



AAA Mediation.org™

**FN-4347767 MN-4347767 LN-4347767,  
Esq.**

**Wynnewood, Pennsylvania**



**Current Employer-Title** Full Time Mediator and Arbitrator

**Profession** Arbitrator and Mediator

**Work History** Arbitrator and Mediator, 2017 – Present; General Counsel/Executive Vice President and Senior Vice President, NFI, 2007 – 2017; General Counsel/Vice President Labor Relations and Director Labor Relations, Philadelphia Newspapers Inc., 1992 – 2007; Attorney (Labor & Employment), Pepper Hamilton, 1986 – 1992.

**Experience** As General Counsel for NFI, supervised an in-house team of attorneys and paralegals and managed all legal matters, including arbitrations; mediations; State and Federal litigation; contract negotiation and drafting; internal investigations; labor relations; litigation avoidance training; and regulatory compliance.

Drafted and negotiated commercial contracts real estate acquisitions and leases, employment and non-competition/solicitation agreements, and IT services agreements. Handled a broad range of business issues, including personal injury cases, commercial disputes, commercial contract drafting and employment cases.

As the head of Labor Relations at Philadelphia Newspapers (PNI), developed constructive and positive relationships with PNI's unions and their attorneys. In 2000 PNI received the Governor's award for superior Labor-Management relations. During this time, PNI employed over 2,800 employees in multiple locations. Over 2,400 employees were represented by 11 unions and covered by 19 collective bargaining agreements.

Responsible for all aspects of Labor Relations, including arbitrations and mediations, CBA negotiations, CBA drafting, short and long-term strategic planning, contract disputes, internal investigations, and administrative procedures. Served as Lead Management Trustee on fifteen Taft-Hartley Pension, and Health and Welfare Funds, and lead negotiator and CBA drafter through multiple contract cycles.

As General Counsel, supervised all inside and outside attorneys working on all PNI legal matters,

including State and Federal employment litigation, contract negotiation and drafting, internal investigations, litigation avoidance training, and regulatory compliance.

Firm experience as Labor and Employment attorney in all aspects of State and Federal employment law, including the NLRA, RLA, FLSA, OSHA, ADEA, ERISA, wrongful discharge, State and Federal employment discrimination litigation, and workers' and unemployment compensation. Represented employers in arbitrations, mediations, collective bargaining negotiations, injunction motions, and employment litigation.

## **Mediator Experience**

Have helped parties settle over 95 percent of the almost 200 cases mediated since 2017. The majority of those cases involved employment issues, including discrimination, wage & hour and executive compensation. Also mediate commercial and personal injury disputes.

As an arbitrator and advocate, have handled over 100 arbitrations covering labor, employment, and commercial disputes.

Thirty five years of experience as an Arbitrator, Mediator, General Counsel, Business Leader, Executive, and Attorney gives a broad perspective that allows understanding and analyzing the multiple sides of a dispute.

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

Cases involving the full range of discrimination issues including age, race, disability, religion, sexual harassment, and retaliation. Successfully mediated cases involving Wage & Hour claims, as well as claims regarding the enforcement of non-competition/non-solicitation agreements and alleged breaches of employment contracts involving sales people, doctors, and executives.

## **Mediator Style & Process Preferences**

There can be no single approach to mediation, as every case involves different personalities, issues and hurdles. My goal is to use the many strategies I've learned over the years to help the parties resolve their unique situation. However, every mediation I conduct has a single unifying element... persistence.

At the outset of every mediation I explain that a key element to success is patience. I stress that while I will not waste the parties' time when there is clearly no chance of settlement, I DO NOT GIVE UP EASILY. My approach may necessitate a long day/evening, and it sometimes requires days and weeks of follow up conversations after a session. I will not let a potential settlement slip away.

My approach is designed to expedite the otherwise frustrating mediation process in which hours or more are spent exchanging proposals that both sides know will be rejected as each side becomes more aggravated and disenchanted with the process. Hours slowly moving through that pit of despair may ultimately result in a settlement, but there is absolutely a better way.

Another key element to my approach is helping parties re-evaluate how they view their case and mediation goals. I ask the questions that would be top of mind if I were arbitrating the case, and I hopefully help the parties better understand their downside risks. Human nature draws us all towards thinking about our best case and avoiding or downplaying our worst case. A successful mediation requires parties to thoughtfully consider both ends of that spectrum.

To help me better understand the case, I prefer mediation statements prior to the mediation, along with critical documents, as well as case citations if there is a legal issue in dispute. After I read through those documents, I conduct individual calls with counsel to round out my understanding and to get a better sense for the emotional issues that may impede settlement. These steps increase the likelihood that a settlement can be reached in one session. In more complicated multi-party cases, I sometimes hold pre-mediation calls or Zoom meetings with the individual attorneys along with their clients.

On the day of mediation, I start by meeting with each party separately, to understand the case directly from the litigants, and to begin to develop rapport and trust. Depending on the case, I may then hold a joint session, or I may decide with the attorneys that a joint session would be counter-productive. After that, the process moves in different directions depending on the case.

While I am guiding the mediation, the process is for the attorneys and their clients. I welcome suggestions on how to proceed, and often bring the attorneys together to talk through hurdles in a

setting that will increase candor and reduce unproductive rhetoric. Working together, we will resolve the case.

<b>Technology Proficiency</b>	Zoom, Word, basic Excel
<b>Education</b>	Villanova University School of Law (JD - 1986); Clark University (BA - 1983).
<b>Professional Licenses</b>	Admitted to the Bar: Pennsylvania (1986), New Jersey (1986-retired).
<b>Professional Associations</b>	Member, National Academy of Arbitrators  LERA Central PA, Philadelphia, New Jersey, and Maryland Chapters, member
<b>Recent Publications &amp; Speaking Engagements</b>	<p>Publications:</p> <ul style="list-style-type: none"><li>• Don't Be So Sure – Strategies for avoiding the perils of certainty in litigation, mediation and life, The Pennsylvania Lawyer (2020)</li><li>• Early Mediation – pros, cons and strategies for improved outcomes, The Pennsylvania Lawyer (2019)</li><li>• Choosing the Right Mediator, implicit and cognitive biases, The Legal Intelligencer (2018)</li></ul> <p>Selected Presentations:</p> <p>Preparing for an Effective Mediation: Tips and Tools to Make Mediation More Successful – ABA (2024)</p> <p>Preparation and Presentation of Labor Arbitration Cases – Employment Law Institute (2023)</p> <p>Ask the Arbitrators – FMCS 42nd Arbitration Symposium (2023)</p> <p>Introduction to Collective Bargaining, preparing to negotiate – AAA training video (2023)</p> <p>Ethics, Before, During and After the Hearing – AAA, Successful Labor Arb. Techniques (2019)</p> <p>Arbitration Award &amp; Post-Award issues – ABA 12th Annual Arbitration Training Institute (2019)</p> <p>Arbitration, Mediation &amp; Negotiation, keys to success – South Jersey SHRM (2018)</p> <p>Improving Mediation Outcomes – SHRM Garden State Council (2018)</p>
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Without charging travel expenses, willing to serve in Greater Philadelphia area (for example: Wilmington/Newark, Trenton, Allentown, Reading, Vineland).
<b>Mediation Rate</b>	\$690 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Wynnewood, PA

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.