



AAA Mediation.org™

**FN-2055331 MN-2055331 LN-2055331,
Esq.**

New York, New York

Current Employer-Title Paul Hastings LLP - Senior Counsel

Professional Summary Has served as an Arbitrator in cases involving claims of discrimination based on race, age religion, disability; and wage and hour disputes on an individual class and collective basis under State and Federal Labor Laws. Has mediated employment disputes involving discrimination claims and breach of contract claims. Has also mediated numerous class and collective actions raising wage and hour issues under federal and state labor laws.
Has more than 40 years experience as a labor and employment lawyer representing employers, and labor organizations in more than 200 arbitrations before contractor arbitrators in various industries in NYC. Has class action experience in large FLSA class actions in state court actions.

Profession Attorney - Employment and Labor Law; Arbitrator, Mediator

Work History Senior Counsel, Paul Hastings LLP, 2022-Present; Senior Counsel, Kauff McGuire & Margolis, 2020 – 2022; Partner, Ogletree Deakins Nash Smoak & Stewart, 2013 – 2020; Partner, Blank Rome LLP, 2011 – 2013; Partner, Ford & Harrison, 2009 – 2011; Partner, Paul Hastings Janofsky & Walker, 1987 – 2009; Partner, Finley Kumble Wagner Heine & Underberg, 1981 – 1987; Attorney, Fellner Rovins, 1975 – 1981; Attorney, Cohn Glickstein Lurie Ostrin & Lubell, 1971 – 1975.

Experience Represented clients in all aspects of labor and employment law in federal and state court and before federal, state and local administrative agencies in cases involving issues of age, race, sex, religion, disability, and national origin discrimination. Has served as lead counsel in complex class action wage and hour litigation in state and federal court proceedings.

Advised and represented individual and corporate clients on contract issues involving questions of executive compensation, employee benefits and non-compete provisions and has represented employers, labor unions, and individuals in proceedings before federal, and state administrative agencies and in hundreds of arbitrations involving contract interpretation issues, employment termination and employee discipline and employee benefits.

Extensive experience in labor management matters representing employers and unions in many industries involving contract interpretation, job classification, disciplinary and sub-contracting issues among others.

Mediator Experience For more than 20 years, has successfully mediated hundreds of cases raising issues of age, race, sex, national origin, or disability discrimination, breach of contract, non-compete and trade secret issues. Many of these cases have also included issues of retaliation. The cases have sought damages ranging from five figures to claims in excess of two to three million dollars. These cases were either filed or on the verge of being filed in either Federal or State Court involving issues raised under Federal, State or New York City discrimination laws. Please note that some of these cases have raised more than one of the claims noted above. Has also mediated, claims of discrimination based upon claimed violations of the Americans with Disabilities Act as well as violations of the Family and Medical Leave Act. Also successfully mediated single plaintiff, multiple plaintiff and class and collective

wage and hour claims arising under the Fair Labor Standards Act and New York State Wage and Hour Laws. Many of the class and collective claims have involved companies in the food service and restaurant businesses and also manufacturing concerns.

Representative Issues Handled as a Mediator

Mediated claims seeking damages for FLSA violations as well as violations of State overtime laws, including misclassification and off-the-clock claims and failure to pay overtime for work in excess of 40 hours in a week. Mediated breach of contract cases which have raised issues of whether the terminations were for cause or no-cause and has mediated cases involving non-compete and trade secret issues. Has mediated numerous cases alleging discrimination on the basis of race, age sex, national origin and disability claiming violations of Federal Discrimination Statutes, New York State Human Rights Law (Executive Law) and /or the New York City Human Rights Law.

In addition, has mediated cases under the New York State Human Rights Law and the New York City Human Rights Law alleging Religious discrimination. Quite a few of the cases mediated have sought punitive damage and damages for emotional distress as well as attorneys' fees. Has also mediated cases raising claims of violations under the New York State Corrections Law. Has experience mediating cases which have raised claims of violations of provisions under a collective bargaining agreement and claims alleging violations of ERISA and failure to make contributions to multi-employer benefit funds.

Mediator Style & Process Preferences

I believe that often the parties are in Mediation because they both want to find a way to resolve their conflict but can't get there on their own either because of client issues or similar problems. They need to have an outside source to facilitate the process. I attempt to diffuse those issues by first trying to narrow the issues which exist in the dispute. I do this by trying to put to remove the stumbling blocks that prevent the parties from grappling with the bigger issues. If one side is heavily reliant on a legal theory to support their adamant position, I work on addressing that and try to soften their resistance before we get into discussions of the financial issues which are always difficult to deal with. I think it helps the parties to know that there may be only one or two issues left when they are talking money. I will usually spend more time with counsel of the parties separately without their client present because I do not want to get between the attorney and their client. I will ask if they want me to meet with their client to help get to a certain point which they cannot persuade their client to get to. Because I have represented both management clients and individuals as well as labor organizations, I believe that my experience makes me very well suited to understand the issues that each side to the mediation is confronting and as a result I have greater credibility with the parties in working through these issues.

I try to anticipate issues that the parties have not thought of or addressed drawing upon my prior experience as a mediator or an advocate in connection with the drafting of the releases and to avoid problems at a later date.

I am reluctant to leave the mediation without a written agreement of some sort because I have seen too many settlements fall apart after the fact.

Technology Proficiency

Conducts hearings and conferences via Zoom at the request of the parties. Is familiar with and has utilized and will utilize Loop UP.

Education

Brooklyn Law School (JD-1968); Queens College - City University (BA, Economics-1965).

Professional Licenses

Admitted to the Bar: New York, 1972; U.S. District Court: Southern and Eastern Districts of New York; U.S. Court of Appeals: Second, Fifth, Seventh and Ninth Circuits.

Professional Associations

American Bar Association (Labor & Employment Law Section; Dispute Resolution Section); New York State Bar Association (Labor & Employment Law Section; Dispute Resolution Section). Member CPR Employment Disputes Panel: (LERA) Labor and Employment Relations Association.

Mediation Rate

\$3,500 Per Day

Languages

English

Citizenship

Ecuador, United States of America

Locale

New York, NY

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.