



AAA Mediation.org™

**FN-4907600 MN-4907600 LN-4907600,  
Esq.**

Iselin, New Jersey



**Current Employer-Title** Greenbaum Rowe Smith & Davis, LLP – Of Counsel

**Profession** Arbitrator, Mediator, Retired Judge, Attorney

**Work History** Of Counsel, Greenbaum Rowe Smith & Davis, LLP, 2019-Present; Judge, Superior Court of New Jersey, 2009-2019; Partner, Schwartz Simon Edelstein Celso & Kessler, 1992-2009; Partner, Schablik & Kessler, 1981-1991; Associate, Ribis, Locascio and McCluskey, 1980-1981; Associate, Meyner and Landis, 1975-1980; Law Secretary to the Honorable Harold Kolovsky, Superior Court of New Jersey Appellate Division, 1974-1975.

**Experience** As a Chancery Division judge, presided over and decided complex commercial non-jury trials, hearings, and motions involving commercial contracts, corporate, partnership and LLC disputes including business and partnership breakups, non-competition, trade secret protection and enforcement of restrictive covenants, commercial real estate and lease disputes, employment discrimination, NJLAD, NJCEPA, ADA, ERISA, FMLA, FLSA, civil rights, executive employment contract disputes, pensions, fraud, franchise practices, professional malpractice, insurance coverage, healthcare, construction, intellectual property, unfair trade practices, securities, banking, mortgages, constitutional claims and claims arising out of state and federal regulations and statutes.

During 35 years of private practice, litigated complex commercial cases in state and federal courts including contract, corporate, partnership and LLC disputes, real property, commercial leases, construction, employment discrimination,, civil rights, misclassification of independent contractor, Fair Labor Standards Act (FLSA), wage and hour, healthcare, NJLAD, NJCEPA, ADA, ERISA, New Jersey Franchise Practices Act, fraud, anti-trust, unfair trade practices, insurance and professional liability matters.

Served as outside counsel to Hospital for 27 years and counsel to physicians and physician practice groups, counseling providers and litigating issues regarding regulatory compliance, reimbursement, licensing and technology, physician and vendor contracting, consulting contracts, hospital credentials, peer review and staff privileges matters.

Served as instructor at the New Jersey Judicial College and as a lecturer for the New Jersey Institute

of Continuing Legal Education on topics such as corporate, partnership and LLC disputes, when and how to use experts, valuing closely held businesses, deciding applications for temporary, interlocutory and permanent injunctions, employment, diversity, sexual harassment and ADA issues.

By appointment of the New Jersey Supreme Court, served as vice-chair of the Supreme Court Committee on Complementary Dispute Resolution, member of Supreme Court Committee on Women in the Courts (chair of judicial education subcommittee) and chairman and member of New Jersey Board of Bar Examiners

## **Mediator Experience**

Active mediator since retirement from as a Chancery Division Judge, Superior Court of New Jersey in privately initiated mediations and as a New Jersey Supreme Court approved mediator (under Rule 1:40, the Court's Presumptive Mediation program).

Representative business mediations include breach, enforcement and interpretation of complex commercial business contracts, corporate, partnership and LLC disputes, oppression of minority business owner, business dissolution and LLC dissociation, business fraud, misappropriation, breach of fiduciary duties, payment obligations under commercial contract and defenses thereto, Stark and Anti-kickback violations in medical contract, title to property, breach of agreement to develop real estate, specific performance of business and real estate contracts, breach and enforcement of commercial leases, legal malpractice and professional negligence.

Representative employment mediations include breach, enforcement and interpretation of employment contracts, executive compensation, breach of restrictive covenant and protection of trade secrets, protection of confidential information, misclassification of independent contractor, wrongful termination, gender, race and age discrimination, hostile work environment, retaliatory harassment and/or termination and tortious conduct.

As a Superior Court Judge, participated in the settlement of numerous cases.

## **Mediator Style & Process Preferences**

My role as a mediator is to facilitate a meaningful, positive and productive dialogue between the parties to resolve and settle a case. In preparation for the mediation, I require the parties to provide mediation statements and relevant core documents. I work with counsel and the parties to facilitate communication to ensure that each party fully understands the other party's position and responds to the other party's concerns, realistically assesses the relevant facts and guiding legal principals and appropriately assess the risks of litigation. I encourage mediation participants to put aside personal antagonism which impedes settlement, explore new areas of discussion and to be sensitive to relationships and unspoken issues that may impede a settlement. I endeavor to ensure that all parties feel confident that they were heard and understood, to provide a forum to discuss the strengths and weaknesses of their claims and defenses, to provide a fair process worthy of trust on both sides of the dispute and to persist until a settlement optimal to all parties is achieved.

My 45 years of experience as a judge, mediator and attorney allows me to understand the relevant facts and applicable law and recognize and address the personalities which drive contested matters. I believe the potential for settlement is enhanced by my guidance based on my experience in overseeing contested cases.

## **Education**

New York University School of Law (JD, Root Tilden Fellow-1974); Union College (BA, Magna Cum Laude, Phi Beta Kappa-1971).

## **Professional Licenses**

Admitted to the Bar: New Jersey (1974); U.S. District Court: New Jersey (1974); U.S. Court of Appeals: Third Circuit (1979).

## **Professional Associations**

New Jersey Academy of Arbitrators and Mediators, a chapter of the National Academy of Distinguished Neutrals (NADN); New Jersey Supreme Court Committee on Complementary Dispute Resolution (Vice-Chair); The Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution; New Jersey Supreme Court Committee on Women in the Courts; American Bar Foundation (Fellow); American Bar Association (Section on Dispute Resolution); New Jersey Bar Association; (Section on Dispute Resolution); Essex County Bar Association.

## **Recent Publications & Speaking Engagements**

Taught numerous courses on promoting fairness and avoiding bias in the courtroom to Judiciary groups, 2014-2018. Panelist, Hot Topics in Chancery Practice, Temporary and Permanent Injunctions, Sponsor: Essex County Bar Association, March 2021; Panelist, Forensic and Litigation

Symposium, Sponsor: Withum, December 6, 2019. Panelist, Dealing with LLC Disputes 2019, Sponsor: New Jersey State Bar Association, May 16, 2019. Panelist, Valuing Closely Held Businesses, Sponsor: New Jersey State Bar Association, May 17, 2018.

<b>Mediation Rate</b>	\$600 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Iselin, NJ

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.