



AAA Mediation.org™

**FN-1934125 MN-1934125 LN-1934125,  
Esq.**

**Wilmington, Delaware**

**Current Employer-Title** Smith, Katzenstein & Jenkins LLP – Partner

**Profession** Attorney, Arbitrator, Mediator

**Work History** Partner, Smith Katzenstein & Jenkins LLP, 1994-Present; Associate, Smith Katzenstein & Furlow, 1990-1993; Assistant City Solicitor, City of Wilmington, 1988-1990; Deputy Attorney General, State of Delaware, 1985-1988.

**Experience** Over 35 years of experience in litigating cases in all of Delaware trial courts, the last 25 focused on employment litigation representing both employees and management. Extensive experience litigating wrongful termination cases involving both statutory claims (e.g., discrimination) and breach of contract claims. Also has substantial litigation experience involving non-competition agreements, trade secret claims and unfair competition claims in the Delaware Court of Chancery. In addition to litigation, also regularly provides legal advice and training to companies, executives and health care professionals regarding employment law issues.

Practice is unique in Delaware in representing management and employees in equal measure and has been so for most of career in private practice. Has also handled other complex civil litigation including the defense of legal malpractice claims and insurance coverage disputes.

Representative cases have included: Title VII retaliation; wrongful termination and defamation; breach of fiduciary duties and contractual claims arising from business dispute alleging unfair competition between former business partners; and non-competition agreement.

**Mediator Experience** Has served as a mediator and represented clients in many mediations in a variety of cases, most involving employment and other commercial disputes.

**Representative Issues Handled as a Mediator** Enforceability of non-competition agreements; evaluating wrongful discharge cases, including discrimination and contractual claims; reasonable accommodations under the Americans with Disabilities Act.

**Mediator Style & Process Preferences** I believe that mediation requires a mediator to understand the strengths and weaknesses of both sides so as to assist them in seeing their cases more objectively. A mediator's role is not to convince either side that they are wrong, but rather, to get them to understand their case from an economic perspective, while recognizing that emotional issues often impact a party's ability to be objective. As a result, my approach is to let the parties fully express their views about the case before trying to get them to focus on the economic obstacles to settlement.

**Education** College of William & Mary School of Law (JD-1985); Clark University (BA, with High Honors-1981).

**Professional Licenses** Admitted to the Bar: Delaware (1986); U.S. District Court: District of Delaware; U.S. Court of Appeals: 3rd Circuit; United States Supreme Court.

<b>Professional Associations</b>	American Bar Association, Member, Labor and Employment and Litigation Sections; Delaware State Bar Association, Member, Labor and Employment and Litigation Sections; Society for Human Resource Management, Member; Defense Research Institute, Member; Litigation Counsel of America, Senior Fellow.
<b>Mediation Rate</b>	\$500 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Wilmington, DE

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.