



AAA Mediation.org™

**FN-1901899 MN-1901899 LN-1901899,
Esq.**

Washington, District of Columbia



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Current Employer-Title Clark Legal Solutions PC – Owner

Panelist Video <https://www.adr.org/videoresume?paramName=769510467>

Profession Arbitrator, Mediator, Administrative Judge; Adjunct Professor.

Work History Arbitrator, Mediator, Judge, Attorney: Clark Legal Solutions PC, 2001 – Present; Hearing Officer, Office of Congressional Workplace Rights, 2020 – Present; Adjunct Professor of Law, American University Washington College of Law, 2005 – 2020; Member of Foreign Service Grievance Board, U.S. Department of State, 2016 – 2020; Administrative Judge and Chair, Government Accountability Office's Personnel Appeals Board, 2014 – 2019; Attorney Adviser, Federal Labor Relations Authority, 1998 – 2001.

Experience Private law practice, 2001 – Present. Subject matter expertise as Arbitrator, Mediator and Administrative Judge include: discrimination (age, disability, race, sex, sexual orientation, religion), harassment, Wage & Hour, FMLA, workplace safety, whistleblower retaliation, employment contracts and severance agreements, drug testing and drug-free workplace plans, consumer claims, collective bargaining and related grievances. Mediated over 600 cases in his career. Certified to practice mediation by the Supreme Court of Virginia, and is a volunteer mediator for the mediation program at the U.S. District and U.S. Court of Appeals for the D.C. Circuit, and the mediation program at the D.C. Court of Appeals.

From 2006 – Present, Adjunct Professor at the American University's Washington College of Law, in areas of Negotiation and Mediation. Coach, ABA's "Representation in Mediation" competition; provides annual coaching to students interested in learning how to negotiate favorable outcomes for their future clients.

Experience as a neutral adjudicator includes:

From 2020 and continuing, Hearing Officer for the Legislative Branch's Office of Congressional

Workplace Rights (OCWR), for adjudication of claims involving EEO discrimination. Participating agencies and their employees include the U.S. Senate, House of Representatives, Capitol Police, and Architect of the Capitol, among others. From 2010 through 2020, served as mediator for the same cases at the OCWR. From 2016 to 2020, served under appointment by the U.S. Secretary of State as a Member of the Foreign Service Grievance Board (FSGB), which oversees the formal grievance system covering employees of the U.S. foreign affairs agencies. In 2014, appointed by the Comptroller General of the United States to serve a five-year term as Administrative Judge (Member-Chair, 2017 – 2019) of the Government Accountability Office's Personnel Appeals Board, an independent body charged with adjudicating potential or perceived conflicts of interest arising from the GAO's workplace and oversight of the executive branch. Duties included adjudication of matters in areas of merit system complaints, equal employment opportunity, and collective bargaining, pursuant to the same laws, rules, and regulations applied by the Equal Employment Opportunity Commission, Federal Labor Relations Authority, Merit Systems Protection Board, and Office of Special Counsel. Additional experience as an Administrative Judge includes cases assigned by the U.S. Equal Employment Opportunity Commission (2010 – 2012), and work as a Hearing Officer for the District of Columbia Office of Human Rights (2005 – 2013).

From 2013 – Present, in consultation with The CDM Group (CDM, Inc.), advises on a range of labor and employment policy and drug testing issues for CDM's Drug-Free Workplace Resource Center, where duties include reviewing plans developed by federal agencies to comply with Executive Order 12564, Drug-Free Federal Workforce, for the Department of Health and Human Services/Substance Abuse and Mental Health Services Administration/Division of Workplace Programs.

From 1998 – 2001, Attorney-Adviser, Federal Labor Relations Authority (FLRA). In support of Presidential appointee Donald Wasserman, drafted numerous appeals of arbitration, negotiability, and representation cases, and made recommendations on final decisions to the FLRA Members; mediated numerous settlements of lawsuits prior to litigation; managed FLRA's Collaboration and Alternative Dispute Resolution Office; designed and led conflict resolution training for presentation to FLRA constituents.

Mediator Experience

In 1997, certified to practice Mediation by the Commonwealth of Virginia, and since that time has volunteered annually to serve as Mediator for the local courts and the D.C. Bar Association. Since 1998, mediation of over 600 cases involving general breach of contract, Title VII and similar local public laws, ADA, ADEA, Civil Service Reform Act, consumer protection laws, Wage & Hour, FMLA, USERRA, the Whistleblower Protection Act, and the Congressional Accountability Act. Also mediates as part of the grievance process in labor cases, as well as disputes involving private businesses and employees' contracts. From 2010 through 2020, served on the permanent mediation panel for the Legislative Branch's Office of Congressional Workplace Rights, where agencies and their employees include the U.S. Senate, House of Representatives, Capitol Police, and Architect of the Capitol, among others (now serving as a Hearing Officer for the OCWR, involving the same parties). Currently serves as a volunteer Mediator for the U.S. District Court and U.S. Court of Appeals for the District of Columbia, as part of the D.C. Circuit's mediation program, and serving as Mediator at the D.C. Court of Appeals.

Intermittent mediation clients have included dozens of federal agencies and numerous private businesses and law firms located in the Baltimore/Washington region. Significant experience with settlements involving multiple parties and amounts in the range of six and seven figures.

Certified to practice Mediation by the Supreme Court of the Commonwealth of Virginia (1997) and undergoes annual continuing legal education in the area of Mediation.

Representative Issues Handled as a Mediator

Presided over hundreds of cases involving the full range of discrimination-related statutes, specifically concerning race, religion, national origin, gender, sexual harassment, age, disability, reprisal, family responsibilities, uniformed services reemployment, and whistleblowing. Also mediates labor cases as part of the parties' negotiated grievance process, Wage and Hour, workplace safety, general contract claims, and consumer protection claims, as well as private employment contracts.

Mediator Style & Process Preferences

Mr. Clark subscribes to the Model Standards of Conduct for Mediators established by the AAA/ABA/ACR. The parties can expect Mr. Clark to conduct a preliminary interview of each side in order to establish ground rules and set expectations for how the parties desire the mediation to be

conducted. Pre-mediation position statements are acceptable if the parties wish. Mr. Clark's default approach is, at the beginning of the mediation, to facilitate each party's counsel's statement of the case and of the merits, and then the prospects for resolution. Mr. Clark then encourages generating options for solving the problem as described by the parties. If necessary, Mr. Clark will encourage the parties to caucus, and will employ his expertise to help the parties evaluate the merits of the case and the relative risks of not settling on one of the available options. Mr. Clark will not make a recommendation for settlement unless the parties specifically request it.

Education	American University, School of International Service (MA, International Conflict Resolution-1998); American University, Washington College of Law (JD -1997); University of Richmond (BA, Philosophy/English Literature, cum laude-1992)
Professional Licenses	Admitted to the Bar: District of Columbia (2000), New Jersey (1999), New York (1998); U.S. District Court: District of Columbia; U.S. Bankruptcy Court, District of Columbia. Certified Mediator: Supreme Court of Virginia
Professional Associations	National Academy of Arbitrators; D.C. Bar Association: Attorney/Client Arbitration Board (Board of Directors, 2004-2012 and current volunteer Arbitrator and Mediator); Association for Conflict Resolution (D.C. Chapter, Past Board Member, Past Treasurer); Society of Federal Labor & Employee Relations Professionals.
Recent Publications & Speaking Engagements	<p>SAMHSA/Office of National Drug Control Policy: Working Group Chair, Federal Drug Free Workplace Program Comprehensive Review, 2022; "A Framework For Success: Preparing for the Mediation Session": Panelist for DC Courts ADR Week, October 17, 2022; "ADR in the Age of the Coronavirus, or, A Meeting on Meetings": presented by David Clark to the Library of Congress professional staff, July 30, 2020; Office of Congressional Workplace Rights Stakeholders' Summit: Panelist, "What is Mediation and How Can it Help You," November 5, 2019; "How the Arbitrators Rule": Panelist at the 40th FMCS Arbitrator Symposium, Atlantic City, New Jersey, May 10, 2019; "The Role of the Ombuds in a Knowledge-Intensive Corporation: A Partner for Conflict Prevention and Mitigation," Washington College of Law Digital Commons, July 02, 2013; "How an Ombuds Can Foster Collaboration and Reduce Risk," Corporate Counsel Magazine, May 18, 2013; "Why Mediation Is Important," United States Library of Congress, February 24, 2010; "Arbitration Works! A Primer on Fee Disputes Before the D.C. Bar's Attorney-Client Arbitration Board," D.C. Bar Judicial & Bar Conference, March 31, 2006; "How to Establish a Career in ADR," American University, Washington College of Law ADR Society, October 26, 2004; "Making ADR More Effective for Your Organization," DCACR 9th Annual Professional Development Conference, April 21, 2004; "ADR Approaches and Techniques," FLRA National Training Conference, April 23, 2001.</p> <p>Published Cases:</p> <p>NFFE, Local 1442 v. Army, LEAD, 2017 WL 7690036 (January 16, 2017); Tobyhanna Army Depot and AFGE, Local 1647, 135 Lab. Arb. Rep. (BNA) 1709 (2016); U.S. Capitol Police and Police (FOP)/U.S. Capitol Labor Committee, 134 Lab. Arb. Rep. (BNA) 1749 (2015); Healthcare Services Group, Inc. and SEIU, United Healthcare Workers East, 132 Lab. Arb. Rep. (BNA) 830 (2013); Dep't of the Navy, NAVFAC and AFGE, Local 1923, 132 Lab. Arb. Rep. (BNA) 430 (2013); Healthcare Services Group Inc. and Service Employees Healthcare Pennsylvania, 131 Lab. Arb. Rep. (BNA) 975 (2013).</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Washington, D.C. and surrounding metropolitan area.
Mediation Rate	\$1,950 Per Day
Languages	English
Citizenship	United States of America
Locale	Washington, DC

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.