



AAA Mediation.org™

**FN-2604436 MN-2604436 LN-2604436,
Esq.**

Westbrook, Connecticut



Current Employer-Title Gordon ADR, LLC - Principal

Profession Attorney, Arbitrator, Mediator, Retired Judge, Consultant

Work History Principal, Gordon ADR, LLC, 2011-present; Superior Court Judge, State of Connecticut, 1988-2011; Partner, Cohen and Gordon, 1985-1988; Attorney, Raymond A. Garcia and Associates, 1983-1985.

Experience Twenty three years as a Superior Court judge. Decided, mediated or assisted with settlement in every type of dispute, from business, commercial construction, employment, environmental, and insurance coverage matters to professional malpractice, personal injury, product liability, estate, municipal, and family cases. Cases included complex and highly contentious disputes, as well as multi-party litigation. In 1993, was first Connecticut judge to become a 40 hour trained mediator. Served as Court Annexed Mediator since 1995. Taught "Mediation Skills for Judges" as well as many other courses on mediation, settlement, and case management to judges. Developed case, trial, and discovery management procedures for state-wide use.

During the course of career, has adjudicated and mediated dozens of employment issues. They have included defamation cases brought by employees against employers, as well as wrongful termination, sexual harassment, discrimination, invasion of privacy, and whistle blower claims. Cases have involved both the public and private sector. Has also handled cases involving tenure disputes, non-compete agreements, trade secrets and executive compensation claims. In a case of first impression, interpreted the Connecticut Teachers Negotiation Act. Approved neutral for the State of Connecticut, Office of Labor Relations.

As an attorney, practiced law in state and federal courts, representing individuals in family, business and personal injury disputes; acted as trial counsel for the City of New Haven in civil rights, construction, employment and personal injury cases.

Taught trial advocacy skills for state and local bar groups and National Institute for Trial Advocacy.

Clinical Instructor of Law at The Yale Law School.

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| Mediator Experience | Mediated several business dissolutions including: a clothing manufacturing concern; private equity firm; publishing business; medical practice; joint venture with foreign manufacturers; beauty supply business; and company with multi-million dollar licensing agreements. Mediated several construction disputes including: owners and contractors; contractors and subcontractors; owners, contractors and architects. Mediated several multi-million dollar personal injury claims, including: medical malpractice; product liability claims between manufacturers, distributors and users; gas explosions and electrical fires which involved utility companies, insurance and reinsurance companies; fatal railroad accident. Mediated several premises liability claims including assaults in apartment buildings, universities, and restaurants. Mediated several civil sexual assault claims made by minors against family members. Mediated several premises liability claims among owners, management companies and subcontractors. Mediated several employment cases including: claims of wrongful termination, non-compete agreements, theft of trade secrets. Mediated property division in many high asset divorces (up to \$500 million) which included: art collections, real estate holdings, professional practices, trust assets, executive compensation plans, and closely held businesses. Mediated several contested wills among family members. Mediated several land use matters including: three easement disputes, neighbor opposition to a gravel pit, and boundary disputes. In 23 years as a judge, facilitated settlement in thousands of cases including multi-party litigation. |
| Representative Issues Handled as a Mediator | <p>In construction cases, issues included damages for delay, design errors, failure to perform, apportionment, and indemnification.</p> <p>In personal injury cases, issues included liability, damages, apportionment, and indemnification.</p> <p>In estate cases issues, included undue influence and breach of fiduciary duty.</p> <p>In employment cases, issues included wrongful discharge, sex discrimination, whistleblower protection, non-compete agreements, and theft of trade secrets.</p> <p>In business cases, issues included contributions to business, valuation, breach of fiduciary duty, non-compete clauses, and executive compensation.</p> <p>In property cases, issues included valuation, taxation, and legal and equitable ownership.</p> <p>In land use matters, issues included existence and overburdening of easements, environmental damage, and boundary dispute.</p> |
| Mediator Style & Process Preferences | <p>Mediation should allow parties to voice their interests and actively participate in the outcome of their cases. This active role makes mediation a more satisfactory experience for clients and their lawyers. Mediation should focus on problem solving and move beyond the rigid rules and limited remedies of litigation.</p> <p>Based on my years of experience as a judge, I am a careful and empathetic listener. My questioning technique allows participants to feel that they are being understood, while at the same time, illuminating alternatives, and facilitating progress.</p> <p>I am very comfortable with facilitative mediation. However, when called upon, I am prepared to take on the role of an evaluative mediator.</p> |
| Technology Proficiency | Conducts all matters remotely. |
| Education | Northwestern University (BS, with honors-1971); University of Connecticut School of Law (JD, with high honors-1976) |
| Professional Licenses | Admitted to the Bar: Connecticut, 1976; U.S. District Court, Connecticut, 1977; U.S. Court of Appeals, Second Circuit, 1982. |
| Professional Associations | Connecticut Bar Association; Connecticut Bar Foundation (Charter Fellow); New Haven County Bar Association; Middlesex County Bar Association. |
| Recent Publications & Speaking Engagements | Speaking Engagements: NELA Convention, "Case Evaluation During Mediation" Atlanta, 2015; Osgoode Law School, "Strategies for Advanced Mediators" Toronto, 2015; "Connecticut Complex Litigation Dockets", Hartford County Bar Association, 2011; "Ethics, Professionalism and Advocacy", Connecticut Bar Association, 2007, 2009, 2011; "Arbitration and Mediation Advocacy", Connecticut Bar Association, 2011; Video: "Putting Children First", Connecticut Judicial Branch, 2009. |
| Mediation Rate | \$6,000 Per Day |

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| Languages | English |
| Citizenship | United States of America |
| Locale | Westbrook, CT |

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.