



AAA Mediation.org™

**FN-4093014 MN-4093014 LN-4093014,
Jr., Esq.**

Phoenix, Arizona

Current Employer-Title Radix Law – Partner, Labor & Employment

Profession Attorney

Work History Partner/Attorney, Radix Law, 2023 - Present
Member/Attorney, Jennings Strouss & Salmon P.L.C., 2018 – 2023
Director/Attorney, Fennemore Craig P.C., 1987 – 2018

Experience Appointed and serves as Judge Pro Tempore for the Arizona Superior Court (Maricopa County) and, in that capacity, has presided over bench and jury trials in State court proceedings. Has employment-related litigation expertise in cases involving alleged violations of all core State and federal anti-discrimination laws. Also has extensive experience prosecuting and defending restrictive covenant claims, including preliminary injunction proceedings. Developed expertise in unemployment compensation benefits disputes, drug/alcohol regulation and testing, wage and hour matters, and workplace issues involving medical marijuana, social media, and employee privacy/monitoring. Has jury trial and bench trial experience in both State and federal court and has argued numerous appeals in employment related cases. Has significant experience conducting private mediations and arbitrations in employment matters as well as commercial disputes.

AV® Preeminent Peer Review Rated™(the highest rating available), by Martindale-Hubbell®
AZ Business Magazine, “Top 100 Lawyers 2023”(2023)
Phoenix Magazine, “Top Lawyer,”Labor & Employment (2022)
Listed, "Top 100 Lawyers for 2021," AZ Big Media (2021)
Listed, AzBusiness Leaders in the category of Labor & Employment Relations (2020-2023)
Listed, The Best Lawyers in America® in the categories of Employment Law - Management, Litigation - Labor and Employment, and Labor Law – Management (2010 –2023)
Listed, Southwest Super Lawyers® in the category of Employment and Labor (2013 –2022)
Ranked, Chambers USA, Leading Lawyers for Business
•Labor & Employment Law –Arizona –Band 3 (2019 –2023)
•Labor & Employment Law –Arizona –Band 4 (2015 –2018)
Listed, 20 People to Know in the Law, Phoenix Business Journal (2016)
Ranked, Best Arizona Attorneys (2012)

Mediator Experience Is regularly engaged privately to mediate disputes, with an emphasis on employment related matters. As an appointed Judge Pro Tempore in Arizona Superior Court (Maricopa County), also conducts judicially assigned settlement conferences/mediations throughout the year in lawsuits involving business transactions, personal injuries, contracts, employment claims, and general commercial disputes.

Representative Issues Handled as a Mediator Mediated disputes involving a wide variety of claims and issues, including: breach of contract; severe injuries; soft tissue injuries; employment-related claims; shareholder disputes; conversion; premises liability; property damage; fraud; defamation; failed business transactions; contractor disputes.

Mediator Style & Process Preferences	<p>The mediation process exists to help parties resolve disputes in a manner that is more efficient and cost effective than proceeding to hearing or trial and, equally important, to eliminate the risk through a known resolution of a less desirable result for one or more parties. The objective of the mediator, then, is to do all that he or she can to achieve a negotiated result that no one may like but that everyone will live with. In working toward this objective, the mediator has many roles. The mediator educates parties about aspects of their claims and defenses that the parties may not themselves perceive or understand. As part of this process, the mediator clarifies facts and issues that, through a lack of understanding, may stand in the way of a resolution. The mediator also must create leverage between or among the parties to close gaps between the parties' respective proposed terms. To achieve this leverage, the mediator must underscore to each party, in private, the weaknesses and risks in their positions. To maximize his or her effectiveness in all of these roles, it is important for the mediator to prepare fully in advance of the scheduled mediation including, when appropriate, engaging in pre-mediation caucuses with the parties to make the actual mediation most efficient and to start to set expectations for the parties ahead of time so that no one is completely surprised by the general course of negotiations at the mediation. Setting expectations in advance is a good way to avoid polarization at the mediation. In a process that depends for its success on collaboration and compromise, polarization poses one of the biggest possible risks. For this reason, I virtually never start a mediation with a joint session, let alone ask the parties to make presentations to each other about their positions. Proceeding this way typically destabilizes the mediation from the start.</p>
Technology Proficiency	Is proficient in using virtual platforms for mediations and arbitrations.
Education	<p>University of Virginia School of Law (J.D.-1987)</p> <p>Dickinson College (B.A., summa cum laude, Phi Beta Kappa-1984)</p>
Professional Licenses	Admitted to the Bar: Colorado (2018), Arizona (1988); U.S. District Court: District of Arizona (1988); U.S. Court of Appeals, Ninth Circuit (1988).
Professional Associations	<p>State Bar of Arizona</p> <ul style="list-style-type: none"> • Member, Labor Section <p>American Arbitration Association</p> <ul style="list-style-type: none"> • Member, National Roster of Arbitrators • Member, National Roster of Mediators <p>Maricopa County Bar Association (MCBA)</p> <p>American Bar Association</p> <ul style="list-style-type: none"> • Member, Labor Section • Former Chair, Young Lawyer's Division <p>Arizona Chamber of Commerce</p> <ul style="list-style-type: none"> • Member, Employee Relations Committee <p>Financial Industry Regulatory Authority</p> <ul style="list-style-type: none"> • Arbitrator and Panel Chairperson <p>Federation of Defense and Corporate Counsel (FDCC)</p> <p>The Gavel –Your Claims Defense Network</p> <ul style="list-style-type: none"> • Member <p>The College of Labor and Employment Lawyers</p> <ul style="list-style-type: none"> • Fellow
Recent Publications & Speaking Engagements	<p>ARTICLES</p> <p>“With lawsuits pending, brokerage stops signing new Arizona contracts,” Quoted, Phoenix Business Journal (March 3, 2023)</p> <p>“How the rise in Covid-19 cases is impacting Valley employers, workforce,” Quoted, Phoenix Business Journal (December 16, 2021)</p> <p>“City of Hope nonprofit in talks to acquire Cancer Treatment Centers of America for \$390M,” Quoted, Phoenix Business Journal (December 9, 2021)</p> <p>“Lawsuit Filed Against Arizona Over Proposed Marijuana Social Equity Licenses,” Quoted, Phoenix Business Journal (November 18, 2021)</p> <p>“Mandates leave doubt for Surprise businesses,” Quoted, Surprise Independent (October 5, 2021)</p> <p>“Here are ways to create a diverse and inclusive workforce,” Quoted, AZ Big Media (September 23, 2021)</p> <p>“Arizona attorney general sues Biden over Covid-19 vaccine mandates,” Quoted, Phoenix Business Journal (September 14, 2021)</p>

“Scottsdale firms to require Covid-19 vaccine for 10K workers,” Quoted, Phoenix Business Journal (September 9, 2021)
 “Will more businesses raise insurance premiums for those not vaccinated against COVID-19?” Quoted, ABC 15 (August 26, 2021)
 “Arizona AG says Covid-19 vaccine mandates a no-go in public sector but ok in private sector – with limitations,” Quoted, Phoenix Business Journal (August 21, 2021)
 “Ducey issues executive order to limit local vaccine mandates,” Quoted, Phoenix Business Journal (August 16, 2021)

INTERVIEWS

“Arizonan’s voting rights on Midterm Election Day,” KTAR News 92.3 (November 4, 2022)
 “Vaccine: How to Prove a Religious Exemption, ADA/HIPPA Considerations, What Employers Must Do”, Surprise Regional Chamber of Commerce (September 30, 2021)
 “Diversity and Inclusion in the Workplace,” AZ Big Media (September 21, 2021)
 “Will more businesses raise insurance premiums for those not vaccinated against COVID-19?” ABC 15 Arizona (August 26, 2021)
 “COVID-19 relief law includes FSA flexibility for money that was ‘held prisoner’,” 3TV/CBS 5 (January 1, 2021)
 “Arizona law allows workers paid time off to vote on Election Day,” KOLD News 13 (October 26, 2020)
 “Nowhere to spend child care FSA funds,” 3TV/CBS 5 (October 23, 2020)
 “Getting Paid Time Off To Vote,” 3TV/CBS 5 (October 20, 2020)
 “Lawyer advises Arizona employers to tread carefully when rehiring,” KTAR News 92.3 (May 7, 2020)
 “Your Employee Rights During the COVID-19 Pandemic in Arizona,” 3TV/CBS 5 (May 1, 2020)

PRESENTATIONS

“The Impact of the Great Resignation,” Jennings Strouss Labor & Employment Webinar (March 3, 2023)
 Moderator, “COVID-19 and Workplace Safety: Navigating OSHA’s Emergency Temporary Order and Looking Ahead to a Vaccine Mandate,” Jennings Strouss Labor & Employment Webinar (November 4, 2021)
 “Mediation: Finding Common Grounds,” Panelist, The Lodestar Dispute Center at ASU Law (October 17, 2022)
 Co-Presenter, “Tech Ethics& Risk Management,” Carebridge International and The Gavel (September 22, 2021)
 “Employer Liability for Things Unknown ‘Should Have Known’ Conundrums,” The Gavel National Conference VI (January 19, 2022)
 “Vaccine Mandate Update Regarding its Various Challenges and Compliance,” Mesa Chamber of Commerce (December 7, 2021)
 “Labor & Employment Fall Webinar,” Moderator, Jennings, Strouss & Salmon (November 4, 2021)
 “Vaccine: How to Prove a Religious Exemption, ADA/HIPPA Considerations, What Employers Must Do,” Surprise Regional Chamber of Commerce Webinar (September 30, 2021)
 “Tech Ethics and Risk Management,” Care Bridge International and The Gavel Webinar (September 22, 2021)
 “COVID 19 Vaccines and Employment in Arizona,” Az Court Help Webinar (September 21, 2021)
 “Litigating Morality,” The Gavel National Conference V (May 20, 2021)
 “Business after COVID-19: Managing Your Employees in the Post-Virus Workplace,” The Gavel National Conference V (May 19, 2021)

Locations Where Parties Will Not be Charged for Travel Expenses Greater Phoenix, Arizona metro area.

Mediation Rate \$375 Per Hour

Languages English

Citizenship United States of America

Locale

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.