County Bar Association (also member of Commercial Litigation, Labor & Employment, and Federal Courts Committees); Past Member of the ADR Advisory Committee of the United States District Court for the Eastern District of New York and Nassau County Bar Association ADR Advisory Council.

Other: Huntington Regional Chamber of Commerce (Past Director and Member); Women Economic Developers of Long Island (Past President; Past Vice President; Past Secretary; Past Member); Long Island Center for Business and Professional Women (Past Vice President and Member); Long Island Women's Agenda (Past Board Member; Past President); Center for Family Resources (Past Vice President); Long Island Children's Museum (Past Trustee); North Shore-LIJ Health System [now Northwell] Foundation Commerce & Industry Council (Past Member); Formerly American Bar Association, Litigation Section (Committee Co-Chair).

Recent Publications & Speaking Engagements

"Using Experts in Arbitration", NYSBA, Domestic Arbitration Committee, 2023; "Arbitrating in a Virtual World: Litigator's Guide to Zoom Arbitration" (Nassau Lawyer, December 2020); "Tips for the Litigator: How to Keep Your Arbitration Economical and Efficient" (Nassau Lawyer, April 2019); Arbitration 101 (MyLaw 2017); "A Litigator's Guide to Arbitration" (NCBA 2016); "Mediation in Bankruptcy Court" (NCBA 2016); "Effective Representation in Mediation and Judicial Settlement Conferences: Valuable Advice from the Bench, the Bar, Mediators and Academia" (NCBA 2016); "Making the Most of Commercial and Real Estate ADR: Representing Your Clients in Arbitration and Mediation" (NYSBA 2016); "Mediating Employment Disputes" (NCBA 2016); "Advanced Mediation Training - ADR in the Courts" (NCBA 2016); "Arbitration and the Courts" (NCBA 2016); "Mediation and Settlement in Federal Court" (NCBA 2016); Arbitration for Advocates" (NYSBA) 2016; Mediation in Bankruptcy Court" (NCBA) 2016; "Mediation in Bankruptcy Court (NCBA) 2015; "Mediation of Trade Secret Claims (NYLJ) 2015; Mediation of Employment Claims" (NYLJ) 2015; "Real-World Practical Issues Arising Out of Employment ADR," NEW YORK LAW JOURNAL and NAM CLE Seminar, September 2015; "An Employment ADR Overview, the Latest Trends and Practical Tips," Using ADR in Disputes Concerning Restrictive Covenants and Trade Secrets, NEW YORK LAW JOURNAL and NAM CLE Seminar, April 2015; "Taking Advantage of the Arbitration Process: How to Customize it to Your Case," Nassau Lawyer, Dec. 2017; "Who Knows Your Secrets Recent Trends and Practical Tips When Dealing with Restrictive Covenants and Trade Secrets in Employment ADR," NEW YORK LAW JOURNAL and National Arbitration and Mediation, September 2014; "An Employment ADR Overview, The Latest Trends And Practical Tips," NEW YORK LAW JOURNAL, April 2015; "All About Arbitration and Mediation," Nassau Academy of Law, May 2014; "Dean's Hour - Alternative Dispute Resolution," Nassau Academy of Law, March 2014; "Mediation in the Federal Courts," November 2013, Moderator, Nassau County Bar Association; "Mediation as an Option in Resolving Disputes Among Owners of Closely Held and Family Businesses," St. John's School of Law Manhattan Campus CLE, April 2012; "Resolving Employment Discrimination Disputes," Suffolk County Bar Association's 22nd Annual Labor &

Employment Law Conference, February 2012; “Using Mediation to Keep Disputes from Breaking Businesses Apart,” Nassau Chapter of the Society of Financial Service Professionals, January 2012; “Trade Secrets in the Electronic Age,” Suffolk County Bar Association, Labor & Employment Committee, February 2011, “Shareholder Dissolutions - Rights, Remedies, and Tactics,” Suffolk Academy of Law, April 2007, Nassau Academy of Law, January 2009; “ADR - Arbitrator's View,” Nassau County Bar Association 2008; PLI (March 2006 and 2007); “Trade Secrets and Restrictive Covenants; High Stakes for High Tech Firings and Hirings,” MARKETING MANAGEMENT MAGAZINE, Spring 2001; “Former Employees May Be Barred From Using Client Contact Lists,” ANDREWS EMPLOYMENT LITIGATION REPORTER, January 24, 2000; “Courts Rule on Restrictive Covenants,” NEW YORK LAW JOURNAL, February 14, 2000; “Covenants Not to Compete,” MARKETING MANAGEMENT MAGAZINE, Summer 2000; also wrote columns for ABA section newsletters and law review articles while in law school. Numerous speaking engagements at ABA while serving as committee chair, and lectured the Commercial Judges of New York State at the Judicial Institute on trade secrets and restrictive covenants in May 2005.

Locations Where Parties Will Not be Charged for Travel Expenses

Will not charge for travel on Long Island.

Mediation Rate

\$5,000 Per Day

Languages

English

Citizenship

United States of America

Locale

Melville, 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.