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## **FN-2459201 MN-2459201 LN-2459201, Esq.**

New York, New York

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**Current Employer-Title** Krauss PLLC – Managing Member

**Panelist Video** <https://www.adr.org/videoresume?paramName=279569812>

**Profession** Attorney

**Work History** Managing Member, Krauss PLLC, 2006 – Present; Partner, Hinshaw & Culbertson LLP, 2005 – 2006; Partner/Counsel, Herrick Feinstein LLP, 1994 – 2005; Self-employed, 1988 – 1994; Golenbock and Barell, 1980 – 1984; Associate, Kaye Scholer Fierman Hays and Handler, 1976 – 1980; Summer Associate, Rubin Baum Levin Constant and Friedman, 1975.

**Experience** Practicing attorney in private practice for more than 30 years, primarily as a general corporate and commercial litigator. Beginning as associate at Kaye, Scholer, Fierman, Hays & Handler and then Golenbock & Barell, later as a partner at Herrick, Feinstein LLP, and Hinshaw & Culbertson LLP, and most recently as a solo practitioner at Krauss PLLC. Practice has broadly encompassed the wide range of issues that arise in a corporate commercial practice, as well as employment law and business break-ups. Clients represented also have spanned a large spectrum, from large corporations in the financial, banking, real estate, pharmaceutical, and manufacturing sectors to small businesses and professional partnerships, and individual professionals and executives.

General Litigation: Practice has encompassed all aspects of civil litigation from its initiation through trial (in both state and federal court) and appeals (in both state and federal court) and all aspects of arbitration from its initiation through hearing and both pre-hearing and post-hearing court proceedings. Areas of practice have included contract and unjust enrichment, business torts, partnership, joint venture and shareholder disputes, principal/agent disputes, real estate disputes, disputes regarding loan agreements, securities fraud, antitrust, trademark, ERISA, defamation, art law, forgery, constitutional issues (church and state issues, voting rights, due process, equal protection and First Amendment) and procedural issues.

Employment Practice: Practice in this area has consisted of (i) negotiating, litigating and arbitrating employment claims before agencies, courts and arbitration panels, including employment discrimination and sexual, racial, religious and other harassment, wrongful termination, breach of contract, executive contract agreements and disputes, misclassification of employees/independent contractors, restrictive covenants, severance agreements and disputes, confidentiality agreements and disputes, disputes between physicians and hospitals, disputes between students, teachers, professors and schools, colleges and academic institutions, defamation, tortious interference and fraudulent inducement claims, (ii) counseling employer clients in preventive employment practices, including developing and reviewing employment policies and providing guidance on issues of hiring and termination, and (iii) counseling employee clients with respect to hiring and termination issues and negotiating employment, confidentiality, restrictive covenant and severance agreements.

Law firm and other Professionals Practice: Practice in this area has consisted of (i) counseling and negotiating on behalf of law firms, lawyers and other professionals in both internal and external disputes involving their partners, employees practices or businesses, (ii) litigation of partnership and dissolution claims, (iii) litigation of malpractice, sanctions, malicious prosecution and contract claims.

Business Divorce: Practice in this area has consisted of (i) counseling and negotiating on behalf of shareholders, members and partners in disputes involving the company and/or their ownership interests, including buy-outs; and (ii) litigation of disputes between owners and dissolution claims.

**Mediator Experience**

Southern District of New York Mediation Panel, Member  
New York State Supreme Court Commercial Division ADR Program, Mediator  
Private Mediation.

**Representative Issues  
Handled as a Mediator**

Employment discrimination, employment termination disputes, sexual harassment, business disputes, restrictive covenants, employee compensation, breach of contract, malicious prosecution, civil rights, cargo brokerage contracts, dissolution, fraud, attorneys' fees.

**Mediator Style & Process  
Preferences**

Interest based mediation using both facilitative and evaluative techniques.

**Education**

University of California, Berkeley, Boalt Hall School of Law (JD-1976); University of Michigan (AB, History, Magna Cum Laude with Highest Honors-1973).

**Professional Licenses**

Admitted to the Bar: New York (1977); U.S. District Court: Southern (1977), Eastern (1978), and Northern (2007) Districts of New York, District of Colorado (2003); U.S. Court of Appeals: Second (1991) and Fourth (2002) Circuits; U.S. Supreme Court (2007).

**Professional Associations**

Ninth Judicial District (Committee on Character and Fitness); Judges and Lawyers Breast Cancer Alert (Board of Directors); American Bar Association (Law Practice Management Section, Dispute Resolution Section, Center for Professional Responsibility); New York State Bar Association (Dispute Resolution Section, Executive Committee Member; Labor and Employment Law Section; Commercial and Federal Litigation Section); Westchester Women's Bar Association.

**Recent Publications &  
Speaking Engagements**

Publications:

BOOK:

PARTNER DEPARTURES AND LATERAL MOVES, A Legal and Ethical Guide, American Bar Association, Law Practice Management Section, 2009.

ARTICLES:

"Transition From Litigation to Mediation," NEW YORK LAW JOURNAL, April 4, 2012.

"Resolving Disputes Among Small Business Owners," NYSBA White Paper, January, 2011.

"Validity of Nonsolicitation Pacts Among Lawyers Shrinks," NEW YORK LAW JOURNAL, October 21, 2008;

"Issues and Principles Relating to Due Diligence in Lateral Acquisitions," Practising Law Institute,

"Staying Out of Trouble: What Every Attorney Must Know About Ethics 2005," December 2005;

"New Partners: New Status Brings Change in Approach to Compensation," NEW YORK LAW JOURNAL, February 2, 2004;

"The Nitty-Gritty on Equity," LEGALTIMES, January 26, 2004;

"Employers' Anti-Discrimination Policies Should Encompass Sexual Orientation," NEW YORK LAW JOURNAL, May 5, 2003;

"Partnership Roles Vary Widely From Firm to Firm," NEW YORK LAW JOURNAL, January 27, 2003;

"Are Law Firm Equity Partners Protected by Discrimination Laws?," NEW YORK LAW JOURNAL, November 19, 2002.

Speaking Engagements:

Panel Member, "Don't Judge a Book By its Cover, National Association for Law Placement, 2016 Annual Education Conference;

Keynote Speaker, "Walking a Tightrope: Partners, Placements and Perils, National Association of Legal Search Consultants," 2010 Fall Symposium;

"How to Maximize Results in Mediation and Arbitration," New York State Bar Association, Dispute Resolution Section and Entertainment, Arts and Sports Law Section Joint Fall Program, October 2010;  
 Featured Author/Speaker on American Bar Association, Law Practice Management Author-Expert CLE Series, October 2010;  
 "Lawyers in Transition: The Legal & Ethical Issues to Consider When Changing Jobs," New York City Bar, July 2010;  
 "The Ethical Considerations When Lawyers Change Jobs," New York State Bar Association, Labor & Employment Law Section, New York City, Annual Meeting, February 2008;  
 "Ethics of Witness Preparation," New York State Bar Association, Section of Commercial and Federal Litigation, New York City, Annual Meeting, January 2008;  
 "Anticipating the Personal Disaster: Why You Should Have A Plan of Action for Your Practice and How To Do It," New York State Bar Association, Labor and Employment Law Section Meeting, Long Boat Key, Florida, March 2006;  
 "The Bottom Line: Fees, Billing and Collections," Westchester Women's Bar Association, White Plains, New York, March 2006;  
 "Law Firm Mergers and Lateral Hires: Managing Conflicts of Interest Risks," Hinshaw's 2006 Legal Malpractice & Risk Management Conference, Chicago, Illinois, March 2006;  
 "Avoiding Liability with Respect to Lateral Partner, Of Counsel and Associate Hiring and Firing," Practising Law Institute, December 2005;  
 "Law Firm Break-Ups, Mergers and Lateral Hiring: Managing the Risks," Hinshaw's 2005 Professional Responsibility and Risk Management Program, New York, New York, October 2005.

**TEACHING:**

Instructor, Pace University Law School New Directions Program, 2009-2010.

**PRESS:**

Has appeared as a guest commentator on legal issues on television and radio shows, including Court TV, Celebrity Justice, The Today Show and Lawline.

<b>Mediation Rate</b>	\$5,000 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	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.