



AAA Mediation.org™

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Villanova, Pennsylvania



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Panelist Video

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Profession

Arbitrator, Mediator

Work History

Arbitrator/Mediator, Self-employed, 1982 – Present; Professor/Director (Graduate Program, Institute of Management & Labor Relations), Rutgers University, 1981 – 1992; Trial Examiner, New York City Office of Collective Bargaining, 1978-1980; Adjunct Lecturer (Institute of Management & Labor Relations), Rutgers University, 1992-Present.

Experience

Over 30 years' experience as an arbitrator and mediator, specializing in labor and employment disputes. 100% of practice devoted to labor and employment matters serving as a neutral in the public and private sectors. Has handled disputes involving statutory issues, breach of contract, and wrongful termination claims, as well as wages, hours, working conditions, pensions, National Labor Relations Board deferral, and external law. Frequent speaker at conferences and seminars on ADR, focusing on the impact of the recent court decisions and the issues associated with the arbitration of statutory claims. Member of three-person Federal Reserve System Labor Relations Panel since 1991. Frequently conducts training programs in industry on non-union grievances systems. In the unionized sector, is permanent arbitrator under ten major collective bargaining agreements. Extensive experience in the broadcasting, casino, manufacturing, airline, and communications industries.

Frequent lecturer at seminars and conferences throughout the United States and Canada. Has authored two books and dozens of articles on topics related to labor-management relations, employment and labor law, and dispute resolution.

Founded JoanParkerADR in the early 2000s, which focused primarily on fact-finding and settlement counseling.

Mediator Experience

More than 30 years' experience as a mediator of employment, labor and commercial disputes. Practice encompasses both the private and public sectors. Has served as a mediator in hundreds of cases in such industries as manufacturing, telecommunications, broadcasting, transportation,

publishing, utilities, healthcare, pharmaceutical, retail, textile, hospitality, airlines, railroad, mining, energy, aerospace, public utilities, automotive, steel, beverage, and securities. Has mediated dozens of cases between business partners, several cases involving trustees to major pension funds, and hundreds of cases involving federal state and local agencies and all types of public employees. In the private sector, the parties have frequently been Fortune 500 firms. In the labor-management arena, currently serve as a permanent umpire under ten national collective bargaining agreements. In that capacity, often has mediated contractual disputes.

In the public sector, disputes have involved: teachers, police, firefighters, nurses, social workers, clerks, college professors, sanitation employees, and office workers. Experience covers mediation of both rights (grievance) disputes and interest disputes. Designated as a "Master Mediator" by the American Arbitration Association.

In the private sector, has mediated hundreds of disputes involving executive compensation, partnership agreements, breach of contract, wrongful termination, and a full array of statutory claims concerning race, gender, age, disability, national origin, fair labor standards, pensions, etc.

In 2016, was awarded the Peggy Browning Award for excellence in serving the labor-management community in Pennsylvania, and in 2018, was awarded the William B. Groat Award by Cornell University for distinction as an arbitrator and mediator of workplace disputes.

Representative Issues Handled as a Mediator

Mediated numerous disputes involving wrongful termination (both executive and non-executive employees), breach of contract; failure to perform; dissolution of partnerships; jurisdictional issues; non-compete agreements; statutory claims; constitutional issues; and EEO issues, such as racial and sexual harassment and discrimination, religious, age, and ethnic discrimination, and sexual orientation. In the labor-management arena, experience encompasses hundreds of grievance and interests disputes involving every category of employee and issues concerning wages, hours, working conditions, benefits, and the relationship between collective bargaining agreements and external law.

Issues handled in labor disputes have involved discipline and discharge, discrimination and affirmative action, work jurisdiction, job evaluation and classification. Contract interpretation cases have involved almost every aspect of collective bargaining agreements, including: management rights, seniority, leaves of absence, military service, wage scales, salary guides, reporting and call-back pay, overtime, vacations, holidays, promotions, layoffs, job bidding and posting, transfers, hours and work schedules, shift differentials, union security, training and test periods, fitness for duty, absenteeism, grievance procedures, worker safety, alcohol and drugs, insurance and benefit plans, and issues related to retirement and retirees.

Mediator Style & Process Preferences

My professional life has been dedicated to conflict management. I appreciate the value of both litigation and arbitration in certain cases, but also believe that in appropriate circumstances, mediation is a more efficient, less expensive, and less risky process for the resolution of disputes. A skillful mediator will not only facilitate communication between disputants, but may also explore with them creative and smart solutions that represent a win-win outcome, which is not often possible in either the courtroom or arbitration tribunal.

I am a pro-active mediator. Succinctly put, I do not wait for the "deal" to come to me; I urge parties to prioritize their issues, and I often assist them in formulating and packaging proposals. In that sense, I am more of an evaluative than a facilitative mediator, although effective mediation often requires a combination of styles, depending on the parties and the nature of the dispute. I view my role as one of encouraging parties to constantly rethink their positions, realistically assess the risks of failure, develop shared goals with their adversaries, and put aside personal antagonisms that impede settlement. In addition, I attempt to clarify misunderstandings, explore new areas of discussion, be sensitive to unspoken issues and relationships that may affect negotiations, and manage the pace of the discussions and the timing of proposals.

My clients often say I am tenacious. That is true. Negotiations tend to take time, and the process of settlement needs to be managed - not rushed. "Hanging in" and showing the parties that I am totally committed to helping them resolve their impasse frequently dissuades them from giving up and inspires them to renew their settlement efforts. What I ask in return is that the parties enter into mediation with a sincere desire to reach settlement and a willingness to move in some direction to achieve that result. Using mediation solely for discovery, or to pummel one's adversary instead of

seeking genuine understanding and/or compromise, constitutes an abuse of the process and the mediator. I also expect the parties to come prepared to engage in meaningful and intelligent discussion. That task necessarily involves a careful identification of the issues; an assessment of the claims, facts, defenses, and potential damages; some knowledge of relevant law and litigation risks; preparation of supporting arguments; and consideration of alternative positions. The mediator's effectiveness is directly affected by the level of preparedness that the parties bring to the mediation process.

My personal philosophy also emphasizes the importance of fairness in the process and dignity in the outcome. I encourage parties to appreciate the significance of face saving and the need that everyone has to conclude negotiations with some sense of satisfaction and dignity. I try to manage the mediation so that the mutual perception of the parties is that the process is never demeaning, and the mediator is always trustworthy.

In the end, successful mediation is as much about timing and perception as it is about the content of proposals. The mediator's task is to help disputants appreciate one another's needs and objectives - i.e., "where they are coming from" - so that the give-and-take incorporates not just the exchange of substantive demands, but also an understanding of the respective motivations and goals underlying those demands.

Education

Cornell University (PhD-1974; MS-1972; BS, summa cum laude-1970).

Professional Associations

National Academy of Arbitrators; Labor and Employment Relations Association; International Academy of Mediators (Sr. Distinguished Fellow); National Academy of Distinguished Neutrals; National Association of Railroad Referees; American Arbitration Association (Past Board of Directors). In 2015, was awarded the Peggy Browning Award for outstanding service to the labor-management community in Pennsylvania. In 2018, was awarded the Judge William B. Groat award by the School of Industrial and Labor Relations at Cornell University for outstanding work in dispute resolution and service to Cornell University. In 2023, was named Mediator of the Year in the United States by Lawyer Monthly magazine, an international publication, which devoted its August 2023 issue to recognizing top mediators around the world.

Recent Publications & Speaking Engagements

Has lectured at scores of labor-management and continuing legal education programs sponsored by AAA, universities, bar associations, government agencies, and other organizations. Faculty member, Labor Arbitration Institute, 1999-Present and is a Lecturer at Rutgers University and Cornell University. Publications include two books: CITY WORKERS and FISCAL CRISIS: Cutbacks, Givebacks & Survival, Rutgers University Press, 1981; THE SCOPE OF BARGAINING IN PUBLIC EMPLOYMENT, Praeger, Inc., 1979. Has also authored numerous journal and law review articles on labor and employment relations and ADR.

Mediation Rate

\$650 Per Hour

Languages

English

Citizenship

United States of America

Locale

Villanova, PA

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.