



AAA Mediation.org™

**FN-2703702 MN-2703702 LN-2703702,  
Esq.**

**Huntingdon Valley, Pennsylvania**



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**Current Employer-Title** Semanoff Ormsby Greenberg & Torchia, LLC, Attorney/Member

**Panelist Video** <https://www.adr.org/videoresume?paramName=272780719>

**Work History** Semanoff Ormsby Greenberg & Torchia, LLC, Attorney/Member 2016-Present; Pepper Hamilton LLP, Attorney/Partner, 2004 - 2015; Flamm, Boroff & Bacine, P.C., Attorney/Shareholder, 1996 - 2004; Clark, Ladner, Fortenbaugh & Young, Attorney/Partner, 1988 - 1996; Pennsylvania Truck Lines, Inc., Director of Labor/Corporate Counsel, 1986 - 1988

**Experience** Former Partner with Pepper Hamilton LLP, practicing in New Jersey and Pennsylvania. Represents management in all areas of employment law and labor relations. Prior experience includes representations of both plaintiffs and defendants in the employment law area, with many jury verdicts for both plaintiffs and defendants.

Practice includes counseling clients on human resource issues, including discipline, hiring, firing and better productivity through employee relations. Also advises clients regularly on the FLSA and state wage and hour issues and the development and enforcement of confidentiality, non-competition, severance and release agreements.

Handled numerous cases through trial and appeal concerning employment contracts and FLSA issues and in the discrimination area, including race, sex, age, disability and religious discrimination matters. Has represented employers before the Equal Employment Opportunity Commission, the New Jersey Division on Civil Rights, the Pennsylvania Human Relations Commission and other state agencies throughout the country. Also has handled many matters in the enforcement or defense of non-competition/non-solicitation/non-disclosure clauses in many states, including New Jersey and Pennsylvania.

In the labor law area, had assisted management in dealing with unions in collective bargaining negotiations, arbitrations, unfair labor practice proceedings, mass picketing and other injunction

actions, union elections and de-certifications in the public and private sectors.

Represented employers ranging from small businesses to large corporations with multiple facilities and spanning a number of industries, including trucking, construction, manufacturing, graphics, computer, restaurant, clothing and health care.

Certified by the New Jersey Association of Professional Mediators and is a New Jersey Superior Court Rule 1:40 qualified mediator included on the roster of court-approved mediators and also has handled federal court mediations in Pennsylvania and New Jersey as well as private matters between parties upon request.

## **Mediator Experience**

Mediated numerous employment and commercial cases between individuals and employers, large and small, that involved discrimination on the basis of all protected classes, including age, race, disability, religion, gender and national origin, as well as sexual harassment, hostile work environment, whistleblowing, wrongful discharge, breach of contract and common law torts such as intentional infliction of emotional distress, intentional interference with business relations, breach of fiduciary duty and related claims. These cases originate from a variety of industries including retail, banking, construction, manufacturing, graphic arts, transportation, printing, restaurant and healthcare. Amounts in dispute range from tens of thousands of U.S. dollars to several million U.S. dollars in cases filed in state and federal court and with administrative agencies throughout the country.

In the labor relations field, has handled union/management disputes in a variety of industries including transportation, trucking, manufacturing, food processing, bakery, and construction on issues relating to absenteeism, conduct, demotion, discipline, discharge, discrimination, fringe benefits (holidays, leave, vacation), layoffs, management rights, past practice, strikes, subcontracting and other issues.

Handled cases involving multiple plaintiffs (up to four or more) and multiple defendants (five or more) involving systemic discrimination, classification of employees (versus Independent Contractors), default under loan agreements between borrowers and banking institutions, failure to pay wages and overtime, reduction-in-force and layoffs.

Mediated over one hundred cases for over a decade in a variety of forums.

Involved in numerous mediations as an Advocate in state and federal court cases in Pennsylvania, New Jersey, California, New York, Illinois, Delaware and Maryland; as well as the U.S. Court of Appeals for the Third Circuit. These cases have ranged from tens of thousands of U.S. dollars through several million U.S. dollars. The types of cases include discrimination cases concerning all protected classes and activities, including age, race, disability, religion, gender, national origin, whistleblowing, wrongful discharge, hostile work environment and sexual harassment, cases involving intentional infliction of emotional distress, defamation, intentional interference with business relations, trade secrets, breach of contract, breach of fiduciary duty, failure to pay wages and overtime, negligence, non-competition and non-solicitation, absenteeism, discharge and discipline, benefits including holiday and vacation pay, layoffs, management rights, strikes and subcontracting. These cases reflect issues governed by the Age Discrimination in Employment Act (ADEA), the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Fair Labor Standards Act (FLSA), the Employee Retirement Income Security Act (ERISA), state statutes like the New Jersey Law Against Discrimination (NJLAD), the Pennsylvania Human Relations Act (PHRA), the New Jersey Conscientious Employee Protection Act (CEPA), the California Family Rights Act (CFRA), the California Fair Employment and Housing Act (FEHA), Wage and Hour laws, state common law, and Landlord/Tenant disputes.

Mediation references include the following:

Ari R. Karpf, Esq. - [akarpf@karpf-law.com](mailto:akarpf@karpf-law.com) - 215.639.0801

Lawrence Berg, Esq. - [lberg@mdwgc.com](mailto:lberg@mdwgc.com) - 856.414.6000

Deborah Mains, Esq. - [dmains@costellomains.com](mailto:dmains@costellomains.com) - 856.727.9700.

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

Handled discrimination cases concerning all protected classes and activities, including age, race, disability, religion, gender, national origin, whistleblowing, wrongful discharge, hostile work environment and sexual harassment, cases involving intentional infliction of emotional distress,

defamation, intentional interference with business relations, trade secrets, breach of contract, breach of fiduciary duty, failure to pay wages and overtime, negligence, non-competition and non-solicitation, absenteeism, discharge and discipline, benefits including holiday and vacation pay, layoffs, management rights, strikes and subcontracting. These cases reflect issues governed by federal and state statutes, including the Age Discrimination in Employment Act (ADEA), the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Fair Labor Standards Act (FLSA), the Employee Retirement Income Security Act (ERISA), state statutes like the New Jersey Law Against Discrimination (NJLAD), the Pennsylvania Human Relations Act (PHRA), the New Jersey Conscientious Employee Protection Act (CEPA), Wage and Hour laws, state common law, and Landlord/Tenant disputes under Philadelphia/Pennsylvania law.

## **Mediator Style & Process Preferences**

Mediation is the process whereby the parties themselves fashion the resolution of a dispute rather than have a judge, arbitrator or jury unilaterally impose a “just result” upon them. Parties mediate voluntarily and as such it is a consensual and private process. Mediation is informal in the sense that it is not governed by a strict set of rules, like the rules of evidence in a courtroom, but by the parties’ willingness to discuss a broad range of issues that each of them determine is relevant to the dispute between them.

The mediation process should be structured to be fair and impartial and confidentiality is the keystone of that structure. When in caucus, the parties should feel confident and comfortable to disclose to the mediator whatever information they consider relevant to each of their positions. Some of that information may be authorized for disclosure to the other party or parties, but an environment that is conducive to a free flowing exchange will allow the neutral to understand where a party is coming from, and where it needs to go to achieve a satisfactory resolution. An accomplished mediator will help the parties view a dispute through the other’s eyes, to “step into the other’s shoes” when considering the respective issues. Many mediators claim they use only a “facilitative” approach and would never impose an “evaluative” process on parties, essentially offering a solution that is the mediator’s view and not one advanced by the parties. Mr. Spada believes that an inflexible, rigid approach is not conducive to achieving resolution in a mediation, rather, the mediator should be guided by the parties and the flow of the process itself. There are times when the parties will seek the mediator’s opinions and ask for an “evaluation” of the dispute. It may be appropriate under certain circumstances to provide one but the mediator’s evaluation must be based on a melding of the parties’ positions, using the facts provided and the issues discussed, to develop a thoughtful and impartial suggestion to help the parties break through an impasse that exists or is on the horizon. Nevertheless, however the process is administered, it should seek a resolution that the parties are comfortable with and that they essentially craft themselves.

Emotions always play a part in any dispute as the parties have reached the mediation stage because they each feel strongly about their respective positions. A mediator’s task is to use the process to dissipate those emotions, allowing the parties to speak to the neutral freely, to “speak their mind” in a caucus, but to make sure that emotions do not cloud reality and the spirit of compromise that is necessary to achieve a resolution satisfactory to each party.

## **Education**

Temple University (JD-1986); University of Pennsylvania - Wharton School (BBA-1982).

## **Professional Licenses**

Admitted to the Bar: New Jersey (1987), Pennsylvania (1986).

## **Professional Associations**

American Bar Association  
Mercer County Bar Association  
New Jersey Association of Professional Mediators  
Pennsylvania Bar Association.

## **Recent Publications & Speaking Engagements**

Recent speaking engagements include:  
-“Workplace Investigations: A Practitioner's View,” Pennsylvania Bar Institute, Philadelphia, PA (July 31, 2014)  
-“Legal Update for HR Professionals,” Greater Princeton Human Resources Association (April 10, 2014)  
-“Hot Topics in Employment Law,” Human Resources Management Association (January 30, 2013 and January 27, 2012)  
-“Medical Marijuana in the Workplace,” Dom Giordano Show, CBS Philly Radio (January 25, 2012)  
-“Made in Pennsylvania: Manufacturing Your Future/Manufacturing and Wholesale Distribution

Industry Summit,” 2011 McGladrey Manufacturing and Distribution Executive Summits (September 14, 2011).

Publications include:

- “Mailing of FMLA Notices Not Sufficient to Overcome Denial of Receipt by Employee,” pepper@work (August 20, 2014)
- “Third Circuit Successor Liability Exists Under the Fair Labor Standards Act,” The HR Specialist (June 2014)
- “NLRB Focuses on Employers’ Internal Investigations,” The HR Specialist (November 2012)
- “NLRB Clamps Down on Internal Investigation Confidentiality,” Business Management Daily (November 2, 2012)
- “Medical Marijuana in Pennsylvania,” The HR Specialist (March 2012)
- “Medical Marijuana and the N.J. Workplace,” New Jersey Law Journal (November 7, 2011)
- “Employers Should Beware of the Genetic Information Nondiscrimination Act When Administering the FMLA,” The HR Specialist (March 2011)

<b>Mediation Rate</b>	\$440 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Huntingdon Valley, PA

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.