



AAA Mediation.org™

FN-17205 MN-17205 LN-17205, Esq.

Aventura, Florida



[View Video](#)

Current Employer-Title	Litigation Resolution, Inc. – President
Panelist Video	https://www.adr.org/videoresume?paramName=264669208
Profession	Attorney, Neutral
Work History	President, Litigation Resolution Inc., 1992 – Present; Attorney, Kluger Peretz Kaplan & Berlin P.A., 1985 – 1994; Law Offices of James F. Commander P.A., 1983 – 1985.
Experience	Full-time neutral, acting as both a mediator and an arbitrator. Arbitrated employment, contract, banking, construction defect, mechanics lien law, and insurance coverage matters. Mediated federal court, state court, and pre-suit actions concerning both commercial and employment matters. Specifically, the issues involved included harassment, discrimination, Americans with Disabilities Act, whistleblower, Fair Labor Standards Act, and ERISA claims on the employment side and contracts, Uniform Commercial Code, construction defects, mechanics lien law, property insurance, negligence, and landlord/tenant matters on the commercial side. While an attorney with Kluger, Peretz & Berlin, specialized in complex commercial litigation in state and federal courts. Responsible for all phases of actions from initial pleading through trial and execution of final judgment. Concentration of litigation experience in commercial mortgage foreclosures, receiverships, lender liability, mechanics lien law, civil RICO, FIRREA and real estate work-outs. Additional experience with securities fraud, probate, guardianship, and ERISA. Responsible for corporate document and contract drafting.
Mediator Experience	More than twenty years working as a full-time mediator and arbitrator, has mediated federal court, state court, arbitration and pre-suit actions concerning employment discrimination, Title VII, FCRA, section 1981 and section 1983, ADEA, ADA, FMLA, FLSA, contract, UCC, construction defects, mechanics lien law property insurance, ERISA, and landlord-tenant matters. The parties involved have included federal, state, county and municipal governments and agencies, international, national and local corporations, publicly held and privately held corporations, non-profit organizations, universities, unions, school boards, personal representative in estates, and individuals.

Individuals and the businesses involved in prior mediations have been from diverse backgrounds, such as the entertainment industry, banking, automobile dealers, sales and service, securities and brokerage, adult entertainment, computers, cable and television, telephone, restaurants (including franchises), professional sports teams, hospitals, doctors, nurses, individual medical practices, assisted living facilities, medical equipment providers, real estate developers, real estate sales people, construction companies, contractors, sub-contractors, laborers, jewelry manufacturing and sales, beauty salons, florists, waste and sewage removal.

Representative Issues Handled as a Mediator

Mediated claims between employers and employees pursuant to settlement of a class-action lawsuit alleging gender discrimination, employment discrimination pursuant to Title VII, FCRA, section 1981, section 1983, ADEA, ADA involving race, gender national origin, age and disability discrimination, in hiring, promotion, constructive discharge or wrongful termination claims. Additionally, ADA actions involving accessibility to public facilities, housing, educational opportunities and discrimination in employment. FLSA suits involving overtime claims involving exemption, entitlement and proper calculation, such as time and one-half versus half-time, fluctuating work week, day rates, etc. issues. Commercial matters, such as breach of employment contracts, manufacturing, real estate, construction, development, and franchise contracts, probate matters involving distribution of estate assets, commercial mortgage foreclosures, receivership, lender liability, mechanics lien law, civil RICO and real estate work-outs.

Mediator Style & Process Preferences

Mediation is the client's day; not the lawyer's day, not the mediator's day. I like to involve clients in the process as I believe that they need to hear, understand and discuss their best alternative to a trial or final hearing, and their worst alternative to a trial or final hearing. That way the client can, with their knowledge of the facts and their lawyer's knowledge of the law, make an educated decision whether they want to settle, and if so, for what terms they are willing to settle. I believe that clients who participate in the decision making process at mediation are more likely to be satisfied with the results. Claimants bring a claim because they believe they have been wronged and litigation or arbitration is our justice system's answer. Too often, claimant's end up feeling like they have been victimized all over again, but this time by the adversarial process. Respondents likewise, often feel that they have been victimized by the process, by the fact that they have been sued and need to defend themselves. Mediation lets both parties have an opportunity to voice their feelings and beliefs, vent if they need to, and then resolve matters without additional emotional, physical and financial stress of continuing the adversarial process. The adversarial process can get ugly. I think it is important for the parties at mediation to understand just how ugly or difficult the litigation/arbitration can get so they are best prepared to make an educated decision. I also believe mediation is a fluid process. Sometimes, it works when everyone stays together a long time, sometimes its best not to put people together at all, sometimes it works best when the lawyers can meet together without clients, sometimes it makes sense to put the clients together. I like the flexibility of the process to do what is best for clients under the particular circumstances of their case.

Education

University of Miami (JD-1983); American University, (BA-1980).

Professional Licenses

Admitted to the Bar: Florida, 1983; U.S. District Court: Southern and Middle Districts of Florida; U.S. Court of Appeals, Eleventh Circuit.
Certified Mediator, U.S. District Court: Southern and Middle Districts of Florida. Florida Certified Civil Mediator. Florida Certified Arbitrator.

Professional Associations

College of Labor & Employment Lawyers, National Academy of Distinguished Neutrals, Alternative Dispute Resolution Section of the Florida Bar (Founding Member, Chair 2013-2014), Labor & Employment Section of the Florida Bar (Executive Council), The Federal Bar Association - South Florida Chapter, American Inns of Court - Spellman-Hoeveler Chapter, Dade County Bar Association (Mediation Committee); Florida Association of Women Lawyers.

Recent Publications & Speaking Engagements

Lorman Education, November 2004; "Mediation in the FMLA Context," Council on Education in Management, November 2002; speaker, "Jazzing Up Your Opening," Florida Dispute Resolution Center, August 2002; speaker, "What Happens Behind Closed Doors? Negotiating Through Caucus," Stetson College of Law Masters Seminar on Employment Mediation Advocacy, September 2001; speaker, "Effective Real Estate Mediation," Florida Bar Real Property, Probate and Trust Law Section, September 2001; "Legal Considerations in System Design," University of Miami, Collaboration in Advance Dispute Resolution Education, November 2000; speaker, "Mediation of Employment Disputes," The Florida Dispute Resolution Center, August 2000, August 2001;

speaker, "Arbitration of Employment Disputes," NASD, March 1999; speaker, 18th Annual Conference on Law & Higher Education, Stetson University, March 1997; speaker, Real Property Litigation Seminar: Current Real Property Litigation Topics, Florida Bar Association Section on Real Property, Trusts & Estates, March 1997; speaker, "Employment Law: Standing at the Precipice of the 20th Century," Florida Bar Association Labor & Employment Section, February 1996; speaker, "Civil Mediation in the State and Federal Courts of Florida," Litigation Resolution, Inc., April 1996 to April 1997; speaker at numerous Continuing Legal Education seminars on the topic of ADR.

Locations Where Parties Will Not be Charged for Travel Expenses Miami-Dade, Broward and Palm Beach County

Mediation Rate \$500 Per Hour

Languages English

Citizenship United States of America

Locale Aventura, FL

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.