



AAA Mediation.org™

FN-29922 MN-29922 LN-29922, Esq.

Farmington Hills, Michigan



Current Employer-Title David A. Kotzian, PLLC

Profession Attorney, Mediator, Arbitrator

Work History Managing Member, David A. Kotzian PLLC, 2023-Present; Shareholder, Gasiorek Morgan Greco McCauley & Kotzian PC, 2015 – 2023; Managing Member, David A. Kotzian PLLC, 2001 – 2014; Shareholder, Sommers Schwartz Silver & Schwartz PC, 1985 – 2000.

Experience Served as a neutral arbitrator, mediator, and independent investigator in hundreds of employment disputes. Legal practice concentrated in employment rights for thirty years. Has represented employees and employers in state court, federal court, arbitration, and mediation in cases involving discrimination, harassment, whistleblower, retaliation, wrongful termination, Family and Medical Leave Act, Fair Labor Standards Act, wage and hour, sales commissions, employment agreements, commercial litigation, and other related matters. Has negotiated, litigated, arbitrated and mediated numerous matters involving executive employment agreements and severance agreements.

Mediator Experience Mediated approximately 200 cases, primarily involving employment disputes. The claims in such cases have included sexual harassment, discrimination, Family and Medical Leave Act, Americans with Disabilities Act, workplace injury, legal malpractice, wrongful discharge, whistleblowers, non-competition agreements and other claims. The parties in the mediations have included individuals, small businesses, and Fortune 500 companies in a variety of industries. The amounts in dispute have ranged from small amounts to millions of dollars.

Representative Issues Handled as a Mediator Experience in matters involving: harassment, discrimination, retaliation, whistleblowers, collective actions, Americans with Disabilities Act, Family and Medical Leave Act, Fair Labor Standards Act, ERISA benefit claims, employment contracts, commissions, and other employment law matters.

Mediator Style & Process Preferences I adjust the mediation process depending upon what is needed for the particular dispute before me. Typically, I discuss the process with the attorneys for the parties prior to the mediation in order to obtain their input on what they believe is best for their clients. In some cases, a joint session with presentations by the attorneys and their clients is helpful. In other cases, such a joint session is counter-productive and it is best to start with private caucuses. I encourage the parties to exchange meaningful information about their positions prior to the mediation so that the time at the mediation can be used more efficiently.

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| Education | University of Michigan (PhD-1987; JD-1984; BA-1981). |
| Professional Licenses | Admitted to the Bar: Michigan (1985); U.S. District Court: Eastern and Western Districts of Michigan; U.S. Court of Appeals, Sixth Circuit. |
| Professional Associations | State Bar of Michigan (Labor and Employment Committee, Past Council Member); Oakland County Bar Association (Employment Law Committee, Past Chair); National Employment Lawyers Association; Michigan Employment Lawyers Association. |
| Recent Publications & Speaking Engagements | "The Use of Experts in Handicap Discrimination Claims," Oakland County Bar Association, LACHES, 1994; "The Impact of the Civil Rights Act of 1991," Oakland County Bar Association, LACHES, 1993; "An Economic Analysis of Employment Discrimination," University of Michigan Economics dissertation, 1987. |
| Mediation Rate | \$390 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Farmington Hills, MI |

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.