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**FN-25166 MN-25166 LN-25166, Esq.**

**New Port Richey, Florida**



**Current Employer-Title** Law Offices of Nicholas J. Taldone - Principal

**Profession** Attorney, Arbitrator, Mediator

**Work History** Principal, Law Offices of Nicholas J. Taldone, 1997-present; President, Taldone International Inc., 1995-1997; Associate, Shanley & Fisher, P.C., 1992-1994; Associate, Epstein Becker & Green P.C., 1989-1992; Director of Human Resources/Senior Counsel, Grand Metropolitan PLC, 1984-1989; Associate, Jackson Lewis Schnitzler & Krupman, 1979-1984.

**Experience**

**EMPLOYMENT**

Over 18 years as an employment law litigator and counselor with emphasis in employee relations and employee benefits. Experienced in all aspects of federal and state employment law and employment litigation, including extensive trial practice before federal and state courts, National Labor Relations Board and Equal Employment Opportunity Commission and Department of Labor. Experience with employment contracts including non-competes and severance agreements. Experience with theft of intellectual property and trade secrets. Experience in wrongful termination, discrimination, retaliation, and harassment disputes under Title VII, Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), Equal Pay Act (EPA), COBRA, ERISA, MEPPA and USERRA, Experience with all aspects of Fair Labor Standards Act (FLSA) disputes including overtime, and minimum wage. Experience with Occupational Safety Health Act (OSHA) Experience with whistleblower issues under Dodd Frank Wall Street Reform Act, Sarbanes Oxley Act and Stark Act. Chief negotiator in private sector collective bargaining and counselor on preventative techniques to avoid liability and litigation. As an inside corporate counsel for a Fortune International 500 company, primary counsel to subsidiaries on a variety of legal issues, particularly labor and employment law.

**CONSUMER**

Over 15 years experience in consumer disputes under consumer protection laws including under Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), and Fair Debt Collection Practices Act (FDCPA).

**ERISA/PENSION**

Experience with disputes alleging breach of fiduciary duty claims involving retirement plans, including misrepresentation or failure to properly disclose by a plan fiduciary and failure to

supervise service providers, experience with ESOP operation and fiduciary duties; experience with disputes regarding payments under stock options and other performance based plans, and with disputes concerning entitlement to disability, pension, death, health and welfare benefits including vacation, PTO and wellness benefits.

Experience with disputes over proper calculation of MEPPA withdrawal liability under MEPPA and Pension Protection Act and amendments, over pension and health and welfare plan contributions to, and over alleged breaches of fiduciary duty with respect to, Taft-Hartley plans. Trustee of Company's 401(k) Plan and Deferred Compensation Plan.

## **Mediator Experience**

Have mediated over 100 cases as a mediator for the U.S. Postal Service, most involving changes in workplace conditions including transfers, demotions, failure to accommodate a claimed disability, harassment, lack of overtime opportunities etc. Another 10 to 20 involved termination issues including failure to reinstate upon return from FMLA leave, termination with and without cause while on probation, and termination for cause. Another three or four involved employee benefit issues involving health care, overtime, and disability or life insurance. Have also mediated over 30 cases for the Equal Employment Opportunity Commission's Tampa office between 1998 and 2001 when they had a pilot mediation program, most involving claims of discrimination in the termination of employment. Have also mediated privately more than 20 employment disputes mostly involving discrimination issues in the termination of employment, but a few involving non-compete and employee benefits issues. Have also mediated five securities disputes involving claims that investors lost money due to improper activities by brokerage firms or the issuers of securities.

## **Representative Issues Handled as a Mediator**

In employment cases mediated with the U.S. Post office, the primary issue has been a claim of changes in working conditions because of some alleged discriminatory motivation. In employment cases mediated in litigation matters, the primary issue has been a claim of employment discrimination in the termination of employment, with the alleged discriminatory reason evenly split between race, sex, age, and disability.

## **Mediator Style & Process Preferences**

I generally take a transformative approach to mediation whereby I believe that a dispute between parties presents opportunities for individuals to change their interactions with each other or at least their perspectives of the other. I try to empower the participants to understand that the mediation is their process wherein they can engage in decision making without some third party (judge or jury) and can learn the other party's perspective. In this respect, I believe the role of the mediator is more of a facilitator than a director of outcomes. On the other hand, I believe that there are some aspects of evaluative mediation that are valuable including the ability to rely of my expertise in substantive areas to engage in position or reality testing with the parties. I try to be directive of the process, i.e. making sure the parties are working hard to at least engage in asking the right questions, as opposed to directive of the outcome, i.e. steering the parties to an outcome I deem appropriate. I view the parties' roles in mediation as active decision-makers in a solution to their dispute. I believe the parties should identify the issues they themselves believe are important in resolving the dispute which often times is not just money.

## **Education**

Albany Law School (JD-1979); State University of New York at Albany (BS-1976).

## **Professional Licenses**

Admitted to the Bar: New York (1980); New Jersey (1983), California (1986), Florida (1997); U.S. District Court: Eastern (1980) and Southern (1980) Districts of New York, Middle District of Florida (1997); U.S. Court of Appeals: Third Circuit (1994); U.S. Supreme Court (1986).

## **Professional Associations**

American Bar Association(1980-2000); California Bar Association; New York Bar Association(1980-1996); New Jersey Bar Association(1980-1999); Florida Bar Association, Public Investors Arbitration Bar Association(2003-2012).

## **Recent Publications & Speaking Engagements**

Co-author, EMPLOYEE BENEFITS LAW, Supplement, 1994; "Techniques to Prevent Liability for Employee Benefit Plans," CORPORATE COUNSEL'S QUARTERLY, 1994; "Ten Recommendations on Hiring Practices Under the New Disabilities Law," CORPORATE COUNSEL'S QUARTERLY, 1993; "Is the New Jersey Family Leave Law Preempted by ERISA?" NEW JERSEY LAW JOURNAL, 1990; editor-in-chief, NEWSLETTER OF THE NEW JERSEY STATE BAR ASSOCIATION, Labor and Employment Law Section, 1987-89; "Preemption of Wrongful Discharge Claims of Union Employees," EMPLOYEE RELATIONS LAW JOURNAL, 1986; "The Prevailing Wage Law: Problems for Public Contractors Prevail," NEW YORK STATE BAR JOURNAL, 1985; "Preventive Labor Relations in the Telephone Industry," TELEPHONY,

1984; "Exclusion of Unionized Employees from Retirement Plans," NATIONAL LAW JOURNAL, 1983.

<b>Mediation Rate</b>	\$250 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	New Port Richey, FL

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.