



AAA Mediation.org™

**FN-4062365 MN-4062365 LN-4062365,
Esq.**

West Warwick, Rhode Island

Current Employer-Title Sammartino & Berg LLP - Partner

Profession Arbitrator, Attorney, Mediator

Work History Partner, Sammartino & Berg LLP, 2001 - Present; Solo Practitioner of Law, 1998 - 2001; Special Assistant Attorney General, Rhode Island Department of the Attorney General, 1992 - 1998.

Experience Current labor and employment practice limited to mediation, arbitration and independent investigation of labor and employment cases. Former practice and experience included representing both employees and employers in diverse areas, including but not limited to class actions, gender/sex discrimination and harassment cases (Title VII, R.I. Fair Employment Practices Act, Mass. Fair Employment Practices Law), disability discrimination cases, disability accommodation cases, labor dispute arbitration, FSLA, misclassification of employee/independent contractor, whistleblower actions, FMLA matters, benefits, executive compensation agreements, and severance negotiation/review.

Experience in cases involving the following industries and businesses: financial and banking services, medical and dental practices, healthcare providers (hospitals, assisted living facilities and nursing homes), pharmaceutical companies, large textile manufacturers, Fortune 500 companies, hospitality/restaurants, publishers, real estate brokerages/agents, grade schools, colleges and universities, police and fire departments, correctional institutions, retail, jewelry manufacturers, construction companies, trade unions, public service unions.

Extensive experience before state and federal courts of Rhode Island and Massachusetts. Numerous appearances before administrative and regulatory agencies, such as the Rhode Island Commission for Human Rights (RICHR), Massachusetts Commission Against Discrimination (MCAD), the EEOC, and FINRA.

Member of the Rhode Island Superior Court Arbitrators Panel and the Rhode Island Bar Association Fee Arbitration Committee.

Mediator Experience Has mediated employment cases for approximately seven years. Topics of mediation include discrimination and harassment, FMLA, FSLA wage and hour, breach of employment contracts, misclassification. Industries include restaurant/hospitality, healthcare providers and hospitals, manufacturing, labor disputes. Serves as a court appointed mediator for the Rhode Island Superior Courts.

Representative Issues Handled as a Mediator Issues have included: age discrimination; sex discrimination and harassment; FMLA; wage and hour claims (FSLA); non-competition agreement cases; employment contract disputes.

Mediator Style & Process Preferences During the lengthy course of my career as an employment attorney and litigator, I have had the opportunity to work with a substantial number of mediators. As a result, I have witnessed approaches that are highly effective, and others that are doomed from the outset. I apply these broad

experiences to my mediation philosophy.

Perhaps the most important key to success of mediation is to ensure the parties understand that they drive the process and outcome of the case. When the parties are comfortable participating, then the path is clear to resolution. Critical to establishing a comfortable setting is a keen understanding of the people involved, and his or her motivations. I heavily rely on pre-mediation discussions with counsel to gain insight into the personality of the clients.

Once the mediation is underway, the key ingredients to reaching a settlement are creativity, persistence and patience. Creativity entails crafting an approach, and goal that has the best chance of success, and having the willingness and foresight to change midstream if things are not adequately progressing. Creativity also entails finding a way to make a party appreciate the other side's objectives and priorities in such a way that may foster empathy rather than defensiveness.

Patience requires providing ample time for the parties to fully outline their positions and feelings, flesh out the risks of litigation and benefits of settlement, and find an acceptable middle ground.

Persistence, which goes hand in hand with patience and creativity, requires finding new paths to resolution when the current approach hits an insurmountable roadblock. Rushing the process hardly ever yields a good result.

My mediation philosophy is guided by the above principles and elements. If there is an understanding of the people and issues involved, and the opportunity for each side to present their case, and be a meaningful part of finding a solution, every mediation should be successful in reaching settlement.

Education

Emory University School of Law (J.D. - 1992); University of Florida (B.A. - 1989).

Professional Licenses

Admitted to the Bar: Rhode Island (1992), Massachusetts (1998); U.S. District Court: District of Rhode Island (1992), District of Massachusetts (1992), District of Connecticut (2003).

Professional Associations

Rhode Island Bar Association (member of Employment/Labor Committee and Fee Arbitration Committee)

Recent Publications & Speaking Engagements

Presenter at numerous conferences, seminars and symposiums addressing labor and employment issues.

Rhode Island Association of Public Accountants, Lecturer, "Rhode Island Employment Issues for Small Businesses" (2013)

Rhode Island Dental Association, Lecturer, "How To Avoid An Employee Lawsuit" (2012)

Lorman Education Services, Lecturer, Employment Law From A to Z, "Employee Discipline and Termination - How To Avoid A Lawsuit" (2011)

Rhode Island Trial Lawyers Association's Citizen Law School, Lecturer, "Employment Law" (2010)

Mediation Rate

\$350 Per Hour

Languages

English

Citizenship

United States of America

Locale

West Warwick, RI

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.