



AAA Mediation.org™

**FN-5376562 MN-5376562 LN-5376562,
Esq.**

Bethesda, Maryland



Current Employer-Title Esposito Mediation LLC

Professional Summary Experienced mediator drawing on over 38 years as a civil litigator (Chambers-ranked 2010-2019) with a varied practice, and several years as a volunteer mediator for four federal and state courts, including the United States Court of Appeals for the Federal Circuit and the District of Columbia Court of Appeals. Mediation experience ranging from patent infringement to pregnancy discrimination, commercial real estate, and the False Claims Act.

Profession Mediator, Attorney, Law Professor

Work History Mediator, Esposito Mediation LLC, 2019 - Present; Partner, Hunton Andrews Kurth LLP (previously Hunton and Williams), 2008-2019; Partner, Akin Gump Strauss Hauer and Feld, 1992-2008; Counsel, Akin Gump Strauss Hauer and Feld, 1990-1991; Partner, Heron Burchette Ruckert and Rothwell, 1989-1990; Associate, Heron Burchette Ruckert and Rothwell, 1987-1988; Associate, Steptoe Johnson, 1982-1987; Associate, Cahill Gordon and Reindel 1980-1982; Law Clerk, Honorable Paul C. Weick, United States Court of Appeals for the Sixth Circuit, 1979-1980; Law Clerk, Honorable Phil M. McNagny, Jr. United States District Court for the Northern District of Indiana, 1978-1979.

Experience Commercial litigation, employment discrimination litigation, federal and state corporate tax litigation, patent litigation, lender liability litigation, antitrust litigation, False Claims Act, Anti-SLAPP, defamation, tortious interference, breach of fiduciary duty, customs fraud, legal malpractice, partnership fraud and accounting, federal securities law, toxic tort, derivative actions, the Lanham Act, the Fair Credit Reporting Act, construction and subsidence, public accommodations cases, breach of warranty, and breach of contract.

Adjunct Professor of Law at George Mason University School of Law, 2015-2022 – Course on Pretrial Practice.

Faculty of the National Institute of Trial Advocacy at Georgetown Law School for several years.

Mediator Experience	Representative mediations have included a variety of employment matters (pension contributions, sex discrimination, retaliation, executive employment agreements, Family and Medical Leave Act, whistleblowers, and pregnancy discrimination), patent infringement matters, commercial cases (breach of contract, construction and subsidence, government contracts, bailment), real estate (commercial real estate leasing, zoning, residential real estate, foreclosure), defamation, and matters involving the D.C False Claims Act, the D.C. Anti-SLAPP statute, the D.C. Consumer Protection Procedures Act, the Foreign Agents Registration Act, and the Indian Self-Determination and Education Assistance Act.
Representative Issues Handled as a Mediator	Whether a patent was invalidated by prior art, and/or whether it had been infringed; whether the language of a publication was defamatory; whether an employer retaliated against an employee for taking a particular action; whether damages were correctly calculated in a False Claims Act matter; whether an employer complied with the terms of the Retirement Plan in making pension contributions.
Mediator Style & Process Preferences	<p>One of the hallmarks of mediation is that it is likely the most cost-effective means of dispute resolution. The process I generally utilize is, I believe, efficient, orderly and respectful of the parties. It is designed to maximize the parties' understanding of one another's positions, and the mediator's understanding of the issues and the needs/interests of the parties, because preparation is critical for a mediator. The process is also intended to encourage the parties and counsel to focus before entering the mediation room.</p> <p>Specifically, I conduct a brief, joint preliminary conference by Zoom. Thereafter, the parties submit mediation statements, one shared with the other parties and the mediator to ensure that everyone knows how each party views the issues, and, at their option, a separate confidential statement submitted solely to the mediator, with information they do not wish to disclose to adversaries. Before the mediation, I schedule separate Zooms with each counsel to ask questions based on my analysis of the statements, and to learn anything they did not want to commit to writing, such as comments about the parties.</p> <p>At the mediation, unless there is a good reason to the contrary, I usually dispense with party openings because too often they only serve as Molotov cocktails, blowing the mediation up before it begins. In the breakouts/caucuses, I listen patiently, empathetically, and carefully to everything each party wishes to share (and also pay attention to what is not said). Persistence and tenacity are important mediator traits: my goal is to keep the parties talking. Accordingly, if the dispute does not settle on the day of mediation, I will follow up in the ensuing days and weeks, which frequently produces settlement.</p> <p>While the foregoing outlines my typical process, another hallmark of mediation is flexibility, to accommodate the unique circumstances of a particular matter, to accommodate the schedule and concerns of counsel and parties, and to adjust to unanticipated developments that almost invariably arise. To that end, I urge real communication between counsel, parties and the mediator at all times, so I understand how I may better serve in my role.</p>
Technology Proficiency	Experienced using Zoom – very comfortable conducting mediation sessions virtually.
Education	New York University School of Law (JD - 1978); State University of New York at Buffalo (BA - 1975).
Professional Licenses	Admitted to the Bar: New York (1979), District of Columbia (1983); U. S. Supreme Court; various other federal trial and appellate Courts.
Professional Associations	American Law Institute; American Bar Association; District of Columbia Bar Association.
Recent Publications & Speaking Engagements	<p>Publications:</p> <p>Author, "Practical Advice for Virtual Mediation," Litigation Journal, Fall 2021;</p> <p>Co-author, "Protecting Against Unauthorized Participation and Recording," Just Resolutions, December 2021;</p> <p>Author, "Make Mediations More Effective for Your Clients: A Mediator's Perspective," PLI Chronicle, June 2022.</p>

Presentations:

The Six W's of Mediation, Employment Law Committee, ABA Section of Dispute Resolution, June 2023;

Want to Put the Spark Back Into Client Relationships? Effective Mediation Skills Will Do It, ABA Section of Litigation, September 2022;

Effective Mediation for Your Clients – Practical Insights for Every Stage of Mediation, Practicing Law Institute, June 2022;

Best Practices for Using Mediation Effectively for Your Client, District of Columbia Bar, May, 2022;

What Mediators and Counsel (Really) Want from Each Other, ABA Section of Dispute Resolution, November, 2021;

Secrets to a Successful Mediation, Association of Corporate Counsel – National Capital Region, January, 2019.

Mediation Rate	\$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Bethesda, MD

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.