



AAA Mediation.org™

FN-18019 MN-18019 LN-18019, Esq.

Clarksville, Maryland



Current Employer-Title Full-time Neutral Arbitrator, FactFinder and Mediator

Professional Summary Full-time neutral arbitrator/mediator of labor and employment disputes since 1984, is a University of Michigan Law School graduate, Member of the National Academy of Arbitrators, Fellow of the College of Labor and Employment Lawyers, Past President of the National Association of Railroad Referees and Member of the ABA and DC Bar. Holds umpireships, serves on permanent arbitration panels, has extensive experience in Federal Sector and in interest disputes. Was in private practice and served as General Counsel of FMCS and Adjunct Professor at Georgetown University Law Center. Long-time faculty member with Labor Arbitration Institute and an Instructor for FMCS Institute.

Work History Neutral, self-employed, 1984 – Present; Adjunct Professor, Georgetown University Law Center, 1983 – 1999; Hearing Officer, Office of U.S. Senate Fair Employment Practices, 1992 – 1997; Member, Foreign Service Grievance Board, 1991 – 1996; Member, Railroad Industry Presidential Emergency Bds 1988-2014; Senior Counsel, Major League Baseball Players, 1983; Attorney, Skadden Arps et al., 1981 – 1983; General Counsel/Associate General Counsel, FMCS, 1977 – 1981; Executive Secretary, Atomic Energy L/M Relations Panel, 1979 – 1981; Executive Assistant to Commissioner, FEC, 1975 – 1977; Attorney, private practice, 1973 – 1975; Line Officer, U.S. Navy, 1967 – 1969.

Experience Engaged as a neutral in employment and labor law matters full-time since 1984. Extensive experience in the Arbitration of executive employment disputes, employer promulgated arbitration procedures and statutory claims as well as mediation of employment disputes. Extensive experience in contract, wage and benefits and discrimination disputes. Extensive experience in contract and discipline grievance arbitration, grievance mediation and interest arbitration, fact-finding and mediation of such disputes as well as ERISA trustee deadlock and MPPAA withdrawal liability.

Adjunct Professor, Georgetown University Law Center, 1983-1999 (Courses: Labor Arbitration, ADR in Employment, Railway Labor Act; Negotiations & Collective Bargaining). Faculty Member, Labor Arbitration Institute, 2007-2023. Instructor, FMCS Institute, 2022-2023.

Mediator Experience Handled over 100 mediations including approximately 40 disputes between executive managerial and professional employees and their employers. Occupations of employees include: employees in sales and marketing, executive, professional, and technical positions as well as blue collar and pink

collar jobs. Types of employers include: manufacturing, technology, telecommunications, sales and marketing, biotechnology, non-profits, trade associations, and professional practices. Handled cases involving multi-million dollar claims, and cases in which principle, not money, was at stake.

Served as mediator, or mediator-fact-finder in approximately 110 interest and grievance disputes over the course of almost 30 year career in dispute resolution, including multiple rounds of national level bargaining. Served as mediator-fact-finder in state and local education, public safety and public service disputes and in the Federal Sector, including in disputes arising out of a comprehensive reorganization of a Federal Agency. Taught negotiations and collective bargaining as an Adjunct Professor at Georgetown University Law Center. Served previously as General Counsel of the Federal Mediation and Conciliation Service and, in that capacity, both received and taught mediation techniques, provided support to mediators and participated as a mediator in a variety of national level negotiations. Mediated grievances at the request of parties and has mediated employment cases. Has mediated economic, non-economic, contract and statutory issues. Has worked with parties to draft settlement agreements resulting from mediation and has provided assistance in the implementation of mediated settlements.

Representative Issues Handled as a Mediator

Mediated issues arising from the following: claims of breach of terms of contracts of employment, including claims of violation of performance and/or conduct requirements; claims of violation of employment statutes including FLSA, Title VII, ADA and ADEA; claims of violation of employer policies; claims of violations of buy-sell agreements; claims of violation of covenants not to compete; denials of promotion or assignment; claims of denials of wages, commissions, stock options, profit sharing, deferred compensation, severance pay and business expenses; claims of failures to accommodate claimed disabilities; and claims relating to other applications of employment law.

Has mediated employment disputes involving issues of employment discrimination, FMLA, ADA, ADEA, Wage and Hour and other statutory and contract issues. Works as a mediator with parties to labor disputes to resolve disputes over the terms and conditions of new collective bargaining agreements. Most of that work has been in the state and local public sector and in the federal sector. Issues handled include terms and conditions of employment that might be included in a collective bargaining agreement, including wages, benefits, discipline and discharge, hours of work, seniority, work rules, performance appraisal, job posting and bidding, awards, equal employment.

Mediator Style & Process Preferences

Underlying every dispute and the demands made by each party to that dispute are their respective interests, perceptions and needs. I work with the parties, both separately and across the table, to identify their respective interests and needs and to explore their perceptions as to their own situations and those of their opposing party. Disputes frequently result from or are exacerbated by communication breakdowns and from differences in the understandings of the parties as to their respective situations. By facilitating communications, assist each party to understand their interests and needs and to adjust their perceptions. By the use of questions, projections as to the possible consequences of non-resolution of the disputes and, at appropriate times and in an appropriate manner, by frank assessments of the perceptions and demands, I narrow the financial and other differences and utilize the momentum which results from that progress to achieve agreement. I assume that the participants in the process are intelligent, rational and self-actualizing and that, with proper assistance, they can reach settlement on terms acceptable to them.

Technology Proficiency

Experienced in scheduling, hosting, conducting and recording online hearings and conferences using standard platforms, including Zoom, Teams, GoTo Meeting and WEBEX.

Education

University of Michigan Law School (JD-1973);
University of Michigan (BA-1966).

Professional Licenses

Admitted to the Bar: District of Columbia (1979), Michigan (1973-Emeritus), Ohio (1974-inactive);
Federal Courts

Professional Associations

National Academy of Arbitrators (Member, Board of Governors 2006-2010); Labor and Employment Relations Research Association (Maryland Chapter, Past President); National Association of Railroad Referees (Past President; Past Secretary-Treasurer); College of Labor and Employment Lawyers (Fellow); Society of Federal Labor and Employee Relations Professionals; District of Columbia Bar Association (Labor and Employment Law Section); State Bar of Michigan

(Labor and Employment Law Section).

Recent Publications & Speaking Engagements

“The Railroad Industry” in “A Quarter Century of New Directions in Leadership and Mission,” T.J. St. Antoine, Ed. (NAA 2022); “The Impact of Living Wage Policies on Labor Relations and Collective Bargaining”. NAA Proceedings (BNA 2019); “Fit for Duty? Controllable Health Conditions and an Employee’s Ability to Perform Safety-Sensitive Work” (Panel)(BNA 2015); "Regulations of Personal Electronic Devices in the RR Industry" NAA Proceedings (BNA 2012); "The Impact of High Speed Rail on Labor Relations and Collective Bargaining" NAA Proceedings (BNA 2012); "The Pension Protection Act, VEBAs and other Changes to the Provision of Retirement Benefits" (Co-Presenter) NAA Proceedings (BNA, 2009); "Just Cause and Arbitral Discretion in Discharge Cases" (Co-Author) NAA Proceedings (BNA, 2006); "Current issues in Attendance and Absenteeism" NAA Proceedings (BNA, 2002); "The Future of Arbitration in the Federal Sector and Postal Service" in Labor Arbitration Under Fire, Stern and Najita, Eds. (Cornell U. Press, 1997); "Violence in the Workplace, Prevention Strategies: an Arbitral Perspective" NAA Proceedings (BNA, 1995); "Drug and Alcohol Issues in Arbitration" (Co-author) and "Arbitration of Theft Cases", in Labor and Employment Arbitration, Bornstein & Gosline, Eds., (Bender, 1989) and updates. (Partial List)

Mediation Rate

\$4,800 Per Day

Languages

English

Citizenship

United States of America

Locale

Clarksville, MD

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.