



AAA Mediation.org™

**FN-2866028 MN-2866028 LN-2866028,  
Esq.**

**Woodbridge, New Jersey**

**Current Employer-Title** Wilentz, Goldman & Spitzer P.A. – Shareholder

**Profession** Attorney, Mediator, Arbitrator – Employment Law

**Work History** Shareholder (1990 – Present)/Chair Employment Law Department, Wilentz Goldman & Spitzer P.A., 1982 – Present.

**Experience** For more than 39 years, has practiced employment law, particularly the litigation and arbitration of sexual and other workplace harassment, sex, age, race, and disability discrimination, wrongful discharge, whistleblower and other retaliation, and restrictive covenant and employment contract claims, as well as wage and hour and other class actions, in both the state and federal courts. For more than 19 years, has served as both a court-appointed and private mediator of employment claims. Certified Civil Trial Attorney who has tried numerous cases to verdict and has argued four times before the New Jersey Supreme Court, three of which resulted in the creation of new law in the employment arena. Although the majority of litigation practice is on behalf of employees, also regularly represents employers, usually smaller employers and professional groups. Benchler and team leader for the Sidney Reitman Employment Law Inn of Court and a member of the Justice Marie L. Garibaldi Inn of Court for Dispute Resolution. Practiced law since graduation from law school in the only large firm which regularly handles employment matters on behalf of both employees and employers, and Chair Firm's Employment Law Department. Former Co-Chair of the Employment Rights and Responsibilities Committee of the ABA Section of Labor and Employment Law, as well as its Workplace Investigations Subcommittee, currently serves as Co-Chair of the ABA Section's Trial Advocacy/Moot Court Competition Committee, and on the Executive Committee of the NJSBA Labor and Employment Section. Fellow of the College of Labor and Employment Lawyers and the American Bar Foundation. Member of the New Jersey Chapter of the National Academy of Distinguished Neutrals, New Jersey Chapter.

Tried cases to verdict under the Law against Discrimination, the Conscientious Employment Protection Act and the Americans with Disability Act and has litigated numerous others which have resolved prior to trial. Has dealt with every conceivable employment law issue under both New Jersey and federal statutory and common law, including in judicial proceedings, arbitrations, administrative law hearings, and EEOC and New Jersey Division on Civil Rights proceedings. Argued employment cases in the New Jersey Appellate Division and Third Circuit, as well as three important employment cases in the New Jersey Supreme Court, resulting in published decisions. Handled numerous sexual harassment and other workplace harassment cases under Title VII and New Jersey statutory law, retaliation claims under both the Law Against Discrimination and the Conscientious Employment Protection Act, age, race, gender, sexual orientation, ethnic origin and other discrimination claims under both state and federal statutory law, and disability discrimination and failure to accommodate claims under both New Jersey and federal (ADA) law. Dealt with such claims as an advocate in state and federal court, as well as in arbitration, and has mediated more than 1000 employment cases, the majority of which involved statutory claims of discrimination, harassment, and/or retaliation, wage and hour, or employment contract claims. Has mediated sexual assault cases, both within and outside the employment context, including involving minors in

religious, school and other contexts. Has extensive experience, both as an advocate and neutral, in FLSA and related state wage and hour claims, as well as misclassification/independent contractor issues, including class and collective actions. As an advocate, mediator, and arbitrator, has handled all types of matters involving executive compensation, shareholder disputes, and disputes involving professional partnerships and corporations, including law firms, accounting firms, and medical practices.

## **Mediator Experience**

Over the past 19 years, has mediated more than 1000 employment cases, many of which were mediated very early on in the litigation pursuant to the New Jersey state court early mediation requirement for all employment cases. Has mediated single and multi-plaintiff and defendant cases raising all types of statutory and common law employment claims, including sexual and other workplace harassment claims, age, race, disability, gender, sexual orientation, and all other types of discrimination claims, retaliation claims under the New Jersey Law Against Discrimination ("LAD") and the Conscientious Employee Protection Act ("CEPA"), employment contract and executive compensation claims, claims involving non-compete and non-solicitation agreements, and wage and hour claims, among others. The amounts in dispute have ranged from relatively small claims to claims in the millions of dollars, with most of the cases involving large damages, as well as complex legal and factual issues, and high levels of emotion on both sides, as is usual in employment cases. Some representative examples of the cases successfully mediated include: a nine-plaintiff workplace harassment case in which different kinds of harassment were alleged by each of the plaintiffs; FLSA and related state law claims collective/class actions; an age discrimination and breach of contract case by a former partner against a law firm; a variety of CEPA claims against hospitals, pharmaceutical companies, accountants, and other businesses; and cases involving allegations of severe sexual harassment and assault in the workplace and outside the employment context.

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

New Jersey Law Against Discrimination: Age, gender, sexual orientation, race, ethnic origin, nationality, marital status, and all other types of discrimination with regard to hiring, promotion, discipline, and termination. Disability discrimination regarding same, as well as failure to accommodate cases involving physical, psychological and learning disabilities. Numerous sexual harassment and other workplace harassment cases, including racial, disability, sexual orientation, gender stereotyping, and ethnic origin harassment, as well as sexual/physical assault allegations. Retaliation cases for protected complaints. Single and multi-plaintiff and defendant cases.

Conscientious Employee Protection Act: Numerous cases alleging retaliation for making protected complaints or opposing activity which was claimed to be illegal or in violation of public policy, including cases against hospitals and doctors, pharmaceutical companies, accountants and other professionals, and others, all of which involved complex issues of law and public policy regarding the underlying activity of which the plaintiff allegedly complained.

Wage and Hour cases under both federal and state law, including misclassification, overtime and off-the-clock cases, among others.

Restrictive covenant cases involving salespersons, doctors, accountants and other professionals.

Breach of employment contract cases, including disputes involving executive compensation, professional corporations and partnerships, such as law firms, accounting firms, and medical practices, and other shareholder disputes.

## **Mediator Style & Process Preferences**

I believe that every employment case can and should be settled early in litigation or better yet, pre-litigation. Employment cases are unique, in that they involve high levels of emotion on both sides, as well as allegations of intentional harm. At the same time, they often involve complex issues of law in an ever-changing legal landscape that is New Jersey employment law, substantial damages (unlimited by statute), and fee-shifting, all of which make these cases not only difficult, but very expensive. The economic and emotional expenditure only increases as the litigation continues. With the right mediator, who has the patience (stubbornness?) to persevere, as well as the legal knowledge and expertise, almost every case can be settled if the parties are willing to invest the time and energy in good faith. As a practicing employment trial lawyer for more than 35 years, handling matters for employees and employers, as well as more than 900 employment law mediations, I believe that I provide a neutral perspective to both parties on the case which is helpful in getting the parties to realize the issues they may face and to achieving a resolution. I thoroughly explore the merits and problems with the case as to liability and damages with both sides (in separate confidential caucuses) and spend substantial time listening to the parties themselves if they wish to

speak. (I do not believe in joint sessions, as I find them to be counterproductive in these emotional employment cases). I believe that there is no better way to serve both plaintiffs and defendants in employment cases than to help them resolve their dispute without the necessity for costly, risky and emotionally exhausting litigation and trial.

<b>Education</b>	Rutgers School of Law (J.D.-1982); Douglass College of Rutgers, the State University (B.A.-1977).
<b>Professional Licenses</b>	Admitted to the Bar: New Jersey (1982); U.S. District Court: District of New Jersey (1982).
<b>Professional Associations</b>	American Bar Association New Jersey State Bar Association (Labor and Employment Section) Middlesex County Bar Association National Employment Lawyers Association and NELA-NJ Fellow of the College of Labor and Employment Lawyers Justice Marie L. Garibaldi Inn of Court for Alternative Dispute Resolution Trial Attorneys of New Jersey National Academy of Distinguished Neutrals, New Jersey Chapter.
<b>Recent Publications &amp; Speaking Engagements</b>	Recurring speaker for the American Bar Association (ABA), National Employment Lawyers Association (NELA), the Council on Education in Management, and the New Jersey Institute for Continuing Legal Education, among others, and is co-author of numerous articles and other publications on employment law developments which impact the workplace. Also serves as a Benchler and team leader for the Sidney Reitman Employment Law Inn of Court.
<b>Mediation Rate</b>	\$700 Per Hour
<b>Languages</b>	English
<b>Locale</b>	Woodbridge, NJ

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.