



AAA Mediation.org™

## **FN-28029 MN-28029 LN-28029, Esq.**

Phoenix, Arizona

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**Current Employer-Title** Schleier Law Offices, P.C. – Shareholder

**Panelist Video** <https://www.adr.org/videoresume?paramName=294114810>

**Profession** Attorney

**Work History** Shareholder, Schleier Law Offices P.C. (formerly Schleier, Jellison & Schleier, P.C.), 1997 – Present; Shareholder, Schleier & Engle, P.C., 1989 – 1996; Shareholder, Tod F. Schleier P.C., 1982 – 1989; Attorney, Sternberg Sternberg Rubin & Schleier, 1976 – 1982.

**Experience** More than 42 years' experience representing clients in all types of complex employment law cases involving the public and private sector. Have practiced law in Phoenix, Arizona for 47 years. The following are Representative Employment Litigation Cases handled over the past four decades:

\* Sexual Harassment: Handled hundreds of sexual harassment cases which included one of the largest plaintiff's verdict in the area of sexual harassment in the State of Arizona which reached the Arizona Supreme Court and established landmark legal principles for vicarious liability of employers for sexual harassment by supervisors.

\* Discrimination: Represented employees in virtually every type of discrimination claim under federal statutes such as Title VII, the ADEA, ADA, FMLA.

\* Retaliation: Have handled hundreds of cases on behalf of private and public employees who engage in protected activity and whistleblowing and suffer adverse employment action under various employment statutes, the First Amendment and under the False Claims Act. Received one of the largest retaliation verdicts for retaliation in the State of Arizona which also established the legal principles governing retaliation under Arizona common law.

\* Non-Compete Covenants: Extensive experience with non-compete, non-solicitation and misappropriation of trade secrets cases.

\* Employment-Related Business Torts: Represented employees and employers in cases involving claims of unfair competition, misrepresentation, tortious interference with contract or prospective advantage, breach of the covenant of good faith and fair dealing, fraud and fraudulent inducement.

\* Wage and Hour Cases: Extensive experience with wage and hour cases under federal and state statutes including the FLSA and the Arizona Wage Act. These cases include minimum wage, overtime claims and litigation of executive employment contract disputes. Successfully resolved a 10 year old wage and hour case involving 11,000 class members which had been appealed to the Ninth Circuit twice. The case was resolved at mediation in seven hours.

**Mediator Experience** Have served as a neutral as a mediator in approximately 360 employment cases involving the public

and private sectors. These cases are typically six or seven figure cases. They have involved contract claims, sexual harassment and discrimination matters, retaliation and whistleblowing claims and wage and hour individual and collective actions. Have resolved 331 of those mediations. These cases involved virtually every kind of employment litigation described above as part of practice of employment law.

Have also served as the sole arbitrator and as an arbitration panel member in approximately 50 employment and discrimination disputes.

Representative Issues Handled as an Arbitrator and Mediator:

- \* Sexual harassment cases ranging from hostile work environment to sexual assaults by supervisors against subordinate employees
- \* All types of discrimination claims under various federal statutes including age, race, national origin, and disability discrimination
- \* Wage and Hour individual and collective actions for minimum wage and overtime compensation, as well as state law treble damage wage actions
- \* Disputes involving monies due at termination to executives including a disputes involving a \$5,000,000 promise at retirement
- \* Cases involving the enforceability of covenants not to compete and non-solicitation provisions in employment contracts

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

Issues have included the following: sexual harassment and constructive discharge claims by female employees against public and private employers involving allegations of hostile work environment; age discrimination claims against several private employers in connection with reductions in force; claims for breach of contract against large employers by executives claiming that they were terminated in violation of their employment agreements containing "cause," severance and change of control provisions; public policy tort claims against several Phoenix employers involving whistleblowing; retaliation claims under Title VII against both public and private employers; post-employment covenants not to compete and alleged theft of trade secrets; race, national origin and disability claims involving Title VII and the ADA.

## **Mediator Style & Process Preferences**

I require the parties to provide comprehensive pre-mediation memoranda to permit me to become familiar with the key legal and factual issues and prior settlement negotiations, which I study extensively. I try to develop a rapport with the parties by listening carefully to the parties and constantly serving as the "devils advocate," raising possibilities and factual scenarios offered by the opposing party and by me. I discuss reasonable settlement ranges with the parties based upon my experience as an employment litigator and mediator. I pursue settlement very aggressively and with the permission of the parties, will make suggestions as to the ranges of settlement and will make a mediator's proposal if the parties request it. In the rare instances where cases do not resolve, I do ask the parties to adjourn, consider what has occurred during the mediation and then follow up in a few days in an attempt to resolve the case.

## **Education**

Arizona State University (JD, Law Review-1973); Brown University (BA, with honors, magna cum laude, Phi Beta Kappa-1973).

## **Professional Licenses**

Admitted to the Bar: Arizona, 1976; U.S. District Court: District of Arizona, 1976; U.S. Court of Appeals: Ninth Circuit, 1976; U.S. Supreme Court, 1998.

## **Professional Associations**

Fellow, American College of Trial Lawyers (2013); Arizona Trial Lawyers Association; National Employment Lawyers Association; The College of Labor and Employment Lawyers (Fellow - 2001); Arizona Employment Lawyers Association.

## **Recent Publications & Speaking Engagements**

Author, DEPOSING AND EXAMINING EMPLOYMENT WITNESSES, James Publishing Company, October 2007. Presenter at multiple seminars and conferences on topics of wrongful discharge litigation, sexual harassment, discrimination, and retaliation claims to public entities, bar associations (including American Bar Association Mid-Winter Employment and Civil Rights Conference 2002, DRI Employment Law Seminar 2011), and private organizations for the past 20 years.

## **Mediation Rate**

\$600 Per Hour

<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Phoenix, AZ

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.