



AAA Mediation.org™

**FN-2257898 MN-2257898 LN-2257898,
Esq.**

Brecksville, Ohio

Current Employer-Title Margaret M. Koesel & Company – Mediator and Arbitrator

Profession Mediator, Arbitrator, Attorney

Work History Mediator and Arbitrator, Margaret M. Koesel & Company, 2014 – Present; Counsel to the Firm, Porter Wright Morris & Arthur LLP, 2014 – 2017; Partner, (and associate) Porter Wright Morris & Arthur LLP, 1990 – 2013; Law Clerk to Hon. Ann McManamon, State of Ohio – Court of Appeals, 1989 – 1990; Assistant Director of Law/Law Clerk, City Of Cleveland – Law Department, 1988 – 1989.

Experience Substantial experience practicing law in the areas of employment, business, and commercial litigation, with significant trial experience. Handled employment, benefits, and general litigation matters for clients in the insurance, banking, manufacturing, trucking, health care, higher education and telecommunications industries. Also represented businesses, fiduciaries and plan administrators in Employee Retirement Income Security Act litigation, including claims for pension and welfare benefits payable under a plan, payments to a plan, wrongful discharge under ERISA and breach of fiduciary duty. Also advised individuals and employers with non-competition, confidentiality and non-solicitation agreements.

Counseled business clients in leave administration, disability determinations and accommodations, disciplinary actions, and termination issues and develop strategies that to help businesses meet their objectives and comply with state and federal law related to work force planning issues, including plant closings and reductions in force.

Significant experience as a neutral in employment and wrongful discharge cases involving discrimination based on age, gender, race and disability, sexual harassment, alleged violations of public policy, and restrictive covenants.

Mediator Experience Served as a mediator in more than 50 single-plaintiff employment and wrongful discharge cases involving discrimination based on age, gender, race and disability, sexual harassment, alleged violations of public policy and whistleblowing. Has served as a mediator in several disputes regarding the wrongful denial of benefits under plans governed by the Employee Retirement Income Security Act.

Representative Issues Handled as a Mediator Mediated employment cases involving issues relating to sexual and racial harassment, age, race and gender discrimination, leave administration, disability determinations and accommodations, promotions and disciplinary actions, and whistleblowing disputes. Has mediated claims for pension and welfare benefits payable under a plan involving the proper exercise of discretion by the plan administrator, conflicts of interest and breach of fiduciary duties.

Mediator Style & Process Preferences I take an active role in bringing disputing parties closer to resolution by helping them to evaluate their situation, encouraging them to listen to each other's views, and working with them to develop feasible outcomes to the dispute in an environment where they can to air private matters to an

unbiased third party.

In most cases, the parties or party representatives should plan to make an opening statement that explains why they agreed to mediation and what they would like to achieve during the mediation process. Decision makers and parties should come prepared to discuss the case in detail, have an understanding of the strengths and weaknesses of their respective cases and to be able to explain any claimed damage and related defenses.

Parties should expect to spend the time needed to resolve the case and expect that, if they are not initially successful, I will continued to work with them to help them resolve the dispute.

Education

Cleveland-Marshall College of Law (JD, magna cum laude, Cleveland State Law Review, Editor-1988); Baldwin-Wallace University (BA, Business Administration-1985).

Professional Licenses

Admitted to the Bar: Ohio, 1989; U.S. District Court: Northern District of Ohio; U.S. Court of Appeals, Sixth Circuit

Professional Associations

Cleveland Metropolitan Bar Association; Ohio Bar Association; Ohio State Bar Foundation (Life Fellow).

Recent Publications & Speaking Engagements

PUBLICATIONS:

Coauthor, "Spoliation of Evidence: Remedies and Sanctions for Destruction of Evidence in Civil Litigation," American Bar Association, 3rd ed., 2013.

SPEAKING ENGAGEMENTS:

Speaker, Spoliation of Evidence: Records, Risks, Remedies, and Resolution, Annual Ethics & Trends in Litigation Seminar, Columbus, Ohio, December 2013; Speaker, Developments in Spoliation of Evidence, Crain's General Counsel Summit, Association of Corporate Counsel America, Northern Ohio Chapter, November 2013

Speaker, "Ethical Obligations of the Advocate: Fairness to the Opposing Party and Counsel," Association of Corporate Counsel America, Northern Ohio Chapter, Cleveland, Ohio, November 2011; Speaker, "Ethical Issues in Settlement Negotiations," Association of Corporate Counsel America, Northern Ohio Chapter, Cleveland, Ohio, November 2010;

Speaker, "Strategies for Effective Mediation of Disputes," Lake County Bar Association, August 2010; speaker, "Strategies for Mediating Employment Cases," Great Lakes Higher Education Law Symposium, February 2010; speaker, The Impact of FMLA Regulations on the Workplace and Family Military Leave, Family and Medical Leave Act Master Class, The Advanced Interactive Workshop for Employers, February 2009, November 2010, November 2011; speaker, Enforcement and Litigation Issues, Wage and Hour Masters Class, The Advanced Interactive Workshop for Employers, October 2007; speaker, "Confronting Workplace Violence," Ohio Employment Law Summit, April 2007.

Locations Where Parties Will Not be Charged for Travel Expenses

Cleveland and Akron, Ohio

Mediation Rate

\$375 Per Hour

Languages

English

Citizenship

United States of America

Locale

Brecksville, OH

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.