



AAA Mediation.org™

## **FN-2013280 MN-2013280 LN-2013280, Esq.**

Marietta, Georgia

**Current Employer-Title** Chief Legal Officer, HOA Brands

**Profession** Attorney

**Work History** Chief Legal Officer, HOA Brands 2022 - Present; Attorney, Taylor English Duma LLP, 2015 – 2022; Attorney, Elarbee Thompson Sapp & Wilson LLP, 1996 – 2015; Attorney, Dennis Corry Porter & Smith LLP, 1995; Intern to Chief Judge Dudley H. Bowen Jr., U.S. District Court for the Southern District of Georgia, 1994.

**Experience** Represents employers and employees in employment-related litigation and represent employers in traditional matters, including unfair labor practice proceedings, representation cases, arbitrations and collective bargaining. Also focuses on proactively counseling employers regarding day-to-day employment decisions in order to avoid litigation. Works with a variety of employers nationwide, including chemicals and mining operations, major restaurant chains, sales organizations, and retail operations.

Class Actions and Collective Actions - has extensive experience handling class actions and FLSA collective actions. Litigated these claims throughout the United States on a nationwide basis, including lawsuits in California, Alabama, Washington D.C., Texas, Florida, and New Mexico. She has dealt with class certification and notice issues.

Employment litigation - focuses on employment discrimination and harassment litigation. Successfully defended a company against a race discrimination claim involving direct evidence by receiving a jury verdict in favor of the company. Has also represented a corporate real estate agent to successfully secure \$85,000 in settlement of a sex-discrimination claim.

Labor relations - has arbitrated numerous cases under various collective bargaining agreements involving the IBEW, United Steelworkers, and United Food and Commercial Workers. Also provides preventative advice to industrial relations departments of companies regarding navigating employment decisions under a collective bargaining agreement.

Non-competition/non-solicitation litigation - experienced with drafting restrictive covenants for employers related to employees in numerous states throughout the U.S. Has also litigated both to enforce and to overturn restrictive covenants on behalf of employers and employees. In addition, am also involved in drafting various other restrictive covenants, including non-recruitment agreements.

Hospitality and service industries - previously served as the Chair of Elarbee Thompson's Hospitality & Service Industries Group. The Group specializes in issues unique to the hospitality and service industries, including wage and hour, immigration, and harassment/discrimination.

Workplace Investigations - Nearly 25 years of workplace investigation experience. Conducted workplace investigations involving allegations of discrimination, harassment, and retaliation. Investigated complaints by whistleblowers under the Sarbanes-Oxley Act and complaints of ethics

violations and theft.

Also investigated alleged wage and hour violations. Conducted workplace investigations for county and state government agencies, police departments, retail stores, restaurants, non-profit agencies, and private businesses, just to name a few.

## **Mediator Experience**

Mediated numerous employer-employee and landlord-tenant cases. Has also represented both employees and employers in over 75 mediations. The sizes of settlement have ranged from \$1,000 to over \$3 million. Mediated cases involving between two and fifty parties. At times, over 20 attorneys have been involved in mediation representing separate parties. The mediations have involved discrimination, harassment, retaliation, breach of contract (non-competes, severance agreements, etc.), and various other employment related disputes.

## **Representative Issues Handled as a Mediator**

Cases have mainly involved rent and other related issues.

## **Mediator Style & Process Preferences**

The mediation process should generally include a statement from the mediator as to the benefits of mediation and how the process will work for the benefit of the parties not familiar with mediation. A mediator generally allows opening statements, and then will caucus with both parties, generally starting with the plaintiff. If a settlement is reached, the mediator will work with the parties to draft an agreement. If settlement is not reached, the mediator generally should provide a final evaluation of the claims to each party and ask that they contact the mediator should they decide to reconsider their position.

During the mediation, a mediator's responsibility is to assist the parties to find a middle ground that all of the parties can agree to in order to settle a case. A mediator should offer creative alternatives for settling a case (i.e., payments over time versus a lump sum, non-monetary items, etc.). A mediator should provide honest feedback to all parties about the weaknesses of their case including a legal analysis of the claims, defenses, and damages, the risks associated with a jury trial, whether the judge is likely to grant summary judgment, etc). A mediator should explain that the parties are in control of the final resolution through the mediation process because the settlement reached will be one that all parties agree to. I do not think it is the mediator's role to only carry the settlement offers/demands from room to room, which happens too often. The mediator should take a much more active role than that.

A mediator's only expectation of the parties is that they should come with an open mind to settlement and with full authority to settle the case.

## **Education**

College of William & Mary (JD-1996); University of Georgia (BBA, Accounting, magna cum laude-1993).

## **Professional Licenses**

Admitted to the Bar: Georgia (1996), Texas (2002), New York (2002); U.S. District Court: District of Columbia (1998). Certified Public Accountant, Virginia (1995). Registered Mediator, Georgia (1999). Registered Arbitrator, Georgia (1999).

## **Professional Associations**

American Bar Association (Litigation Section; Alternative Dispute Resolution Section); Atlanta Bar Association (Labor & Employment Section; Women in the Profession, Chair of the Board); Virginia Society of Certified Public Accountants; Society of Human Resource Management (Atlanta Chapter; President; Board Member); University of Georgia, Terry College of Business (Board of Directors).

## **Recent Publications & Speaking Engagements**

PUBLICATIONS: Chapter author, "Safety and Health," chapter 16, HOW ARBITRATION WORKS, BNA, 2004; contributor, INTRODUCTION TO THE LAW IN GEORGIA, State Bar of Georgia, 2004; chapter author, "Substance Abuse," chapter 6, SUPPLEMENT TO BNA'S DISCIPLINE AND DISCHARGE IN ARBITRATION, BNA, 2001; contributor, "Survey: The Controversy Surrounding the Jurisdiction of Bankruptcy Courts," J. BANKR. L. & BRAC., vol. 5, no. 5, 1996; co-author, "Survey: Has Congress Really Solved the Controversy Surrounding the Jurisdiction of Bankruptcy Courts?," J. BANKR. L. & BRAC., vol. 5, no. 5, 1996.

SPEAKING ENGAGEMENTS: "Hiring, Training and Retaining the Best," Aaron Rents, Inc., March 2008; "The Leader Within," Atlanta Bar Association Women in the Profession, January 2008; "The Americans with Disabilities Act," Hooters of America, Inc., July 2007; "Family and Medical Leave Act," American Features Synciate, 2007; "Harassment & Investigations," Hooters of

America, Inc., July 2006; "FLSA, Living Wage and Arbitration Agreements," Chain Restaurant Compensation Association, July 2005; "Family & Medical Leave Act," Lohrman's, March 2004.

<b>Mediation Rate</b>	\$450 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Marietta, GA

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.