



AAA Mediation.org™

**FN-18625 MN-18625 LN-18625, Esq.**

Vermilion, Ohio



**Current Employer-Title**     Dispute-Away, LLC - Owner

**Profession**     Arbitrator and Mediator; Consultant in Compliance and HR

**Work History**     Owner, Dispute-Away, LLC, 2019-Present; Partner, Frantz Ward LLP, 2000-2020; National Chair Advocacy Department/Partner-In-Charge/Partner/Associate, Thompson Hine & Flory LLP, 1974-2000.

**Experience**     Over 35 years of experience in employment and general business litigation and ADR. Appellate counsel in dozens of federal and state cases. Cases as advocate have included multi-million-dollar dispute over purchase of line of business, insurance coverage disputes, health care and ERISA claims, corporate-owned life insurance fraud and misrepresentation cases. Leadership in and advocate for use of ADR processes. Have advised corporations in shareholder disputes, acquisition matters and corporate management reorganizations. Represented publicly-held corporations in Sarbanes-Oxley Whistleblower cases. Experienced with FLSA collective actions and related claims. Health care and health payment system experience. Established not-for-profit organizations and endowment funds; investigated and resolved financial transaction irregularities; managed corporate aspects of state banking acquisition. Upon retirement in 2020 from firm co-founded in 2000, legal representation to clients no longer provided.

**Mediator Experience**     Served as mediator in approximately 100 cases, including: a multimillion-dollar multi-employer pension plan case brought by Department of Labor against plan trustees; business reorganizations; many employment cases involving discharged employees; in-school harassment claims of a student; commercial claims involving product performance, dissolution of partnerships (including law partnerships) and business ventures; and construction/work jurisdiction disputes.

**Representative Issues Handled as a Mediator**     Issues in employment cases have involved: harassment, equal pay, wrongful termination, public policy, discrimination, fair labor standards, job safety, damage determinations, disability accommodations, and leave of absence rights. Issues in other cases have included: jurisdictional bases for claims, damages, technical issues of performance, relative contributions of partners to dissolving firm, health care and health care payment issues, fiduciary duties and emoluments, critical path analysis, collective bargaining agreement interpretation, affirmative action and set-aside obligations, commission disputes, and billing disputes.

<b>Mediator Style &amp; Process Preferences</b>	<p>Mediation is a preferred method of resolving disputes for many reasons: confidentiality, expense saving, time reduction, availability of "remedies" unobtainable in court, certainty, party control of results and satisfaction of parties with ultimate resolution, to name a few. The most successful case mediations seem to be those where the mediator assertively helps the parties to a resolution seen by the mediator as fair and reasonable under all the circumstances, rather than those where the mediators passively allow the parties to restate their own positions over and over without significant movement. Thus, I take a strong, active mediation role in most cases. There is flexibility for me to adopt a different manner if called for, such as with multi-cultural mediation, where it is important to allow the different participants to become comfortable with the process based on their unique backgrounds. Party representatives play key roles in the process. In order to ensure that all parties are aware of the process, a description of mediation as I generally conduct it is provided in advance to counsel for distribution to the parties.</p> <p>During the COVID-19 pandemic, I have conducted virtual mediations with excellent success. I have used both Zoom and other meeting platforms, and have my own Zoom account if the AAA account is not suitable for some reason. I am also willing to conduct in-person sessions if the physical environment and participant behaviors are sufficiently safe.</p>
<b>Education</b>	Yale University (JD-1974); Michigan State University (MA-1972; BA-1971 ).
<b>Professional Licenses</b>	Admitted to the Bar: Ohio (1974), California (1991); U.S. District Court: Northern (1974) and Southern (2000) Districts of Ohio, Northern (1991), Central (1991), and Southern (1991) Districts of California; U.S. Court of Appeals: Sixth Circuit (1975), Eleventh Circuit (2005); U.S. Supreme Court (1980); Certified Financial Crime Specialist (2019).
<b>Professional Associations</b>	Ohio State Bar Association (Past President; Board of Governors; Litigation Section; Labor Section, ADR Committee); Greater Cleveland Partnership (Past Member of Executive Committee, Government Affairs Council, and Council of Smaller Enterprises, Past Chairman); American Bar Association (Dispute Resolution Section; Labor Section; Litigation Section); Cleveland Metropolitan Bar Association (Labor Section, Past Chair; ADR Committee, Past Chair; Ethics & Professionalism Committee); American Bar Foundation (Life Fellow); Ohio State Bar Foundation (Life Fellow; Past President); Cleveland Bar Foundation (Fellow); National Small Business Association (Past Chair); International Mediation Institute (IMI) Certified Mediator; Association of Certified Financial Crime Specialists.
<b>Recent Publications &amp; Speaking Engagements</b>	"Current Issues in Employment Law and ADR," Meaden & Moore CEO Roundtable, 2016; "Dealing with the Rambo Litigator," Lorman Education Services, 2015; "Ethics in Mediation," American Bar Association DR Section, Spring 1998; "Using Early Neutral Evaluation," CLEVELAND BAR JOURNAL, March 1992; "Public Sector Collective Bargaining in a Democracy - An Assessment of the Ohio Public Employee Collective Bargaining Law," 33 CLEVELAND STATE LAW REVIEW 595, 1985; co-author, PUBLIC SECTOR BARGAINING: THE OHIO SYSTEM, Labor Relations Press, 1984; many other business and law-related articles and addresses. Speaker, "Alternative Dispute Resolution" Lorman Education Services, September 2006; "Blockchain Applications in the Workplace" May 2019.
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Do not charge for travel or lodging expenses in Erie, Lorain, and Cuyahoga Counties, OH; San Diego County, CA; Denver, CO.
<b>Mediation Rate</b>	\$400 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Vermilion, OH

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.