



AAA Mediation.org™

**FN-2077193 MN-2077193 LN-2077193,
Esq.**

Buffalo, New York



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Current Employer-Title Lippes Mathis LLP – Partner

Pleased to travel throughout the United States for hearings or mediations or to conduct them by remote technology such as Zoom.

Panelist Video <https://www.adr.org/videoresume?paramName=272777967>

Professional Summary Following a successful career on the federal court bench and as a trial lawyer, has developed an active practice as an arbitrator with the AAA, and has conducted over 200 arbitrations throughout the United States with a particular focus on NYC.

Known as efficient, open-minded and fair.

Since 2008, has served on AAA panels for employment disputes and commercial litigation in disputes ranging from \$1 million to \$500 million in value. Also on the AAA mediation panel, with 800 mediations in federal court and AAA cases.

Extensive experience in discovery issues, mass arbitrations and as a process arbitrator.

Industries include pharmaceuticals, insurance, manufacturing, gaming, health care, finance and many others.

Profession Attorney/Judge/Educator

Work History Partner, Lippes Mathias LLP, 2017 – Present; Partner, Harter Secrest & Emery LLP, 2000 – 2016; U.S. Magistrate Judge, U.S. District Court, Western District of New York, 1992 – 2000; Partner, Lippes Silverstein Mattias & Wexler, 1989 – 1992; Partner, Albrecht McGuire Heffern & Gregg, 1985 – 1989; Assistant U.S. Attorney, Western District of New York, 1981 – 1985; Trial Attorney, U.S. Department of Justice, 1979 – 1981; Law Clerk to Hon. John Curtin, then Chief Judge of the

Western District of New York, 1977 – 1979.

Experience

Served as a magistrate judge in federal court in Buffalo from 1992 to 2000. Presided over dozens of consent trials, hundreds of dispositive motions and hearings, and several hundred mediations. Published dozens of judicial opinions. Frequent lecturer for the Federal Judicial Center (FJC), a member of the FJC's Education Committee for Magistrate judges, an officer in the Federal Magistrate Judges Association and a trainer for three of FJC's intensive mediation programs.

Now actively serves as an arbitrator, litigator and mediator in private practice. Private clients include large businesses engaged in a variety of federal court commercial litigation and tribal governments with gaming, taxation and economic development issues.

Over 50% of her time is spent on arbitration and mediation. Since 2008, has served on the AAA panels for employment disputes and commercial litigation disputes as both arbitrator and mediator, primarily on New York City based cases but also in other jurisdictions. Experience in these areas set forth in greater detail in the Representative Cases portions of this resume. Serves also as a private mediator and arbitrator and litigation consultant.

Extensive experience in mass arbitrations for consumer, commercial and wage and hour claims.

Has handled over 200 arbitration or mediation claims for the AAA as well as private mediations and arbitrations.

Industries include pharmaceuticals, insurance, manufacturing, gaming, health care, sports and entertainment, hospitality, digital content, finance, banking, environmental.

Mediator Experience

Served as a mediator in more than 800 cases since 1995, including at least 75 in the last five years. Selected by peers as Best Lawyers' "Mediator of the Year" in Buffalo, New York in 2014. Cases include private mediations, AAA mediations and mediations for the Western District of New York and other courts.

Mediations have included federal law issues, employment, commercial or diversity cases, and range from employment-related claims to intellectual property cases, ERISA, complex commercial litigation, products liability, and environmental claims, including multi-party cases with coverage issues and mass claims in the wage and hour area. More details are set forth in the Representative Issues section of this Resume.

Mediation skills were well recognized on the federal bench: in 1999, began training other magistrate judges throughout the federal court system in the skills needed to conduct successful mediations; in private practice, has continued to earn high praise from her peers as thorough, prepared, sophisticated and practical.

Representative Issues Handled as a Mediator

1. Employment mediations: executive disputes including compensation, stock appreciation rights, stock options, severance, termination, classification and non-compete issues; ERISA, Title VII, ADA, ADEA, 42 U.S.C. 1983, FLSA, FMLA, and related state law claims; issues include jurisdictional prerequisites, time limitations, constructive discharge, discrimination based on suspect class, race, hostile work environment, sexual harassment, back pay, tangible job detriment, reasonable accommodation, mitigation of damages, emotional distress, wage and hour (including mass claims and state law claims), retaliation, COVID related claims and EEOC enforcement actions.

2. Complex commercial mediations: acquisitions, bank fraud, shareholder disputes, dissolution proceedings, distributor agreements, asset purchase agreements, supply agreements, management contracts, outsourcing contracts, customer service agreements, unfair competition, common law fraud, franchise agreements and contract disputes; issues include contract interpretation, insurance, statutory construction, damage valuations, valuations of businesses, financial analysis, EBITDA, evidentiary issues, witness issues, jurisdictional issues, ancillary insurance and subrogation issues; exposure, causation, OSHA standards, contributory negligence, expert testimony, damage calculations, structured settlements, class claims, third party claims, waivers and release; False Claims Act, Securities Act and RICO.

3. Mediations of mass claims, including class actions in the following three areas: (1) wage and hour

claims (industries include cleaning, driving, delivery, maintenance, temporary staffing agencies); (2) consumer claims, including toxicity testing, bank charges, consumer finance, digital content, online order fulfillment; (3) ERISA claims.

4. Intellectual Property experience: product disparagement, patent infringement, patent invalidity, copyright, trademark and trade name. Representative cases include brazing flux, desiccant bags, temperature indicators, automatic speech pattern recognition systems, dental curing lights, posts, crowns, and adhesives, pharmaceuticals, bird seed and boat design. Issues handled include invalidity, inequitable conduct, operability, obviousness, anticipation, patent misuse and attorney/client privilege.

5. Environmental mediations: CERCLA, Clean Water Act, Clean Air Act, Superfund, threshold liability, allocation of cleanup costs, statute of limitations, contribution, standing and insurance, as well as related state law issues.

6. Other mediations: False Claims Act, FDA liability, telecommunications, software, insurance, health care, civil rights claims.

Mediator Style & Process Preferences	Offers a neutral forum for the parties to fashion a resolution of their dispute based on their own unique objectives and interests. Committed to extensive pre-mediation preparation, so that she can “hit the ground running” and act efficiently and expeditiously. Typically requires decision makers to be present, so that there is a stronger likelihood of reaching a final resolution during a mediation session itself. Through active listening and joint and single party sessions, assists the parties in identifying common objectives and narrowing areas of disagreement and in exploring settlement options. Encourages parties to evaluate their own positions realistically, and draws upon extensive experience as a judge to comment on evidentiary issues, witness problems and other trial problems as they arise. Available to follow-up by telephone following mediation sessions. Expects the parties and their attorneys to be thoroughly prepared on all issues in the case and to conduct themselves in a professional and efficient manner.
Technology Proficiency	Well versed in Zoom technology, uses electronic filing exclusively, and handles hearing exhibits electronically. Regularly attends educational sessions on technology advances for arbitrators and practitioners.
Education	Cornell Law School JD, 1977 (Order of the Coif, Second in Graduating Class, Cornell Law Review Editor, Fraser Price for Outstanding Scholarship and Character); Lawrence University BA 1974 (Philosophy, Phi Beta Kappa, Farley Prize, Distinction in Senior Comprehensives).
Professional Licenses	Admitted to the Bar: New York (1978).
Professional Associations	Member, College of Commercial Arbitrators since 2020; Co-Chair of College's Education Committee. New York State Bar Association (Commercial and Federal Litigation and Dispute Resolution Sections). Erie County Bar Association (Dispute Resolution Committee).
Recent Publications & Speaking Engagements	Has had many publications in areas of e-discovery, data preservation, protective orders, attorney client privilege, ethics in ADR and several hundred judicial opinions. Speaking engagements in the last five years include the following: "Improving Arbitration Processes for Tribal Governments," American Bar Association, Spring Meeting of Dispute Resolution and Indian Gaming Association Annual Meeting, 2023 "Drafting Arbitration Awards." ABA Panel Discussion for ABA Arbitration Training, 2023 "Summoning Third Party Witnesses in Arbitration," College of Commercial Arbitrators Annual Meeting, 2022 "The Floodgates Open: Managing Mass Arbitrations in the Wake of Epic Systems and Lamps Plus," College of Commercial Arbitrators Webinar, 2022 "Summoning Non-Party Witnesses in Arbitration," College of Commercial Arbitrators Webinar July 2021 "Zoom Hearings: Are They Here to Stay?" ABA Webinar April 2021 "Handling Your First Arbitration: the Preliminary Hearing," Erie County Bar Association, 2018.

Locations Where Parties Will Not be Charged for Travel Expenses	All Counties included in the Western District of New York; southern Florida including Palm Beach, Dade and Broward Counties.
Mediation Rate	\$725 Per Hour
Languages	English
Citizenship	United States of America
Locale	Buffalo, 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.