



AAA Mediation.org™

**FN-2648260 MN-2648260 LN-2648260,  
Esq.**

Denver, Colorado

**Current Employer-Title** Benezra & Culver, P.C. - Partner

**Profession** Attorney, Law Professor

**Work History** Partner, Benezra & Culver, P.C., 1994 - Present; Shareholder and Associate, Feiger, Collison & Killmer, P.C., 1992 - 1994; Associate, Rudy & Zieff, P.C., 1990 - 1992; Deputy State Public Defender, Colorado State Public Defender, 1985 - 1990.

**Experience** Practice emphasizes representation of plaintiffs and defendants in all types of employment disputes including all forms of employment discrimination and retaliation (Title VII, the Age Discrimination in Employment Act, the Americans with Disability Act, 42 U.S.C. 1983, 42 U.S.C. 1981, the Fair Labor Standards Act), other statutory claims, whistle blowing, Sarbanes-Oxley, trade secret, covenant not to compete, handbook, and common law and judicially created claims. Successfully tried numerous employment law issues through jury trial in federal and state district court and successfully arbitrated and mediated hundreds of employment law cases.

Representative cases on behalf of Plaintiffs have included: Vaszlavik, et al. v. StorageTek, a collective age action case which settled for 5 million dollars; Doe v. Lucent Technologies, Inc., a gender and age discrimination case which resulted in a jury verdict of approximately 1.5 million dollars for the Plaintiff; Drake v. TalMor Capital Management, LLC, which resulted in a fraud judgment of 1.9 million dollars for the Plaintiff; Wilson v. Alamosa School District, a disability discrimination case which resulted in a jury award of \$400,000 compensatory damages award for the Plaintiff; Carr v. Morgan School District, which resulted in a jury award of significant award of emotional distress damages and approximately \$200,000 in attorneys' fees, Langelly v. Adams County, which resulted in a jury verdict of approximately 1 million dollars, plus numerous other cases.

Has defended numerous private employers and non-profits in breach of employment contract, covenants not to compete, employment discrimination and related matters.

Served as an expert witness for the plaintiff and for the defense in unlawful retaliation, sexual harassment, ERISA and legal malpractice cases and has served as a consultant for employers on a variety of issues.

Taught Employment Law as Adjunct Professor, University of Denver College of Law, 1998-2002.

**Mediator Experience** Mediated all forms of employment disputes including employment discrimination and retaliation, breach of employment contract, trade secret, covenants not to compete, and a variety of common law and statutory claims. Handled hundreds of Title VII (race, gender including sexual harassment, national origin, equal pay, pregnancy discrimination and unlawful retaliation), Age Discrimination in Employment Act ("ADEA"), the Americans with Disabilities Act ("ADA"), 42 USC Section 1983 and 1981 claims, public sector litigation including MSPB cases, wage claims under the Fair Labor Standards Act ("FLSA") and state law, Sarbanes-Oxley, False Claims Act ("FCA"), ERISA

and state whistleblower claims, most of which have resolved through mediation. Additionally, have mediated attorney-client fee disputes.

**Representative Issues  
Handled as a Mediator**

Representative issues include: employment discrimination and unlawful retaliation under federal and state civil rights statutes, wrongful termination, breach of contract, trade secret, covenants not to compete, non-solicitation agreements, and fee disputes.

**Mediator Style & Process  
Preferences**

I believe extraordinary preparation is one of the keys to an effective mediation. I work to be as knowledgeable and prepared about the case or controversy and the parties and their counsel as possible. To that end, I encourage the parties to prepare extensively and to provide thorough, detailed materials in advance. Hard work, strong communication abilities with the parties and their counsel, tenacity, creativity and persistence (or some combination of the above) are the key to resolution. Settlement is generally always preferable to trial.

**Education**

University of Colorado Boulder (JD-1983; Articles Editor, Colorado Law Review); Stanford University (BA, with distinction-1980).

**Professional Licenses**

Admitted to Bar: Colorado (1983), California (1989); U.S. District Court: Colorado (1992), Northern District of California (1991), Eastern District of Wisconsin; U.S. Court of Appeals, Ninth (1991) and Tenth (1992) Circuits; U.S. Supreme Court, 1997.

**Professional Associations**

American Bar Association (Labor and Employment Law Division); Colorado Bar Association (Board of Governors, 2004 – 2007); Boulder County Bar Association (President, 2002-2003); Association of Trial Lawyers of America; National Employment Lawyer's Association; Plaintiff's Employment Lawyers' Association.

**Recent Publications &  
Speaking Engagements**

PUBLICATIONS:

Colorado Employment Law Practitioners' Handbook, Chapter on Public Employers, 2011, 2012

Colorado Supreme Court Holds that the Colorado Anti-Discrimination Act is not the Exclusive Remedy for Employment Related Discrimination; Brooke v. Restaurant Services, Inc., 906 P.2d 66 (Colo. 1995), Trial Talk, v. 45, I. 6, June 1996.

SPEAKING ENGAGEMENTS:

Recent Developments in the Law of Arbitration, United States Supreme Court and Circuit Courts of Appeal Decisions, 2012-2014, Colorado Bar Association, Employment Law Annual Fall Conference, September, 2013.

Off-Duty Conduct Under the Colorado Lawful Off-Duty, Off-Premises Statute; the New EEOC Guidelines re Arrests and Background Checks, Colorado Bar Association, Employment Law Annual Conference, April 2013.

The ADAAA; Recent Experiences in Trying a Reasonable Accommodation Case, Colorado Plaintiff's Employment Law Association, Annual Conference, August 2012.

Workplace Privacy, Employment Law Conference, Colorado Bar Association, May 2011

ADA Amendments Act of 2009, Boulder County Bar Association, September 2010

Law and Justice Program, Employment Law, Boulder Channel 8, August 2010

Labor and Employment Law Update, Recent Significant Decisions, National Business Institute, Denver, Colorado, November 2006

More Recent Significant Developments in Employment Law, Boulder County Bar Association, Employment Law Section, May 2006

Employment Handbooks/Personnel Manuals and Personnel Policies, Lorman Education Services, October 2004

The False Claims Act: The Statute and Procedural Requirements, November 2003

Colorado Trial Lawyers Association (“CTLA”) Program Chair, Employment Law, August 2000

False Claims Act: Claims, Procedures and Remedies - Plaintiff’s Perspective, Institute for Advanced Legal Studies, University of Denver College of Law, May 1998

CTLA Summer Conference, “Emerging Issues Under Americans with Disabilities Act,” August 1996

Boulder County Employment Law Section, “The Teeth of ‘FLSA’; Attorney’s Fees; the Anti-Retaliation and Collective Action Provisions,” November 1995

“Van Osdol v. United Churches of Religious Science; Title VII and the First Amendment at the Crossroads,” Colorado Bar Association, Labor Law Committee, October 1994.

<b>Mediation Rate</b>	\$350 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Denver, CO

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.