



AAA Mediation.org™

**FN-4742325 MN-4742325 LN-4742325,  
Esq.**

**Portland, Maine**



**Current Employer-Title** Murray Plumb & Murray – Partner/Director

**Profession** Attorney, Mediator, Independent Fact Finder

**Work History** Partner/Director, Murray Plumb & Murray, 2022-present; Partner/Member, MittelAsen, LLC, 2013-2021; Attorney, Law Office of Maria Fox, 2007-2013; Attorney, Reben, Benjamin & March, 2006-2007; Associate/Shareholder, MacDonald Hoague & Bayless, 2000-2005; Associate, Mann & Peck, 1997-1999.

**Experience** Over 25 years of experience practicing in a wide variety of employment law matters. Provides legal consultation and representation before administrative tribunals, private arbitrators and mediators, as well as in state and federal court, to employees and employers in all manner of workplace disputes, including allegations of wrongful termination, disability discrimination, sexual harassment, whistleblower retaliation, Fair Labor Standards Act, non-payment of wages and overtime, breach of contract and non-competition agreements, and more. Negotiates employment contracts and severance agreements for executives, doctors and other high-level employees. Troubleshoots and advises employer clients regarding matters such as disability accommodation, managing internal employee complaints and leaves of absence, and whether and how to terminate an employee. Drafts and refines employee handbooks. Provides preventative training for employers, including anti-harassment, reasonable accommodations in the workplace, and supervisor best practices. Works with employers and employees in all types of public and private settings, including healthcare entities, non-profit organizations, schools (pre-K through higher education), municipalities, factories, law firms, sales, insurance, high tech, law enforcement. Serves as an independent investigator of complex and sensitive personnel matters. Serves as an arbitrator for labor and employment law matters. Serves as mediator for labor, employment, commercial and civil rights matters. Selected by peers to New England Super Lawyers list for Employment & Labor law in 2017-2022.

**Mediator Experience** Mediation experience includes matters involving individual, group and class action employment law claims, including sexual and racial harassment, disability discrimination, whistleblower retaliation, breach of contract, and Fair Labor Standards Act and other wage and hour complaints, as well as labor contract disputes and grievances. Offers private mediations and serves as a mediator for the

Maine Human Rights Commission and the Maine Labor Relations Board. Mediation experience with represented and unrepresented parties; private parties and governmental agencies; small businesses and large corporations; nonprofit organizations. Experience with low and high value disputes, and nonmonetary terms such as complex exit strategies and messaging for departing senior employees or highly publicized matters, as well as disputed terms/language involving non-disparagement; confidentiality; releases; characterization of settlement dollars; no rehire/reapplication provisions; noncompetition/nonsolicitation covenants; division of property/equipment. Conducts mediations in person or by Zoom videoconference.

**Representative Issues  
Handled as a Mediator**

Primary issues raised in mediated cases have included: gender discrimination; sexual harassment; physical and mental disability discrimination / failure to accommodate; whistleblower; race discrimination; age discrimination; retaliation; FLSA and state law wage and hour; FMLA; wrongful termination; defamation; breach of contract; Sections 1983 and 1981 claims; labor contract disputes.

**Mediator Style & Process  
Preferences**

Mediation is an opportunity for parties to resolve disputes on their own terms more quickly and efficiently than administrative, arbitration or court processes. It also provides parties a chance (sometimes their only chance) to have their matters heard and get some closure. To be successful in employment mediation, the mediator must understand employment law and be able to empathize with the employee (or former employee) as well as the employer (or former employer). It is important for the mediator to be pro-active. The mediator must educate the parties about mediation, earn their trust, build rapport and engage them in the process. In order to think about resolution, parties need to feel heard and sometimes vent. They also need to feel respected. A well-structured mediation process helps parties manage their emotions, identify and prioritize their interests, clarify the options, and consider alternatives.

Some combination of facilitative and evaluative techniques may be required for a mediation to be successful in employment matters. A skilled mediator determines whether and when to use these techniques, considering the parties, their counsel, and timing. Mediators should not be too quick to evaluate a case as it may diminish their neutrality and cause a party to feel unheard and lose trust in the mediator. At the same time, it is critical for the mediator to be ready and willing to push back on the parties' positions and settlement proposals, and conduct candid reality testing. There is nothing more frustrating than having a mediator passively shuttle numbers back and forth between the parties. The best mediators actively lead the process, with care and interest in the parties' situation, calm professionalism, persistence, and optimism that even the most difficult cases can and do resolve in mediation.

For mediation to be most productive, the parties should carefully consider whether the timing is right. Do the parties have sufficient information to engage in serious settlement discussions, or is some exchange of information or discovery needed before that can happen? Do the parties have a genuine interest in exploring a settlement at this time? Do they seem ready to consider a compromise and close the chapter on the dispute under the right terms? The parties also must come to the mediation prepared for a meaningful discussion about the strengths and weaknesses of the case. That means gathering the available documents and information to best assess the claims, defenses, and potential damages; reviewing the relevant law and risks (including legal risks as well as the impact on the parties' lives, their business/operations, if the matter does not resolve); anticipating the other party's response; considering various alternative paths for resolution. Counsel for the parties should also consider talking with the mediator privately (either ahead of the mediation or during the mediation, if possible) regarding any unique challenges in the case or tricky dynamics, so the mediator can adjust the process accordingly. These insights can be invaluable for the mediator. The mediator's effectiveness is directly affected by the timing of mediation, the level of preparedness of the parties, and the parties' trust in the mediator and in the process.

**Technology Proficiency**

Offers mediations in person and by Zoom videoconference.

**Education**

Northeastern University School of Law (JD-1997); Hobart and William Smith Colleges (BA, Public Policy-1991).

**Professional Licenses**

Admitted to the Bar: Maine, 2006; U.S. District Court: District of Maine; Court of Appeals: First Circuit.

**Professional Associations**

Maine State Bar Association (Vice Chair, Alternative Dispute Resolution Section, 2018-2020); Maine State Bar Association (Co-Chair, Women's Law Section, 2015-2016); Maine Association of

Mediators (Board of Directors, 2007-2013); Maine State Bar Association, Labor and Employment Law Section (Member); National Employment Lawyers Association (Member); Maine Employment Lawyers Association (Member); Labor and Employment Relations Association (LERA-Maine Chapter) (Member).

## **Recent Publications & Speaking Engagements**

"It's Not If, It's When: How to Navigate Ethical Challenges and Keep Your Job," Maine School Superintendents Association, 29th Annual Winter Convocation, Portland, Maine (2023); "You Can't Work There...Or Can You? An Overview of Restrictive Covenants in Maine," Maine State Bar Association 22nd Annual Employment Law Update, Freeport, Maine (Co-Presenter 2022); "Mediation in Employment Matters," Maine Municipal Association's Municipal Human Resources & Management Virtual Conference (2021); "COVID's Impact on Labor Relations: What's Temporary, What's Here to Stay," Labor and Employment Relations Association (LERA--Maine Chapter) (Co-Presenter 2022); "Mediation in the Me Too Era," Annual Conference, Maine Association of Mediators (Co-Presenter 2020); "Pursuing and Defending Cases at the Maine Human Rights Commission," Chapter 8, Practical Guide to Employment Law in Maine, MCLE New England (2019); "Harassment, Bullying and Bystander Intervention – What is a Mediator to Do?," CADRES Mediator Training, Portland, Maine (Co-Presenter 2018); "Achieving Successful Outcomes in Mediation: A Mediator's Perspective on Preparation and Presentation," CLE Sponsored by the New Lawyer and ADR Sections of the Maine State Bar Association, Freeport, Maine (Co-Presenter 2018); "Judicial Settlement Conferences and Mediations – Best Practices for Achieving a Favorable Settlement for Your Client in Employment Cases," Maine State Bar Association 17th Annual Employment Law Update, Freeport, Maine (Co-Presenter 2018); "The Arbitration Choice vs. Arbitrary Choice," Maine State Bar Association, ADR Section, Freeport, Maine (Co-Presenter 2014); "Mediation of Employment Disputes," Maine Association of Mediators Spring Conference, Freeport, Maine (Program Moderator 2012); "Avoiding or Creating Employer Liability: Case Law and Practical Tips on the Handling and Mishandling of Independent Investigations," Maine State Bar Association 8th Annual Employment Law Update, Freeport, Maine (2008); "Cut the Costs of Workplace Conflict with Two Underutilized Tools: Mediation and Independent Investigations," Maine Human Resources Convention, Rockport, Maine (2008).

## **Mediation Rate**

\$350 Per Hour

## **Languages**

English

## **Citizenship**

United States of America

## **Locale**

Portland, ME

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.