



AAA Mediation.org™

**FN-5275738 MN-5275738 LN-5275738,
Esq.**

New York, New York



Current Employer-Title HWH Mediation LLC – Founder
Cardozo School of Law – Adjunct Professor

Professional Summary For nearly three decades, practiced law as a trusted advisor and litigator for clients in the financial services industry, including private investment funds, in New York City, focused primarily on employment and employee benefits matters. Since 2019, have served as arbitrator or mediator in more than 200 disputes.

Profession Attorney

Work History Founder, HWH Mediation LLC, 2020-Present; Adjunct Professor, Cardozo Law School Mediation Clinic, 2022-Present; Partner, Employment & Employee Benefits Department, Schulte Roth & Zabel, 2003-2020; Associate/Special Counsel, 1999-2002; Associate, Litigation Department, Sullivan & Cromwell, 1991-1999.

Experience Represented employers and executives in all aspects of employment and employee benefits law and employee relations, primarily in the financial services industry, including investment banks, commercial lenders, hedge funds and private equity funds. Litigated disputes involving restrictive covenants (non-compete, non-solicit, confidentiality), ERISA claims, executive compensation, employment agreements, statutory employment discrimination, harassment and retaliation claims (e.g., race, sex, age, disability, pay, pregnancy, religion), wage and hour claims (e.g., FLSA, NYLL, overtime), misclassification, and common law tort and contract claims, in federal and state courts, before administrative and government agencies and in arbitral forums. Advised employers on employment law compliance and best practices, drafted and negotiated employment agreements, separation and severance agreements and other employment-related and executive agreements, provided anti-harassment and anti-discrimination training, and conducted workplace investigations.

Advised multi-employer pension plan sponsors in substantial withdrawal liability disputes. For example, represented a multi-employer pension plan sponsor in a multi-year arbitration to recover withdrawal liability on the basis that the employer engaged in a transaction to evade or avoid withdrawal liability. Similarly, represented multi-employer pension plan sponsors in withdrawal liability disputes confronting defenses that the respondents were not controlled group members or

were not engaged in a trade or business, or that the claims had been released in bankruptcy proceedings. Engaged on behalf of multi-employer pension plans in disputes over the accrual and amount of withdrawal liability. Assisted employers/plan sponsors in investigating and responding to substantial benefit claim appeals. Drafted plan claim appeal procedures on behalf of employers/plan sponsors. Successfully defended a multi-employer pension plan sponsor and its trustees against a putative class action challenging the plan's provisions governing the calculation of benefit credits for hours of service. Represented employer trustees of multi-employer pension plans, including in a deadlock arbitration regarding the continued retention of a third-party administrator.

Over a 30-year legal career in two top-tier law firms, arbitrated and mediated scores of financially significant and highly sensitive cases, primarily in the employment and employee benefits areas, and in the financial services industry.

Mediator Experience Since 2019, have served as mediator in more than 150 cases, as a member of the mediator rosters for the Southern and Eastern Districts of New York, and other rosters as well as private mediations. Have also observed or co-mediated several mediations as an Adjunct Professor of the Mediation Clinic of Cardozo Law School.

Representative Issues Handled as a Mediator Primary issues mediated involve employment discrimination and harassment, FLSA, ERISA and contract disputes arising in the employment context (including class and collective actions).

Mediator Style & Process Preferences Mediation process is flexible and bespoke. Customization begins before the initial mediation session, with pre-mediation communications with counsel designed to identify key issues, concerns, disputed factual and legal matters and barriers to settlement, as well as potential creative and practical solutions. The table is set before the guests arrive. The parties and I decide together how the mediation will proceed, taking into account the timing of the mediation within the case, the parties' needs, the attorneys' relationships with their clients, etc. While I am efficient, I do not rush the process.

Education University of Virginia School of Law (JD-1991); Emory University (BA-1987).

Professional Licenses Admitted to the Bar: New York (1992); U.S. District Court: Southern/Eastern Districts of New York; U.S. Court of Appeals: 2nd Circuit; U.S. Tax Court; U.S. Supreme Court.

Professional Associations American Bar Association; New York State Bar Association (ADR and Labor & Employment Sections); New York City Bar Association (ADR Committee); New York County Bar Association; ACR-GNY.

Recent Publications & Speaking Engagements Select Publications: "Employment Law Practitioners Can Increase Diversity, Equity and Inclusion in Employment ADR: Why and How They Should," NYSBA, Labor and Employment Law Journal, Vol 47, No. 1 (2023); "What Employment Neutrals Should Know About Employee Benefits," Kluwer Law Online, AAA Dispute Resolution Journal, Volume 76, Issue 3, pp. 23-36 (2023); "Lamps Plus' Ruling Narrows the Availability of Class Arbitration," New York Law Journal, May 20, 2019 (co-author); "Start-Up Businesses and Growing Companies: Key Employment Law Issues (NY)," LexisNexis, May 2019; "Recent Supreme Court and D.C. Circuit Decisions Concerning Arbitration," New York Law Journal, March 15, 2019 (co-author), reprinted in NYU Labor and Employment Newsletter, Issue 17 (2021); "Hedge Fund Employee Compensation," Practical Law, February 2019 (co-author); "How Employers Are Responding to New York's New Anti-Sexual Harassment Laws," New York Law Journal, Nov. 16, 2018 (co-author), republished in NYU Labor & Employment Law News, Winter/Spring 2019.

Select Speaking Engagements: Panelist, From the Minds of Mediators: How to Prepare for and Mediate an Employment Law Case, New York City Bar Ass'n (June 2024); Moderator, Case Management Panel, 25th NYU Employment Law Workshop for Federal Judges (Federal Judicial Center and NYU Labor and Employment Law Center (Sept. 2023); Moderator, Tanenbaum Religious Diversity Leadership Summit, Religion in the Workplace (May 2023); Commentator, NYU Labor and Employment Center, 75th Annual NYU Conference on Labor & Employment Law (May 2023); Commentator, NYU Labor Center: 3rd Student on Labor & Employment Law (May 2023); "Effective Employment Law Arbitration & Mediation," NYU Labor & Employment Law Center (March 2022); "What Employment Arbitrators Need to Know About Employee Benefits," AAA New York Arbitrator Panel (Nov. 2021); New York University Law Women Panel,

New York, March 2019; 22nd Annual Employment Law Workshop for Federal Judges, New York University, New York, March 2019; “Conducting the Internal Investigation — Considerations, Processes and Procedures & Privilege Issues and Ethical Traps in Conducting the Investigation,” PLI Internal Investigations 2018, New York, June 2018; Tanenbaum 3rd Annual Religious Diversity Leadership Summit, New York, May 2018; “Avoiding Litigation in Workforce Cases,” Benchmark Women in Litigation East, New York, September 2017.

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| Locations Where Parties Will Not be Charged for Travel Expenses | New York Metro Area |
| Mediation Rate | \$800 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | New York, NY |

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.