



AAA Mediation.org™

FN-24906 MN-24906 LN-24906, Esq.

Rochester, New York



[View Video](#)

Current Employer-Title Abrams Fensterman LLP – Of Counsel

Panelist Video <https://www.adr.org/videoresume?paramName=345004442>

Professional Summary Previously, litigator with significant experience in labor and employment law. Former chair of the NY State Bar Association's Labor and Employment law section, and the author of Volume 13A of the New York Practice Series, "Employment Law in New York" (1st, 2nd and 3rd editions). Served as mediator and arbitrator and as counsel to a participant in mediation or arbitration, particularly in employment, labor, wage and hour, contract, discrimination and other commercial litigation. Previously qualified in court to testify and have testified as an expert in employment related cases.

Profession Attorney, Labor & Employment Law, Litigation, Commercial, Family Law, Negligence

Work History Of counsel (since 2024)/Attorney and Director of Employment Group, Abrams Fensterman, LLP (formerly Abrams Fenstermann, LLP) 2010 - Present; Boylan Brown Code Vigdor & Wilson LLP, 2007 – 2010; Jaeckle Fleischmann & Mugal LLP, 2005 – 2007; Attorney, Underberg & Kessler, LLP, 1983 – 2005; Prosecutor, Monroe County District Attorney's Office, 1976 – 1983; Assistant Professor Business Law, Monroe Community College, 1990 – 2014.

Experience

- Primarily engaged in the above areas of law.
- Currently focusing practice (90%) on mediation and arbitration.
- Seventy percent (70%) of practice devoted to labor and employment law, primarily representing employers and some employees/plaintiffs.
- Non-compete and restrictive covenants
- Experience with executive CEO contracts and executive severance agreements, including but not limited to benefits issues
- Experience in claims involving questions concerning whether employees were properly treated as contractors in the manufacturing, restaurant and health care industries.
- Experience with ERISA claims.
- Experience with federal and State wage and hours and discrimination claims and with class and collective action claims.
- Experience in NYS labor law whistleblower claims involving health care and other employers.

- Experience with retaliation claims.
- Frequent lecturer in employment law matters and has handled all types of employment related litigation, including discrimination cases, cases under the Fair Labor Standards Act, New York's Labor Law, Defamation and Tort Claims and contract claims.
- Also represented employers in matters related to reductions in workforce.
- Worked with the EEOC, representing both plaintiffs and management and with the New York State Division of Human Rights representing both plaintiffs and management.
- Worked with the NYS Labor Department, representing management, and with OSHA.
- Handled statutory labor disputes relating to New York's wage laws, as well as all types of discrimination claims.
- Advised employers on matters concerning the Family Medical Leave Act.
- Lectured at various workshops and seminars on employment related issues sponsored by Council on Education and Management, Cornell University, School of Industrial and Labor Relations and Monroe County Bar Association.

Mediator Experience

Mediated a variety of cases, including commercial, employment, and matrimonial. Many of the cases mediated have involved discrimination claims, including racial, disability and gender. Several involved contract claims, and several have involved FLSA or wage related claims. Have also been involved with mediations where the issue involved difficulty among employees for one reason or another; several of these cases later involved mediations with supervisors. Also trained in transformative mediation as well.

Representative Issues Handled as a Mediator

Some of the representative issues handled in mediation cases involve: 1) discrimination claims including racial, disability, age, national origin and gender; 2) sexual harassment claims; 3) claims involving discrimination where there is a reduction in force; 4) breach of contract claims, including severance pay and other benefits; 5) breach of contract issues including commission pay; and 6) partnership agreements.

Mediator Style & Process Preferences

I believe strongly in mediation. So long as the parties are invested in it, they feel comfortable with the process and sufficient time is devoted to it, most claims can be mediated to a successful conclusion. Often, communication is the most important part of the process. This may be the first time that one party has told the other about the claim. Providing a safe environment to exchange information builds a foundation upon which a resolution can be built.

Technology Proficiency

Fully proficient; extensive experience in virtual hearings and technology.

Education

Albany Law School (JD, Law Review Notes Editor-1975); University of New York at Albany (BA, Political Science, magna cum laude-1972).

Professional Licenses

Admitted to the Bar: New York (1976), District of Columbia (2008); U.S. District Court: Western (1976), Northern (1976), Southern (2010), Eastern (2010) Districts of New York; U.S. Court of Appeals, Second Circuit (1976); U.S. Supreme Court (1979).

Professional Associations

Former Chair, New York State Bar Association, Labor and Employment Law Section, current member Executive Committee; Member, CLE Committee, New York State Bar Association; New York State Trial Lawyers Association; Greater Rochester Association for Women Attorneys; Monroe County Bar Association (former Trustee); American Bar Association; Fellow, College of Labor and Employment Law.

Recent Publications & Speaking Engagements

EMPLOYMENT LAW IN NEW YORK (3rd ed. 2022); (Vol. 13A West Practice Series); EMPLOYMENT LAW IN NEW YORK, West Publishing, 2001; 2nd series 2010; co-author, Syracuse Law Review Employment Law 2007, 2008 and 2009; co-author, "Tracking Employees Using Technology," ACC DOCKET, 2009; Co-Author, EXPERT WITNESSES: EMPLOYMENT CASES, Thomson West, 2008; co-author, HANDLING EMPLOYMENT DISPUTES IN NEW YORK, Lawyers' Co-operative Publishing Company, 1995; "Family Leave Act Gives New Rights to Employee and Employer," NEW YORK STATE MEDICAL NEWS, November, 1993; "If Worker Sues, Don't Shut 'Open Door,'" ROCHESTER BUSINESS JOURNAL, Oct. 1993; "Employers Must Grapple with AIDS," ROCHESTER BUSINESS JOURNAL, March, 1993; "Penthouse, Harassment and the Law," ROCHESTER BUSINESS MAGAZINE, June 1992; "Courts Examining Rights of Disabled," ROCHESTER BUSINESS JOURNAL, August 1992; "Sexual Harassment Pitfalls for the Unwary Employer," ROCHESTER BUSINESS PROFILES MAGAZINE, February, 1992; "A Reasonable Women Standard," ROCHESTER BUSINESS MAGAZINE, November, 1991,

HANDLING DRUNK DRIVING CASES, Lawyers' Co-operative Publishing Company, 1985;
NEW YORK EMPLOYMENT LAW.

SPEAKING ENGAGEMENTS: Frequent lecturer in employment law matters and at various workshops and seminars on employment related issues sponsored by Council on Education and Management, Cornell University School of Industrial and Labor Relations, and Monroe County Bar Association. Frequent sexual harassment trainings; AAA Bridging the Gap, Employment Arbitration and Mediation (January 2024); LERA, Ethics: Lawyers Serving as Third-Party Neutrals (June, 2024).

Locations Where Parties Will Not be Charged for Travel Expenses	Western New York, including Rochester, Buffalo and Syracuse. Adept at conducting virtual mediation.
Mediation Rate	\$475 Per Hour
Languages	English
Citizenship	United States of America
Locale	Rochester, 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.