



AAA Mediation.org™

**FN-25261 MN-25261 LN-25261, Esq.**

**New Rochelle, New York**



**Current Employer-Title** Feliu Neutral Services, LLC – Principal

**Profession** Attorney - Employment, Commercial, and ADR Law

**Work History** Principal, Feliu Neutral Services LLC, 2016 – Present; Equal Employment Opportunity (EEO) Officer, Port of New York and New Jersey, 2005 – Present; Founding Partner, Vandenberg & Feliu LLP, 1998 – 2016; Partner, Paul Hastings, 1991 – 1998; Associate, Paul Hastings, 1987 – 1991; Associate, Finley Kumble Wagner et al, 1985 – 1987; Associate, Benatar Isaacs Bernstein & Schair, 1984 – 1985; Law Clerk to Honorable Nina Gershon Magistrate Judge, Southern District of New York, 1982 – 1984; Legal Research Associate, Educational Fund for Individual Rights, 1981 – 1982.

**Experience** For almost 40 years has represented individuals and businesses in all aspects of employment and commercial disputes in broad range of contractual and commercial settings.

Commercial: Mediated or arbitrated variety of commercial disputes in a wide expanse of settings and industries. Representative claims in the commercial setting arbitrated to an award include: general breach of contract disputes in the commercial setting; sports contractual disputes; breach of fiduciary duty; partnership disputes; fraud and fraud in the inducement; business torts; misappropriation of corporate assets; conversion; shareholder disputes in privately-held corporate setting; minority shareholder disputes; stock, stock option, and stock vesting and valuation disputes; consulting and independent contractor disputes; real estate lease disputes; tortious interference; negligence; and, legal malpractice.

Employment: Mediated or arbitrated several hundred employment disputes since 1996. Subject matters include: discrimination, harassment, and retaliation claims under all major federal legislation and a number of state and local laws; FLSA and state wage and hour claims; breach of employment contracts; executive and employee compensation and benefit claims, including severance, commission, stock valuation, and change of control claims; post-employment restrictions, including non-compete, non-solicitation, confidentiality obligations; defamation; breach of duty of loyalty and fiduciary duty; pension/ERISA; whistleblower; FMLA, and; fraud and fraudulent inducement. Class action experience as practitioner, arbitrator, and mediator, including FLSA collective actions and state law class actions.

Adjunct Professor, Manhattanville College, Graduate School of Professional Studies, 2013 –

Present; St. John's University School of Law, 2000 – 2001.

## **Mediator Experience**

Appointed to AAA's Master Mediator Panel. Have mediated broad variety of cases over 30+ years of service as mediator raising such issues as, by way of example only: wage and hour claims, including FLSA collective actions (including over 125 individuals mediations for a decertified class); discrimination, civil rights, and, retaliation complaints; harassment based on sex or other protected categories; general commercial matters; breach of partnership and employment agreements; restrictive covenant disputes; class and collective action matters; executive compensation and benefits disputes; post-termination restrictions; wrongful discharge claims, and; employee benefits or ERISA claims.

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

Mediated over 30+ years broad range of breach of employment and commercial contracts and partnership disputes, including: disputes involving limitations on post-employment activities; breach of fiduciary duty and duty of loyalty claims; class and collective actions; allegations of discrimination and harassment based on sex, sexual orientation, age, race, national origin, religion and other protected categories; retaliation and whistleblower claims; breach of executive and employment contracts; executive compensation disputes, including stock option and stock valuation disputes, and; common law claims such as defamation, tortious interference, and negligence. The executive compensation cases have generally involved high-level executives' claims under incentive compensation and stock plans and stock option agreements. The breach of contract cases often raise disputes over whether termination was for cause or was on a no-cause basis. Post-termination restrictions have generally involved alleged violations of non-competition or non-solicitation agreements and provisions. Has also mediated FLSA collective action cases, including misclassification and off-the-clock claim

## **Mediator Style & Process Preferences**

One of my greatest strengths is the breadth and variety of my experience. I represented management clients as a partner in a major international law firm; I represented both individuals and management for about 20 years as the founding partner of my own firm; I have been a mediator for over 30 years and an arbitrator since 1996. I bring to every mediation my varied and balanced experiences and perspectives. When appropriate, I am comfortable offering my perspectives on the issues facing the parties in the mediation. I endeavor to create an atmosphere in which the parties can work through their issues honestly and without fear of repercussion. When the parties are making good progress in the resolution of their dispute, I am comfortable in simply facilitating their discussions and in monitoring their progress. In contrast, when the parties' progress has slowed or is non-existent, I am comfortable interceding in whatever manner suits the circumstances. This can involve, for example, reality-testing, role-playing, challenging the merits of the parties' positions. In the latter case, I do this with circumspection and generally when the parties' invite such intervention. In sum, a successful mediation from my perspective is one in which an amicable resolution is reached with only that amount of intervention on my part as is required to bring the parties to the point that they can resolve the dispute on their own terms.

## **Technology Proficiency**

Comfortable conducting virtual mediations on Zoom platform

## **Education**

Columbia University (JD-1981); Columbia College (BA-1978).

## **Professional Licenses**

Admitted to the Bar: New York, 1982; various federal appellate and district courts; U.S. Supreme Court, 1999.

## **Professional Associations**

New York State Bar Association (Labor and Employment Law Section, Past Chair, current Executive Committee Member; Dispute Resolution Section); Fellow, College of Commercial Arbitrators; American Bar Association (Litigation and Labor & Employment Law Sections); Fellow, College of Labor & Employment Lawyers.

## **Recent Publications & Speaking Engagements**

CCA 2022 Annual Meeting, "Unconscionability in Arbitration Setting"; AAA 2023 Webinar: "Developments in Multiple Case Filings/Class Arbitrations"; Editor of ADR IN EMPLOYMENT, Bloomberg/BNA (publication date Winter 2014); Co-author/editor, RESOLVING EMPLOYMENT DISPUTES WITHOUT LITIGATION, BNA Books, 1988. Author, PRIMER ON INDIVIDUAL EMPLOYEE RIGHTS, 2nd ed., BNA Books, 1996; New York Chapter Editor for the following BNA Books: COVENANTS NOT TO COMPETE (2000--present), EMPLOYEE DUTY OF LOYALTY (2000-present), TRADE SECRETS (2000-2013), AND TORTIOUS INTERFERENCE WITH CONTRACT (2006-2012); Editor-in-chief, NEW YORK EMPLOYMENT LAW AND PRACTICE, published by New York Law Journal and American Law Media, 1999-2004; "Class

Action Arbitration", CPR RESOURCE BOOK FOR MANAGING EMPLOYMENT DISPUTES (CPR 2004); co-editor, NEGLIGENCE IN EMPLOYMENT LAW, BNA Books, 2002; "Evidence in Arbitration: A Guide for Litigators", HANDBOOK ON COMMERCIAL LITIGATION, AAA/Juris (2010); "Discovery in Arbitration: How Much is Enough," HANDBOOK ON COMMERCIAL LITIGATION, AAA/Juris (2010); co-author, "The Role of 'Sex' in Same-Sex Harassment Claims," EMPLOYEE RELATIONS LAW JOURNAL, vol. 21, no. 4, Spring 1996; "Workplace Violence and the Duty of Care: The Scope of an Employer's Obligation to Protect Against the Violent Employee," EMPLOYEE RELATIONS LAW JOURNAL, vol. 20, no. 3, Winter 1995; founder and former Managing Editor of Paul Hastings' NEW YORK HUMAN RIGHTS LAW AND PRACTICE BULLETIN, 1995-98.

**Locations Where Parties Will Not be Charged for Travel Expenses** Greater New York City area.

**Mediation Rate** \$700 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** New Rochelle, 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.