



AAA Mediation.org™

**FN-2105960 MN-2105960 LN-2105960,
Esq.**

Eliot, Maine



Current Employer-Title	Principal - Rakowsky Mediation
Profession	Arbitrator, Mediator, ADR Consultant, Conflict Coach, Trainer on Mediations, including on Zoom.
Work History	Arbitrator/Mediator, 2008 – Present; Executive Director, Legal Advice and Referral Center (LARC), 2009 – 2016; Shareholder/Director and Attorney, Orr & Reno P.A., 1981-2008.
Experience	<p>Mediating full time since 2016 and part time since the late 1990's. Cases include business and commercial, real property, employment, financial, and will and trust disputes. Extensive experience mediating with a facilitative and hybrid style, as circumstances warrant. Successfully resolving most disputes and building a positive reputation for resolving matters while respecting litigants and counsel, such that in 2020 invited to join the selective National Academy of Distinguished Neutrals, NH Chapter.</p> <p>Problem solving which is key to mediating learned as a shareholder and Attorney at Orr & Reno, P.A., for 26 years and as Executive Director of a legal aid organization for seven years. Private practice concentrations in business, commercial, financing, real estate, debtor/creditor, insolvency, and bankruptcy. Clients were small and large businesses, institutions, municipalities, and individuals. Consumer concentrations for legal aid work.</p> <p>Further details of representative matters upon request.</p>
Mediator Experience	Focus on disputes with complex legal and/or relationship issues. Those include all those listed in Representative Issues handled as a mediator.
Representative Issues Handled as a Mediator	Issues handled include those with both subject matter and process expertise. Those include general business and commercial matters, including succession planning, co-owner disputes, governance, mergers and acquisitions, vendor disputes, contract, intellectual property, employment, including covenants and related matters. Also included are financial issues, including secured and unsecured debt, lien disputes, guarantees, insolvency, workout and reorganization matters, within or outside bankruptcy. In bankruptcy, chapter 5 claims and avoidance actions have arisen most frequently. Governance issues have involved for profit and non profit enterprises.

In real estate disputes practiced and mediated include quiet title, easements, boundary line disputes, title insurance, purchase and sale, leases and licenses, and the like. Mediated family compound cases arise frequently in vacation properties.

Probate matters may arise in AAA matters triggered by mediation clauses. Process experience in such matters include claims of undue influence and capacity claims, breach of fiduciary duty, accounting, as well as issues around no contest clauses and similar matters.

Mediator Style & Process Preferences

My mediation philosophy is primarily to fit the process to the "fuss." I have deep experience with a facilitative approach as well as a hybrid of evaluative and facilitative approaches. I generally prefer for participants to rely upon their counsel for legal advice. Evaluation can be introduced by inquiry as readily as by direct statements and is often more effective. The facilitative/evaluative approach has been the key to successfully resolving complex legal and relationship disputes.

I encourage inquiries about participants' interests as opposed to their positions in the Harvard model. A common approach is to focus on the practicality of the mediated as opposed to the litigated process which is often persuasive. The longevity of consensual agreements as opposed to Court-ordered performance is an often raised topic.

Building trust with the participants is the top priority in any mediation. Extensive pre-mediation preparation with the participants pays off in more assistance provided by the mediator I find.

After testing the receptivity to my own version of humor, often directed at myself or safe targets, I use humor to cut tension and relax participants into finding solutions.

Allowing the parties to work out as much of their differences together is important with substantial caucus breaks with the mediator. In joint session tone-setting of a facilitative discussion is critically important to move the parties to focus on their mutually agreed upon interests. In these super-confidential caucuses, an experienced mediator with knowledge of the subject matter can encourage realistic evaluations from trusted advisors whose opinions are respected and valued.

Technology Proficiency

Zoom proficient.

Education

Chicago-Kent College of Law, Illinois Institute of Technology (JD-1981); Northwestern University (BA-1974).

Various trainings as arbitrator and mediator since 1990's, including 40-hour and full day trainings from Federal and NH Court System, USDA Agricultural Mediation Program, US Bankruptcy Mediation by Hugh Carey Law School, and many others. Further details upon request.

Professional Licenses

Admitted to the Bar: New Hampshire (1981); US District Court: District of New Hampshire (1981); US Bankruptcy Court, District of New Hampshire (1981).

Professional Associations

National Academy of Distinguished Neutrals, New Hampshire, 2020-Present; Board of Governors, Maine Association of Mediators 2021-present.
C. Doe American Inns of Court, 2019-present; Appointed Member, Access to Justice Commission, 2010-Present; Co-Chair Statewide Stakeholders Group, Court-annexed Foreclosure Mediation Program, 2008-2010; Vice Chair, Advisory Board Small Business Development Council, 2007-2008, Member 1998-2007; Elected Member, Board of Directors of Meritas (an international network of "A-V rated" law firms), 2004-2007; President/Member (1999-2007), Board of Directors New Hampshire Legal Assistance and Legal Advice and Referral Center, 2007-2009; Appointed Member, Merit Selection Panels for the United States Bankruptcy Judge for the District of New Hampshire, 1993 and 1997; Board of Directors, New Hampshire Women's Policy Institute; NH Bar Association, 1981-Present; NH Women's Bar Association, member.

Recent Publications & Speaking Engagements

Presenter in the following:

Presenter at Maine Association of Mediators Annual Member Meeting: Best Practices for Mediation Session Preparation; Success comes when preparation meets opportunity, 2024.

Guest Presenter and coach for multiple University of Maine Mediation Practicum Courses, 2023, 2024.

Multiple sessions of coaching and training new mediators for USDA Agricultural Mediations, Family & Community Mediation in Maine, 2020, and 2021.

Locations Where Parties Will Not be Charged for Travel Expenses No charge if location is within one travel hour each way of Neutral's office location.

Mediation Rate \$3,000 Per Day

Languages English

Citizenship United States of America

Locale Eliot, ME

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.