



AAA Mediation.org™

**FN-4682022 MN-4682022 LN-4682022,  
Esq.**

Gainesville, Florida



**Current Employer-Title** OAS Mediation - Founder

**Professional Summary** Florida Supreme Court Certified Civil Circuit Mediator, mediating full-time as the Founder and Principal of OAS Mediation since 2015 throughout the State of Florida, with a background as a civil litigator and trial lawyer since 1983. Knowledge and experience as actual working trial lawyer, having dealt directly with the demands of clients and courts, which informs the role of a neutral presiding over mediations.

**Profession** Lawyer and Mediator

**Work History** Owner and Founder, OAS Mediation, 2015-Present; Associate-Equity Partner, Akerman, LLP, 1990-2015; Associate, Valdes-Fauli, Cobb & Petrey, 1984-1990; Associate, Fleming, O'Bryan & Fleming, 1982-1984.

**Experience** Before turning full-time to mediation in 2015:

Litigating and trying commercial, hospitality, real estate, business torts, partnership disputes, and other business cases in state and federal courts for 26 years at a large firm, and as an associate in prior firms. Dealing directly with C-Suite executives, providing problem-solving solutions and advice. Matters handled included business torts, employment matters, intellectual property, commercial landlord/tenant disputes, contracts, partnership and shareholder disputes, real estate sale and acquisition disputes, among many other topics arising in the business and commercial world.

Florida Supreme Court Trained in Arbitration.

**Mediator Experience** As a lawyer/advocate: Served as advocate in a multitude of mediation cases arising in state and federal courts throughout Florida, with cases ranging from the hundreds of thousands of dollars to millions of dollars at stake. Cases mediated as an advocate involved all aspects of commercial and civil disputes, including matters arising from hospitality, real property ownership, leasing, business disputes including business torts such as fraud, employment matters, shareholder and partnership disputes, and other commercial matters.

As a full-time mediator since 2015: Assisted institutional parties as well as individuals to settle difficult civil disputes, including contract disputes, hospitality, first-party property cases, business torts, financial disputes, partnership disputes, shareholder disputes, insurance coverage, employment, personal injury, real estate-related litigation, landlord/tenant, construction, intellectual property, and many other types of civil disputes. Mediated multi-party disputes. Mediated disputes involving foreign nationals. Mediated multi-court disputes (i.e., related cases in state, federal, and appellate courts within one mediation). Dollar amounts have involved the hundreds of thousands to millions of dollars.

Served as "Special Magistrate" appointed by courts to oversee difficult discovery and depositions, including holding hearings on contested discovery motions.

Elected Chair of the Alternative Dispute Resolution Section of The Florida Bar (2020-2021), serving during the Covid crisis when the Section was a leading provider of webinars teaching lawyer/advocates and mediators how to navigate the newly emerging world of virtual mediations.

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

Representative issues handled as a mediator include business disputes, hospitality, insurance coverage, landlord/tenant, employment matters, intellectual property, contracts, partnerships, first-party property claims, personal injury, admiralty, multi-party and multi-court disputes, disputes involving foreign nationals, and shareholder disputes, among many others.

Industries involved have included the commercial art industry, the warehouse industry, the cruise industry, foreign investments, real property management and acquisition, family-owned closed corporations, large companies, and insurance carriers, among many others.

## **Mediator Style & Process Preferences**

Style:

As a result (as an advocate) of having mediated many cases during his long legal career, Oscar has developed great respect (as a mediator) for working lawyers, and for their desire to mediate cases in the style which most suits them. Therefore, he allows great leeway to the lawyers in how they wish to conduct the mediation. But he also expects the lawyers not to "wing" the mediation, to be fully prepared to discuss every aspect of their case, to back up any legal and factual claims they make, and to have fully prepared their clients for the mediation, including having discussed the process, what to expect, and determined a realistic negotiating strategy with true settlement parameters.

Oscar disagrees with the notion that a mediator's job is to "bully" the parties into settlement. The mediator's job is to facilitate settlement, which often involves listening carefully to the parties and their lawyers and responding accordingly. Parties and lawyers are deserving of mediating in a space of mutual dignity and respect, and they are more prone to find common ground when afforded the opportunity to freely speak their mind and present their positions openly and frankly, in a safe environment, without being second-guessed or chastised for their views and positions by a "bully" style mediator. This also allows lawyers and parties to be more receptive to the mediator's challenges to their views and positions, and to re-assess their position when the mediator presents them with a reality check. The founding principle of Oscar's mediation style is affording mutual respect and dignity to all participants, while being realistic, firm, and frank during the negotiations.

Process preferences:

Crisp, short, educational confidential mediation statements are highly encouraged, and should be delivered at least one or two days before the mediation to allow them to be read. Lawyers may call Oscar any time prior to the mediation to confidentially discuss their case. The mediation begins with brief introductions and a short synopsis of the mediation process and purpose. Lawyers are then afforded an opportunity make opening statements, in order to set the table for the adverse party and for the mediator. The opening statements may be simple oral statements, or may include demonstrative exhibits, and/or Power Point presentations, in accordance with the cases and the preference of the lawyers. But lawyers should avoid being offensive to the other party or lawyer (or mediator), and they should strive to be respectful and professional in their presentations. The plaintiff or petitioner typically goes first, and then the defendant or respondent. There are no "replies" to the opening statements. After the opening statements, the lawyers and their clients are separated into separate physical caucus rooms (or "break-out rooms" in virtual mediations). Private and privileged caucuses are then held with each side, typically starting with the plaintiff/petitioner. Information from these caucuses is only shared with the adverse party with permission. In some cases, there may be separate caucuses with the lawyers only, or a return to the main session

including all of the parties and their lawyers. Each case is different and unique, and deviations from these processes may occur from time to time. If a case is settled, the parties are highly encouraged to prepare and sign the settlement agreement right on the spot. Lawyers should consider preparing a draft settlement agreement in advance to bring to the mediation, and having access to a laptop or computer to make any edits as necessary. In some cases, if significant progress is made but no settlement is reached, the parties may consider abating (but not impassing) the mediation, to allow the parties to do further research or other processes, and then returning to the mediation again later.

<b>Technology Proficiency</b>	Proficient in the use of Zoom and other virtual platforms to conduct mediations and conferences.  Proficiency in Power Point presentations.
<b>Education</b>	University of Florida Levin College of Law (JD, Order of the Coif-1982) University of Florida (MA, Certificate Public Administration-1980) University of Florida (BA, Political Science, With Honors-1979)
<b>Professional Licenses</b>	Admitted to the Bar: Florida; U.S. District Court: Southern and Middle Districts of Florida; U.S. Court of Appeals: 11th Circuit.  Certified Mediator: U.S. District Court, Middle District of Florida; Appellate Certified Mediator: Florida Supreme Court Civil Circuit.
<b>Professional Associations</b>	Member, Executive Council (Emeritus), Past Chair, The Florida Bar Alternative Dispute Resolution Section.  Member, The Florida Bar Judicial Nominating Procedures Committee.  Member, National Academy of Distinguished Neutrals.  Member, University of Florida Levin College of Law Mediation Advisory Group.
<b>Recent Publications &amp; Speaking Engagements</b>	"Mediation Skills and Advocacy for Trial Lawyers," The Florida Bar Alternative Dispute Resolution Section Webinar, 2022 Marijuana Business Operations, "Ethics," National Business Institute, April 16, 2020 Civil Trial from Start to Finish, "Ethical Considerations," National Business Institute, June 7, 2019 Plaintiff's Personal Injury: The Ultimate Guide; Ethical Considerations for PI Lawyers, National Business Institute, March 14, 2019 Combating "Rambo" Litigators, "Ethics-When Behavior Crosses the Line," National Business Institute, October 30, 2018 Trial Lawyers Need to Align Their Goals With Their Clients' Goals, Daily Business Review, October 19, 2018 Voters Beware! Ready or Not, the FCRC is Coming for Your Vote! Daily Business Review, June 8, 2018 Why Being a Jerk at Mediation is Counter-productive, Daily Business Review, April 12, 2018
<b>Mediation Rate</b>	\$510 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Gainesville, FL

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.