



AAA Mediation.org™

**FN-28618 MN-28618 LN-28618, Jr.,
Esq.**

Bridgeport, West Virginia



Current Employer-Title	Steptoe & Johnson PLLC - Member
Profession	Attorney at Law, Arbitrator, and Mediator
Work History	Member, Steptoe & Johnson PLLC, Bridgeport WV, 1971-present; Associate, Cole, Raywid & Braverman, Washington DC, 1970-71; Active Duty, U.S. Navy, 1965-67.
Experience	Over 50 years of experience in the private practice of law. Practice has concentrated in civil litigation of labor, employment, and commercial disputes since approximately 1975. Tried over 100 jury, non-jury, and administrative cases, as well as numerous arbitration matters. Presented approximately 60 appeals to the West Virginia Supreme Court and the United States Courts of Appeals. Taught appellate advocacy at West Virginia University College of Law (adjunct professor). Served as member of the West Virginia Ethics Commission. Served as chief spokesperson in numerous contract negotiations. For last ten years, mediated and arbitrated numerous labor, employment, and commercial issues.
Mediator Experience	Has served as mediator in over 25 labor and employment law disputes, raising both statutory and common law claims; 20-25 personal injury actions involving workplace and vehicular issues; 3-5 matters involving insurance coverage issues; approximately 10-15 commercial or construction matters; 3-5 environmental matters involving Clean Water Act, SuperFund, and other issues.
Representative Issues Handled as a Mediator	Representative issues handled as a mediator include the following: a construction contract claim relating to a \$17M intermodal parking facility; a construction contract claim relating to a ski resort personnel conveyor; a commercial dispute under a customer service agreement for the provision of uniforms and related cleaning services; a Federal Court claim for failure of purchaser to pay for goods sold & delivered; a Federal Court declaratory judgment action involving material misrepresentations in application for fire insurance & complicity of independent agent; a landowner claim in Federal Court against Corps of Engineers involving wetland issues under the Clean Water Act & unconstitutional taking without just compensation; a Federal Court claim against a condominium association involving issues under the WV Condominium Act, including charging of illegal fees and illegal termination of water service; a Federal Court claim against FEMA raising issues under the National Flood Insurance Program by reason of damage to a government-owned

building; a Federal Court claim involving serious personal injuries sustained in an auto collision with a tractor-trailer; a PA dispute involving a closely held corporation's "freeze out" of its president, raising issues of cumulative voting, valuation of stock, valuation of goodwill, & questionable financial statements; a NC employment termination raising issues of age discrimination, retaliation, & exempt employee status; a PA civil action involving termination of a restaurant manager raising issues of age discrimination; a WV matter involving employee claims of employer breach of promise to promote & wage discrimination; a Federal Court claim alleging wrongful discharge & intentional infliction of emotional distress by a foreman employed by a major electrical utility; a Federal Court claim alleging serious personal injuries as a result of a highway collision between two trucks; a Federal Court claim involving a multi-year coal purchase agreement & raising issues of Chapter 11 bankruptcy, possessory liens, reclamation requirements, escrowing of money, & value of coal; a Federal Court claim asserting violation of the Family Medical Leave Act raising issues of physical exam, requirement to advise the employer of return to work date, & retaliatory discharge; a Federal Court claim for breach of prison construction "design build" subcontract raising issues of bidder's failure to understand construction drawings, bidding procedures generally, pre-bid meetings, & alleged mutual mistake; a Federal Court personal injury claim involving non-English speaking claimant who sustained serious injuries in motor vehicle collision (mediation required interpreter & presented difficult cultural differences of opinion with respect to appropriate compensation); Virginia employee claims of harassment, denial of promotion, discrimination against disabled veteran, abuses of corporate policy, construction discharge, & defamation; a Federal Court class action claim alleging age discrimination in downsizing of a department store; a Federal Court multi-party claim alleging violation of the WV Consumer and Credit Protection Act in the context of vehicle purchases that were dealer financed with assignment of the paper to a national banking institution (purchasers alleged that liens on the traded vehicles were not satisfied and that taxes and registration fees were not paid to the State); a Federal Court claim under USERRA involving return of veteran to private employment as a security guard; a Federal Court claim asserting failure of insurer to pay under a fire policy, arson defense, mortgagee rights, and fraudulent misrepresentation as to contents on inventory forms; a Federal Court claim alleging serious personal injuries when a utility pole fell on the claimant during the course of his employment; a Federal Court claim for breach of contract to sell multiple radio stations & FCC licenses issues.

Mediator Style & Process Preferences It is my experience that most litigants prefer the security of a settlement to the risk of a trial, and for that reason I am a pro-active mediator. In preparation for mediation I expect the parties to educate me as to the relevant facts and applicable law. During the course of the mediation I will press each party with respect to strengths, weaknesses, risks, and expected outcomes. In the right cases, and if the parties request, I will make a mediator's proposal. My goal in every mediation is to achieve settlement, but in the absence of settlement, my secondary goal is to insure that the parties have carefully considered their settlement options as well as the risks of trial.

Education University of Virginia (BA-1965); West Virginia University (JD-1970).

Professional Licenses Admitted to the Bar: West Virginia (1970); Virginia (1971 - inactive); Pennsylvania (1994 - inactive).

Professional Associations The West Virginia State Bar (Past President); The West Virginia Bar Association (Past President); The West Virginia Bar Foundation (Fellow and Past President); American Bar Foundation (Fellow and former State Chair); American College of Trial Lawyers (Fellow); The College of Labor and Employment Lawyers (Fellow); and Fourth Circuit Judicial Conference (Permanent Member).

Recent Publications & Speaking Engagements Contributor, "New NLRB Quickie Election Rules Take Effect Today," Steptoe & Johnson PLLC, April 14, 2015; Speaker, "The Case for International Commercial Mediation - Sometimes a Bad Settlement is Better than a Good Lawsuit," TerraLex Network Annual General Meeting, Tokyo, Japan, 2012; Moderator on Federal Employment Laws at Associated Builders and Contractors Construction Industry Summit, 2012; Speaker, "General Employment Issues & Statutes" at Energy & Mineral Law Foundation, Coal Law Short Course, 2010; Speaker, "Labor and Employment: Union Free and Union Operations" at Energy & Mineral Law Foundation, Coal Law Short Course, 2009; Co author, "Workplace Violence Strategies for Coping," "Labor Relations Guidelines for Small Employers," and "Other Common Claims Against Employers," Employment Law Handbook, West Virginia Chamber of Commerce, published in 2004; Speaker, "Traps in Transactions – the U.S. Employment Lawyer's Perspective," TerraLex Network Annual General Meeting, Rio de Janeiro, Brazil, 2001; Speaker, "At-Will Employment Developments in the United States,"

TerraLex Network Annual General Meeting, Cologne, Germany, 2000; Co-author, “Common Employment Claims,” Employment Law Handbook, West Virginia Chamber of Commerce, 1996; Author, “Mr. Trumka, If It Ain’t Broke, Don’t Fix It,” 89 West Virginia Law Review 895, 1987; Co-author, “You’re Fired (Maybe) – A Review of Expanding Private Sector Employee Rights and Remedies,” West Virginia State Bar Journal, vol. 9, no. 1, 1984; Co-author, “Impact of the NLRA and OSHA upon Law Firms,” Spring, 1981 Issue of Barrister, published by the Young Lawyers Division of the American Bar Association, Spring 1981.

Locations Where Parties Will Not be Charged for Travel Expenses Yes if hearing is in Harrison County, West Virginia or Charleston County, South Carolina.

Mediation Rate \$375 Per Hour

Languages English

Citizenship United States of America

Locale Bridgeport, WV

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.