



AAA Mediation.org™

**FN-5274517 MN-5274517 LN-5274517,
Esq.**

Los Angeles, California



Current Employer-Title The Law Offices of Stephen M. Benardo APLC - Principal

Profession Arbitrator, Mediator, Attorney

Work History Principal, The Law Offices of Stephen M. Benardo APLC, 2011-Present; Partner, Appell Hilaire Benardo LLP, 2005-2011; Senior Counsel, Silver & Freedman, 1998-2004; Associate, Knee & Mason, 1994-1997; Associate, O'Flaherty & Belgum, 1993-1994; Law Clerk, Seyfarth Shaw Fairweather & Geraldson, 1989-1990.

Experience Represented employers and employees in all areas of employment law and litigation, including harassment, discrimination, wrongful termination, disability, employee mobility, and wage and hour issues. Also represented clients in unfair competition, trade secrets, and other business litigation, as well as class actions and appellate practice. Represented clients in federal and state courts, arbitrations, administrative proceedings, and mediations.

Provided counseling and training on employment and personnel issues, and helped ensure compliance with the ever-changing laws governing the workplace by providing appropriate policies, procedures, and employment agreements. Clients have benefitted not just from knowledge and experience, but also from approach to risk management, which has emphasized avoidance of claims in the first place.

Regarded as an expert on a wide-range of employment law and civil rights issues from discrimination and harassment of all types, to wrongful termination, to retaliation and whistleblower cases, to wage and hour, to trade secrets and unfair competition, to almost every area of the law governing employers and employees.

Has an in-depth understanding of wage and hour class actions and PAGA actions. Many attorneys and neutrals are familiar with the FLSA or California wage and hour laws, but few truly understand the class certification process, statistics and surveys, PAGA, and the special claims and defenses on which these cases rise and fall. Has both prosecuted and defended wage and hour class actions and PAGA cases, and has been class counsel in a number of seven and eight figure class actions. Has litigated more than 100 individual wage and hour cases (e.g., FLSA, California Labor Code,

overtime exemption misclassification, independent contractor versus employee) on behalf of both plaintiffs and defendants in civil court and before the California Division of Labor Standards Enforcement.

In-depth experience in unfair competition and trade secret cases, having represented clients on all three points of the triangle: employers who have lost employees to a competitor, employers who have hired employees from a competitor, and employees who have changed jobs from one competitor to another or who have started a business that competes with a former employer.

Mediator Experience

In addition to private mediation practice, currently serves as a panel mediator for the United States District Court for the Central District of California since appointment to the ADR Panel in 2018. Currently serves as a Settlement Officer for the Los Angeles County Superior Court through the Resolve Mediation program. Previously served as a settlement officer in the Los Angeles County Superior Court CRASH Mediation Program and as a volunteer mediator in the Mediation Advocacy program at the USC Gould School of Law. Served as a volunteer mediator for the Small Claims Division of the Los Angeles County Superior Court through the Center for Conflict Resolution (CCR), mediating approximately ten cases per month.

Experienced and comfortable mediating both virtually and in-person, so the mediation method best suited for the parties and can be selected for each case. About half of cases mediated have been virtual mediations via Zoom or other video conferencing platforms. Also available to mediate in-person.

Primary focus as a mediator is employment law cases, with a specialty in wage and hour class action matters. Mediated cases involving wrongful termination, discrimination, harassment, retaliation, whistleblower, and disability claims. Also mediated other types of cases, such as personal injury, landlord-tenant, consumer credit reporting, and ADA access.

Mediator Style & Process Preferences

Strongly believes in the importance of resolving disputes in a way that works for parties and attorneys and allows all concerned to put the dispute behind them to move on to bigger and better things. There is no one path to resolution – it takes an open mind, a willingness to find the way that works in each individual case, and a determination to get things done.

Is a mediator who understands all types of litigants and attorneys. As a litigator, has represented clients before state and federal appellate courts, trial courts, and administrative agencies. As a defense attorney, has worked for multi-billion dollar companies, single individuals, and all kinds of clients in between. As a plaintiffs' attorney, has handled class actions with potential damages over 100 million dollars, to cases where only 10,000 dollars were at stake. Has thus concurrently represented both employees and employers in a broad range of cases, something few attorneys do – knows what both rooms are thinking.

Education

UCLA School of Law, (JD-1991); University of Minnesota (BA-1985).

Professional Licenses

Admitted to the Bar: California (1992); US District Court: Central (1995), Eastern (2003), Northern (2003), and Southern Districts of California (2003); US Court of Appeals: 9th Circuit (2014).

Professional Associations

Los Angeles County Bar Association, Labor and Employment Law Section (1994-Present); ProVisors (2004-Present); Beverly Hills Bar Association (2021-Present).

Mediation Rate

\$7,500 Per Day

Languages

English

Citizenship

United States of America

Locale

Los Angeles, CA

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.