



AAA Mediation.org™

FN-20750 MN-20750 LN-20750, Esq.

New York, New York



Current Employer-Title Mary K. Austin - Attorney at Law

Profession Attorney, Mediator, Arbitrator

Work History Owner, Mary K. Austin Attorney at Law, 2013-Present; Independent Contractor (part-time, health care legal services), Fox Rothschild, 2016; Senior Associate Counsel, UPMC, 2000-2013; Partner, Eckert Seamans Cherin & Mellott, 1987-2000; Associate, Reboul MacMurray Hewitt Maynard & Kristol (New York), 1981-1987; Associate, Chadbourne & Parke (New York), 1979-1981.

Experience Extensive experience in commercial transactions and litigation, as well as in a broad spectrum of health care law as senior associate counsel in a major health care system. Experience includes corporate transactions, payment disputes, practice acquisitions and divestitures, physician employment and contract matters (including restrictive covenants), supervision of litigation, general counsel responsibility for various hospitals and physician practice groups, ethics and risk management consults, patient care and safety issues, medical staff and governance issues, investigatory and regulatory work, support of charitable foundation, and real estate and constructions transactions. Litigation experience has included a broad range of complex commercial and health care related disputes (contracts, intellectual property, restrictive covenants and other employment matters, vendor disputes, whistle-blowing claims, class actions, patient care and access, professional liability and licensing matters, and hospital construction disputes).

Extensive litigation experience as a litigation partner in a major law national law firm where cases included antitrust, contracts, employment, restrictive covenants, intellectual property, pre-emption, insurance, product liability, and clerical abuse matters.

Mediator Experience Approximately 100 mediations over the past 10 years. Mediations have been both in person and virtual on the Zoom platform. Broad range of experience, including:

HEALTHCARE:

Physician practice acquisitions and divestitures

Contracts, including physician and nursing contracts and service agreements

Payer provider and vender disputes

Defective equipment claims

Patient care issues

Discrimination claims asserted against health care entities

COMMERCIAL:

Contract disputes, including vendor, manufacturing and employee placement disputes

Construction and real estate disputes

Investment, financing and credit disputes

Insurance coverage and tax disputes

Professional fee disputes

Tax Claims

EMPLOYMENT:

Wrongful termination, disparate treatment, and other employment related claims

Sexual harassment claims

ADA claims

The types of parties involved in the mediator's cases have included:

Major corporations, including manufacturers, real estate companies, placement firms, retail chains, restaurants, and construction companies

Hospital systems, physician practice groups

Law firms

Investment companies and lenders

Insurance companies

Schools

Non-profit organizations

Government agencies

Individuals, including physicians and other health care providers, patients and their families, salespeople, managers, tenants, consumers, and case workers.

**Representative Issues
Handled as a Mediator**

Breach of contract case claiming defective equipment supplied to a health care facility (international case mediated on the Zoom platform)

Breach of contract claims involving the provision of emergency services to a health care system.

Dispute following the sale of a medical practice and related employment issues

Termination of a long-term lease in the context of delayed construction

Mediation of a patient complaint about quality of care in an emergency room.

Mediation of a dispute involving a claim of denied care in a health care context

Employment terminations, including multi-plaintiff and multi-defendant disputes. Recent cases have frequently involved the termination of long-term and highly compensated employees

Insurance coverage disputes.

Sexual harassment claims, including cases against a corporate law firm, a restaurant, and a variety of other entities.

Construction claim involving an innovative "smart" building.

**Mediator Style & Process
Preferences**

Mediation practice is facilitative and energetic. Parties are provided with strong support and creativity throughout the mediation process. The mediator's extensive experience as both inside and outside counsel is utilized to help the parties understand and analyze the relative strengths and weaknesses of their cases, as well as some of the consequences they may face by proceeding to litigation. A mediator's proposal is generally not used, except as requested by the parties or in some cases where it is helpful to advance the parties toward their goals. In cases where settlement is not achieved expeditiously, the parties are assisted in continuing to negotiate.

Education

University of Michigan (LLB, cum laude-1979); Wellesley College (AB-1976)

Professional Licenses

Admitted to the Bar: New York (1980), Pennsylvania (1987).

Professional Associations	American Health Lawyers Association; American Bar Association; New York Bar Association; New York City Bar Association; New York Women's Bar Association; Allegheny County Bar Association.
Recent Publications & Speaking Engagements	<p>"Negotiation in the Age of Covid 19 and Beyond -- The Mediator's Perspective" New York State Bar Association webinar presentation with Genesis Fisher, 2020; presentation repeated to a New York City committee in 2021.</p> <p>"The Value of Mediation and Arbitration in Healthcare" Federal Bar Association webinar with Lisa Brown and Marcia Adelson, 2019;</p> <p>"Rikers Island Training – Think Like a Mediator" presentation at the ACR-GNY (Association for Conflict Resolution of Greater New York) (co-presentation with Richard Brewster, Nina Martinez and Hillary Zilz), 2017;</p> <p>"Think Like a Mediator," Mediate.com (co-authored with Richard Brewster, Nina Martinez and Hillary Zilz), 2017;</p> <p>"Mediation is the Best Medicine" presentation at the Pennsylvania Council of Mediators 2017 Annual Meeting (co-presentation with Marcia Adelson), 2017;</p> <p>"Mediation Is Particularly Suited to Health Care Disputes," The Resolver (co-authored with Marcia Adelson), 2017;</p> <p>Presentation on dealing with disruptive physicians to the American Health Law Association, 2014.</p>
Mediation Rate	\$4,200 Per Day
Languages	English
Citizenship	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.