



AAA Mediation.org™

**FN-4917123 MN-4917123 LN-4917123,
Esq.**

Morristown, New Jersey



Current Employer-Title Riker Danzig LLP - Of Counsel

Profession Retired Judge, Arbitrator, Mediator

Work History Of Counsel, Riker Danzig LLP, 2017-Present; Judge, Superior Court of New Jersey, 1992-2017; Attorney, Law Offices of Travis L. Francis, 1990-1992; Senior Trial Attorney, Fireman's Fund Insurance Co., 1988 -1990; Trial Attorney, Prudential Insurance Company of America, 1985-1988; Office of the Public Defender, New Jersey Dept. of the Public Advocate, 1983-1985.

Experience As a Superior Court Judge for 25 years including Assignment Judge and Presiding Chancery Judge overseeing one of New Jersey's most active venues, presided over and decided complex construction contract issues, complex commercial jury and non-jury trials, LLC and corporate disputes including but not limited to non-competition and restrictive covenant enforcement, trade secret and intellectual property issues, commercial and residential contract and lease disputes, employment and discrimination claims, NJLAD, NJCEPA, ERISA, FMLA, Fair Lakes Standards Act, FLSA, pensions, fraud, civil rights, franchise practices, unfair trade practices, labor arbitration disputes, mortgages, state and federal statutes and regulations, medical/legal and professional malpractice, TILA disputes, executive employment, insurance coverage, shareholder oppression, public bidding disputes, health care law, condemnation and public takings disputes.

During 10 years of private practice, litigated complex commercial cases and complex construction issues including AIA/construction contracts and mechanics liens, insurance coverage and liability issues. Litigated claims of bad faith and tried jury and non-jury trials.

Cases included a wide range of disputes arising under federal and state laws and the U.S. constitution, including commercial disputes, contracts, employment and discrimination claims, construction, real estate, negligence, personal injury, professional malpractice, products liability, shareholder oppression, insurance coverage disputes, health care law, labor arbitration disputes, public bidding disputes, a variety of State and Federal constitutional law claims, as well as those arising out of state regulations and statutes and complex class actions and multiple district cases.

Mediator Experience Mediating cases since 2017 in the areas of Employment, Healthcare, and Complex Commercial

cases averaging well over 50 mediations.

Representative Issues Handled as a Mediator

Representative commercial mediations include complex commercial contract mediations including breach and enforcement of contracts, business fraud and partnership disputes including dissolution, restrictive covenants and non-compete provisions.

Representative complex construction mediation between municipality and general contractor for the construction of a simple cycle power plant at a cost of \$24.7 million. There were breach of contract claims by the general contractor as well as subcontractors. There were issues regarding back charges of \$3.1 million and issues regarding performance bonds and claims of design defects, performance defects and delays. There were issues revolving around liens and indemnification.

Representative complex construction mediation between condominium developer and condominium homeowners association revolving around insufficient reserves, breach of contract, design defects and breach of fiduciary duty.

Representative employment mediations include enforcement and interpretation of employment contracts, breach of restrictive covenant and non-compete clauses, wrongful termination, executive compensation, ERISA, NJLAD, gender, race and age discrimination, hostile work environment, CEPA, and retaliation disputes.

Representative healthcare mediations include breach, enforcement and interpretation of healthcare contracts between hospitals and major insurance providers regarding hospital tiering and insurance products available and pricing pursuant to the hospital's relative position and tier level.

Representative business mediations include breach, enforcement and interpretation of complex commercial business contracts, partnership disputes, business fraud, oppression and its misappropriation, specific performance of real estate contracts, breach and enforcement of commercial leases, title to property, breach of agreement to develop real estate.

Representative complex construction mediation include contractors and municipal entities involving a \$60 million municipal solid waste construction project. There were claims of fraud, breach of contract and breach of fiduciary duty.

Representative restrictive covenant mediation involve dispute between hospital and employed physician. There were claims of breach of restrictive covenant, breach of contract, fraud and tortious interference.

Representative of insurance mediation regarding a dispute involving the applicability and quantum of a deductible based on the interpretation of the "named storm" provision of a commercial policy.

Mediator Style & Process Preferences

The efficient mediation process focuses on assisting the parties engage in positive directed communication with a goal of reaching a consensus on the key disputed issues. My level of pro-activism is governed by my assessment of the issues and the parties. My mediation philosophy is to facilitate an atmosphere of trust, integrity, confidentiality, respect and independence.

I always solicit confidential mediation statements in advance of the mediation wherein the parties may candidly express their interpretation of the substantive issues, the law and their perspectives on their expectations regarding potential pathways to resolution. Preparation is the keynote to my effectiveness as a mediator and engaging in full and frank discussions with all parties individually. I always reduce any agreements to a fully executed writing.

Technology Proficiency

Proficient with online platforms Microsoft Teams, Zoom, LoopUp, etc. Will conduct mediations in person or virtually.

Education

Rutgers University School of Law (JD-1981); North Carolina State University (M. Ed.-1975).

Professional Licenses

Admitted to the Bar: New Jersey (1981); U.S. District Court: New Jersey (1981).

Professional Associations

American Bar Foundation Fellow; 2023 and 2024 Best Lawyers in America in Arbitration and Mediation; New Jersey Law Journal 2019 Diverse Attorney of the Year; New Jersey State Bar Association Section on Construction; Middlesex County Bar Association; Adjunct Professor Rutgers

Law School Civil Litigation Skills.

Mediation Rate

\$575 Per Hour

Languages

English

Citizenship

United States of America

Locale

Morristown, 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.