



AAA Mediation.org™

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Littleton, Colorado



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Current Employer-Title Littleton Alternative Dispute Resolution

Panelist Video <https://www.adr.org/videoresume?paramName=274151467>

Profession Attorney, Mediator, Arbitrator, Independent Fact-finding Investigator, Expert Witness, Monitor under Consent Decree/Settlement Agreements

Work History Founder, Littleton Alternative Dispute Resolution, 1997-Present; Shareholder, Miller & Steiert, 1985-Present; Associate, Holland & Hart, 1980-1985.

Experience Currently serves full-time as mediator, arbitrator and independent fact-finder. Practiced employment and labor law for 25 years before becoming a full-time neutral.

Practice (approximately 65% for individuals, 35% for employers) was comprised of a full range of employment matters representing both employers and employees in administrative matters before the Equal Employment Opportunity Commission, the Colorado Civil Rights Division, unemployment hearings, and state and federal courts, as well as private arbitrations. Handled sexual harassment matters, gender, race/national origin, age, religion, disability, and retaliation issues, FLSA, FMLA and other leave issues, as well as contract and tort claims. Served as co-counsel in several collective and/or class actions on behalf of hundreds of plaintiffs under Title VII, the Pregnancy Discrimination Act, and the Age Discrimination in Employment Act. Each case was ultimately mediated to a successful resolution involving Fairness Hearings in Federal Court. The amounts in dispute over the course of practice ranged from under \$100,000 to millions of dollars, and often included reinstatement issues or other non-monetary relief.

Qualified and has testified as an expert in employment and attorney fee-related disputes. Lecture extensively to attorneys, human resource and ADR professionals on employment and ADR issues.

Has handled numerous collective and class action cases as both an advocate and a mediator under Title VII, ADEA and FLSA. As an advocate, co-counseled cases AAA Panels: Commercial, Mediation, Labor Arbitration.

Has served as an independent fact-finder to investigate over 100 EEO complaints for private and public entities including sexual harassment allegations and other discrimination allegations.

Mediator Experience

Mediating employment matters since 1999, full time since 2006. Mediation experience has spanned all areas of employment and workplace disputes. Successful mediation experience includes:

- EEO arena:
- Cases that involved one or a small group of employees, with claims relating to sexual harassment, gender, race, religion, disability and/or age discrimination;
- Complex class actions involving the EEOC as a party with hundreds of claimants. These matters have required mediating matters that arise during the Fairness Hearing process in Federal Court;
- Cases have involved public/private employers in layoff situations impacting dozens of employees, or individual grievances against private, municipal, state or federal employers;
- Disputes that arise in capacity as a Monitor of class-wide settlement agreements, either involving private employers, or a federal agency. These matters have required mediation of disputes as well as serving as Monitor of overall or specific employment practices and policies, reporting to the EEOC, and the U.S. District Court and Administrative Law Judge;
- Collective actions under the FLSA, have included both local and national scope. These matters have involved single issue of overtime pay, or complex interpretation of such matters as "donning and doffing". Often worked with multiple national counsel, assisted in determination of formulas for creating solutions, and mediated issues through Federal Court approval of agreement;
- State law contract and tort claims including covenants not to compete and allegations related to breach of the duty of loyalty; and,
- Disputes involving teachers and school districts under the Teacher Employment, Compensation and Dismissal Act.

Representative Issues Handled as a Mediator

Hundreds of cases involving EEO issues including sexual harassment, gender, race or national origin, age, religion, and disability discrimination, and retaliation. These may be individual cases or small groups of claimants/plaintiffs. Has mediated cases brought by the EEOC against private employers that involve large classes of claimants residing in numerous states for class-wide gender discrimination, sexual harassment, age discrimination or race/national origin discrimination. Wage and hour/overtime cases under the FLSA including collective actions with hundreds of potential or actual claimants. These cases may include complex interpretation of "donning and doffing" issues, or formulas for resolving claims by thousands of employees for additional time worked. Once class-wide or collective actions are resolved globally, issues may arise when specific claimants are unsatisfied with their share of the settlement and the Settlement Agreement/Consent Decree calls for mediation as the method for resolving individual disputes. State law contract and tort claims, particularly cases involving covenants not to compete and/or cases involving allegations of breach of the duty of loyalty. Mediate issues covered by insurance including resolving disputes between the insured and the insurer.

Mediator Style & Process Preferences

After many years as a trial lawyer, my transition to alternative dispute resolution reflects a strong interest in striking a balance between differing perspectives and a deep understanding of the excessive financial and human costs involved in protracted litigation. Key strengths include the ability to synthesize a high volume of information and develop creative solutions, win cooperation and confidence of people at all levels, effectively analyze behavior of others in group situations, formulate questions relevant to clarifying problems/issues, and bring strong communication and listening skills to every situation. As the mediator, my role is to assist the parties in understanding the relative risks of not reaching resolution, and assist them crafting creative solutions often unavailable in a litigation format. Generally I use an evaluative approach due to my breadth of experience as both an advocate and as a mediator handling employment matters, but I easily move to the facilitative style as appropriate, particularly when reinstatement of a terminated employee is being considered. I urge the parties to communicate directly when appropriate.

I offer pre-mediation conferences to the parties and counsel to prepare for the mediation, either in person or by phone. This is a valuable tool in ensuring that the parties are prepared for mediation, provide me with the necessary information, and bring the right people to the table. I discuss at that time their expectations of the mediation session and their goals and objectives. It is important to discuss both monetary and non-monetary solutions. I ensure my own understanding of the issues in dispute and identify any barriers to settlement that must be overcome.

Education

Dartmouth College (AB-1977); University of Denver (JD-1980).

Professional Licenses	Admitted to the Bar: Colorado, 1980; U.S. District Court, District of Colorado, 1980; Tenth Circuit, 1981; U.S. Supreme Court, 1995.
Professional Associations	National Academy of Distinguished Neutrals; The College of Labor and Employment Lawyers; Colorado Bar Association (Employment and Labor Law Committee, Past Co-Chair; ADR Section); Arapahoe County Bar Association; The Mediator Association of Colorado.
Recent Publications & Speaking Engagements	<p>Publications:</p> <ul style="list-style-type: none"> - Co-Managing Editor of The Practitioner's Guide to Colorado Employment Law (1998) (revised annually or bi-annually) - June/July 2012 Trial Talk Magazine, Denver, Colorado: Ten Steps to Enhancing the Outcome of Employment Disputes Through Mediation - September 2006 The Colorado Lawyer, Vol. 35, No. 9: Fact-Finding Investigation in the Workplace: A Powerful ADR Tool - Fall 2005 The College of Labor & Employment Lawyers newsletter: Fact-Finding Investigation in the Workplace: A Powerful ADR Tool <p>Representative Presentations:</p> <ul style="list-style-type: none"> - August 2012 Colorado Trial Lawyers Association Annual Convention: Enhancing Your Ability to Negotiate Emotional Distress Damages in Employment Mediations - March 2012 National Employment Lawyers Association Annual Conference: Using Arbitration to Your Advantage - March 2012 Colorado Defense Lawyers Association Seminar: Mediation Basics - September 2011 University of Denver College of Law: Introduction to Mediation - November 2010 Colorado Statewide ADR Conference: Facilitating Intergenerational Conflict Resolution - September 2009 Pryor Johnson Seminar: Recent Issues in Arbitration and Mediation of Employment Claims - July 2009 Equal Employment Opportunity Commission: Pre-Litigation Mediation of Employment Claims - October 2008 Colorado Statewide ADR Conference (Program Committee, Employment Law track): Workplace Mediations: A Mediator's Ability to Match the Expectations of the Parties - September 2008 CBA-CLE Offices, Employment Law Update: Mediation of Harassment Cases - October 2007 ADR in the Workplace: a View from Inside Corporate America (Program Chair) - September 2007 Colorado Statewide ADR Conference: Chair, Ethics Panel - February 2007 College of Labor and Employment Lawyers: Arbitration Practices - October 2006 Colorado Workplace Equity conference: Assuring Workplace Equity in the Midst of Change (or "How Do We Avoid Lawsuits") - January 2006 CBA-CLE Denver, Colorado: 40-Hour Mediator Training Course (Program Committee member and presenter) - December 2005 CBA-CLE Denver, Colorado: Multiple Clients, Truth in Negotiations and Other Ethical Pitfalls for Lawyers - December 2005 CBA-CLE: Recent Ethical Developments for In-House Counsel - March 2005 CLE of Colorado, Inc., and Mountain States Employers Council: Fact Finding Investigations in the Workplace - September 2004 CBA-CLE Court Annexed Mediation Program: How the Mediator Can Reinforce His or Her Neutrality - American Arbitration Association: Motions You Can Make in Arbitration ? A Comparison - April 2004 Federally Employed Women, Rocky Mountain Regional Training Program: How to Manage Conflicts in the Workplace - January 2004 Arapahoe County Bar Association: Top Ten Pointers for a Successful Mediation - October 2003 Denver Press Club Program in Equal Employment Opportunity Basic Law and Procedures: Settlement Alternatives - September 2003 CLE International: Alternative Dispute Resolution in Employer/Employee Disputes: A Mock Mediation - May 2003 Colorado Bar Association: Mediating Conflict in the Workplace - April 2003 Colorado Bar Association: Employment Issues in the Business World - March 2003 American Bar Association Mid-Winter Conference San Juan, Puerto Rico: ADR in Employment - October 2002 Litigation Institute Seminar: Top 10 Practical Arbitration Pointers - June 2002 National Employment Lawyers Association: Being an Effective Advocate in Arbitration

- March 2002 National Employment Lawyers Association Seminar: The New Civil Rights
Battleground - ADR after Circuit City: Preparation & Advocacy in Mediation

Mediation Rate	\$425 Per Hour
Languages	English
Citizenship	United States of America
Locale	Littleton, CO

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.