



AAA Mediation.org™

FN-2001034 MN-2001034 LN-2001034, Esq.

Phoenix, Arizona



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Current Employer-Title Lubin & Enoch, P.C. - Partner

Panelist Video <https://www.adr.org/videoresume?paramName=294112851>

Profession Attorney, Arbitrator, Mediator, Lecturer, & Judge Pro Tempore for the Maricopa County (Arizona) Superior Court

Work History Attorney/Shareholder, Lubin & Enoch, P.C., 1995-Present; Adjunct Faculty/Teaching Assistant, Pennsylvania State University, 2010 - Present; Summer Associate, Hostler Law Offices, 1994; Legal Extern, Honorable Walter H. Rice - U.S. District Court for the Southern District of Ohio, 1993-1994; Legal Intern, U.S. Department of State - Bureau of Economic & Business Affairs - Developed Country Trade Division, 1993; Summer Associate, Jon A. Barkman, Esq., 1992; Assembly Line Worker, Emglo Air Compressors, 1991; Teaching Assistant, Pennsylvania State University Department of Labor Studies and Industrial Relations and Department of History, 1990; Grievance Department Intern, Council 13 American Federation of State County and Municipal Employee - AFL-CIO, 1990; Highway Maintenance Worker, Pennsylvania Department of Transportation, 1988 & 1989.

Experience Labor and employment attorney whose practice focuses on complex litigation. Routinely appears before arbitrators as well as all courts and administrative agencies in matters arising under traditional (e.g., National Labor Relations Act, Railway Labor Act, Labor-Management Reporting and Disclosure Act) and non-traditional labor and employment law. As part of employment practice, represents employees as well as responsible employers in the areas of, inter alia, employment discrimination, wrongful termination, employment covenants and restrictions, wage and hour disputes and commercial litigation.

Labor and Employment:

Since 1995, has engaged in all phases of complex labor and employment law representation and litigation with an emphasis on representing labor unions. Over the years, has represented virtually every major labor organization in the United States and dozens of smaller labor organizations in

matters arising in a wide number of industries including, but not limited to: agriculture, aviation, banking, broadcasting, construction, energy, entertainment, food, government, healthcare, leisure and hospitality, manufacturing, natural resources and mining, public utilities and transportation. Broad experience in employment-related civil actions alleging breach of employment contract, wrongful termination, employment discrimination and related torts. In addition, frequently represents clients before federal and state administrative agencies, including the Equal Employment Opportunity Commission. Counsels clients on personnel manuals and procedures, drug and alcohol testing and sexual harassment policies, and compliance with specific state and federal statutes and regulations.

Commercial Litigation:

Represents large and small business entities and individuals in commercial disputes in federal and state court, including cases involving fraud, derivative claims, lender liability, corporate control, contracts, state and federal consumer statutes, the First Amendment, and the Uniform Commercial Code.

Public Utility Regulation:

Active utility regulation practice focusing on the energy and water industries. Routinely represents labor organizations and allied community organizations in regulatory and contractual matters, including siting and building power plants and transmission lines, pipeline safety, financings, rate applications, the purchase and sale of energy facilities, and the granting, modification or transfer of certificates of convenience and necessity.

Mediator Experience

Since 2010, and after becoming a credentialed mediator in the State of Texas, mediated several dozen disputes in Arizona and Texas.

Mediator Style & Process Preferences

I believe that "mediated problem solving" can be summarized in one word - "opportunity." In mediation, parties have an opportunity to communicate effectively, telescope issues in hours or days that might otherwise take years to develop in litigation; achieve enormous savings of cost, avoid the distractions of litigation, and eliminate risk. Equally important, parties have an opportunity to explore their underlying needs and interests and develop practical solutions not available in litigation or in arbitration. I am a pro-active mediator. Succinctly put, I do not wait for the "deal" to come to me; I urge parties to prioritize their issues, and often assist them in formulating and packaging proposals. In that sense, I am more of an evaluative than a facilitative mediator, although effective mediation often requires a combination of styles. I am not a fan of lengthy and, in turn, costly pre-mediation briefs. Instead, when possible, I prefer to review select court filings, disclosure statements, discovery responses, and previous settlement offers. Moreover, and unless all of the participants feel differently, I do not conduct "joint sessions" where all parties engage in live discussion of the issues at hand in the presence of one another, with the mediator's guidance.

Education

University of Dayton (JD/MBA-1995); Pennsylvania State University (BA, Labor Studies with minors in Business and History-1991).

Professional Licenses

Admitted to the Bar: Arizona (1995), Colorado (1996), Texas (2003); U.S. District Court: District of Arizona, District of Colorado, Eastern/Northern/Southern/Western Districts of Texas; U.S. Court of Appeals: Fifth, Ninth, Tenth, District of Columbia; U.S. Supreme Court.

Certifications: Contract Advisor (inactive), National Football League Players Association; Contract Advisor (inactive), Canadian Football League Players Association.

Professional Associations

AFL-CIO Lawyers Coordinating Committee; American Constitution Society (Economic, Workplace, and Environmental Regulation Issue Group); Federal Bar Association (Labor and Employment Law, ADR, Environment, Energy, and Natural Resources and Transportation and Transportation Security Law Sections); Labor and Employment Relations Association (Board of Directors; Arizona Chapter, Rocky Mountain and Greater Houston Chapters; Airline and Utilities Industry Councils; Labor Unions/Labor Studies and Dispute Resolution Sections); National Employment Lawyers' Association (Arizona and Texas Chapters); State Bar of Arizona (Labor and Employment Law, ADR, Administrative Law Sections, Past Monitor - Member Assistance Committee; Past Law Office Management Assistance Program); State Bar of Colorado (Labor and Employment Law, ADR and Natural Resources and Energy Law Sections; Civil Rights Committee); Denver Bar Association; State Bar of Texas (Labor and Employment Law, ADR, Aviation, and Public Utility Law Sections); El Paso Bar Association (Labor and Employment Law and ADR

Sections); Texas Center for Legal Ethics and Professionalism.

Recent Publications & Speaking Engagements

PUBLICATIONS:

"Preemption, Arbitration, and Fair Representation," 1 Arizona Employment Law Handbook 2.3, State Bar of Arizona Employment & Labor Law Section, Supp., 2010; "A Discharged Union Member Asks 'Should I Hire an Attorney?'," Employment & Labor Law News, State Bar of Arizona, Phoenix, Arizona, summer 2006, at 4; "A Discharged Union Member Asks 'Should I Hire an Attorney?'," Alternative Resolutions, State Bar of Texas Alternative Dispute Resolution Section, Austin, Texas, Feb. 2006, at 5.

SPEAKING ENGAGEMENTS:

"The Employee Free Choice Act," Arizona Employment Lawyers' Association, February 2009); "Change We Can Believe In: the Employee Free Choice Act and President Obama's Workplace Agenda," Employment and Labor Law Section of the State Bar of Arizona, January 2009; "Elections Have Consequences: Labor-Management Relations During the Obama Presidency," Labor and Employment Relations Association, Arizona Chapter, November 2008; "Renewable Energy in Arizona: Law and Policy Implications of Arizona Becoming the Persian Gulf of Green Energy," The American Constitution Society, October 2008; "Who We Are and What We Watch: Does 'the Media' Perpetuate Discrimination?," The Arizona State University Sandra Day O'Connor College of Law, April 2006.

Mediation Rate

\$200 Per Hour

Languages

English

Citizenship

United States of America

Locale

Phoenix, AZ

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.