



AAA Mediation.org™

**FN-2391715 MN-2391715 LN-2391715,
Esq.**

Los Angeles, California



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Current Employer-Title	Semmel ADR, LLC-Arbitrator, Mediator & Discovery Referee
Panelist Video	https://www.adr.org/videoresume?paramName=818436640
Profession	Arbitrator, Mediator, Discovery Referee
Work History	Semmel ADR LLC, 2022-Present; Partner, Kelley•Semmel LLP, 2010-Present; Partner, Donfeld Kelley & Rollman, 1989-2010; Associate, Bird Marella Boxer Wolpert & Matz, 1987-1988; Associate, Latham & Watkins, 1984-1987.
Experience	<p>Presided over more than 250 matters.</p> <p>Representative Cases:</p> <ul style="list-style-type: none">• Claims of race and national origin discrimination• Claims of gender discrimination• Claims of sexual orientation discrimination• Claims of breach of contract (commissions)• Claims of age and disability discrimination• Claims of disability discrimination• Retaliation matters, including under FEHA, Labor Code §1102.5 and 6310; SOX• Claims of sexual harassment and/or assault• Claims alleging Misclassification as Independent Contractor• Claims re wage and hour violations, including unpaid straight time, overtime, meal periods, and Labor Code §2802• Theft of trade secrets, breach of duty of loyalty, unfair competition• Numerous counterclaims for breach of contract, breach of loyalty, violation of Computer Fraud and Abuse Act, conversion <p>Have ruled on scores of discovery matters and dispositive motions. Presided over numerous evidentiary hearings. industries include banking, entertainment, manufacturing, security, technology, accounting, retail, non-profits, retail, unions, telecommunications, from security guards to C-Suite</p>

Executives.

Served as a neutral investigator for workplace investigations.

Mediator Experience

Have mediated scores of employment disputes. In a typical case, there are claims for wrongful termination which implicate either an anti-discrimination or whistleblower statute as well as wage and hour claims, including PAGA. About half of the claims involve insured respondents.

Representative industries include retail, health care, property management, banking, insurance, entertainment, manufacturing, construction, telecommunications and education.

Representative Issues Handled as a Mediator

- Wrongful termination: federal and California False Claims Act, California Labor Code §§1102.5 & 6310; Fair Employment and Housing Act; California Health & Safety Code §1278.5, Families First Coronavirus Response Act; and other anti-retaliation statutes;
- Equal Pay Act, Labor Code §1197.5;
- Sexual Harassment, Pregnancy Discrimination, Marital Status Discrimination and other Gender Discrimination Claims;
- Disability and Medical Condition Discrimination, including HIV/AIDS;
- Family and Medical Leave Act (FMLA) and the California Family Rights Act (CRFA);
- Age Discrimination;
- Race and National Origin Discrimination;
- Sexual Orientation and Gender Identity Discrimination;
- Wage and Hour, including FLSA, PAGA—unpaid wages, overtime; meal and rest periods; on call claims;
- Breach of employment contract and fraud;
- Fraud in the inducement and Labor Code §970 claims;
- Breach of contract, breach of loyalty, violation of Computer Fraud and Abuse Act, conversion;
- Insured and “self-insured” matters.

Industries include retail, health care, property management, banking, insurance, entertainment, manufacturing, construction, telecommunications and education.

Mediator Style & Process Preferences

My approach to mediation is both facilitative and evaluative. While respecting that it is the parties who “own” the mediation and that resolution should be driven by the parties’ own objectives, I anticipate that parties would wish for me to utilize my considerable expertise and experience in employment law and business litigation to evaluate the parties’ positions. Thus, as appropriate and in most cases, I will share my views of the respective parties’ positions to facilitate a resolution. I request mediation briefs that focus on the facts, including damages, except where there are more obscure issues of law that warrant briefing. I will thoroughly familiarize myself with each matter prior to the mediation, work hard to facilitate a resolution at the mediation, and follow-up as appropriate if no resolution is reached.

Technology Proficiency

Host Zoom hearings and mediations. Use Microsoft Office Suite and Adobe Pro.

Education

University of California at Berkeley Law School (JD-1984); University of Pennsylvania (BA, Psychology-1980).

Professional Licenses

Admitted to the Bar: California (1984).

Professional Associations

California State Bar, Labor & Employment Section; Los Angeles County Bar Association, Labor & Employment Section; California Employment Lawyers Association, Association of Southern California Defense Counsel; TEN Esquire.

Recent Publications & Speaking Engagements

RECENT PUBLICATIONS:

Third Party Discovery in Arbitration: Be Careful What You Ask For, Daily Journal (June 2021); “Proving Disability Discrimination in California,” Daily Journal (2016); “Employers Just Can’t Drag Plaintiff to Another State,” Daily Journal (2015); “Worker Privacy in Peril,” Daily Journal (2011); “The Battle for Third-Party Information in Discrimination Claims,” Daily Journal (2011).

RECENT SPEAKING ENGAGEMENTS:

Arbitrating Individual Wage & Hour Cases from Start to Finish, Ca. Employment Lawyers Assn., 2023; Drafting Enforceable Settlement Agreements, TEN Esquire CLE, March 2020; The Art of Settlement Agreements, Los Angeles County Bar Labor & Employment Section, 2019; Sexual Harassment and Settlements in the #MeToo and Trump Era, Los Angeles County Bar Association, 2018; "Ending Tit for Tat: Sexual Harassment in California," Century City Bar Association, "Electronically Stored Evidence," California Employment Lawyers Conference; "FB Friends and Other BFF's in the Biz and Law: Social Media 4 Employees," Beverly Hills Bar Association; "Show Me the Money: Successor Liability," Los Angeles County Bar Labor & Employment Section; "Will the Real Employer Please Stand Up: Alter Ego and Successor Liability in Employment Litigation," California Employment Lawyers Conference.

Locations Where Parties Will Not be Charged for Travel Expenses City of Los Angeles.

Mediation Rate \$8,000 Per Day

Languages English

Citizenship United States of America

Locale Los Angeles, CA

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.