



AAA Mediation.org™

**FN-5841989 MN-5841989 LN-5841989,  
Esq.**

**Satellite Beach, Florida**



**Current Employer-Title** Brevard Mediation Services LLC - Owner

**Profession** Arbitrator, Mediator, Attorney, Educator

**Work History** Owner/Mediator/Arbitrator, Brevard Mediation Services LLC, 2011-Present; Senior Home Office Claims Attorney, Zurich North America, 1999-2010; Shareholder, Niewald Waldeck & Brown, 1994-1999; Associate, Wiley, 1991-1994; Associate/Summer Associate, White & Case, 1988-1991; Law Clerk, PepsiCo Inc., 1987.

**Experience** Commercial disputes involving franchisee/franchisor disputes concerning breach of contract and improper use of trademarks and copyrights; corporate governance litigation (including piercing corporate veil); letter of credit disputes; fraud and civil RICO; revenue-based funding; merchant cash advances; factoring based on future sales' receipts; coverage disputes between policyholders and carriers; breach of fiduciary claims in insurance contracts; breach of insurance contract claims; declaratory judgments; securities disputes involving breach of contract and fiduciary duties; parole claims involving parties' intent in context of contract ambiguity; contract interpretation doctrines; late notice and prejudice claims; misrepresentations or omissions and impact on contract interpretation; subrogation; choice of law; coverage disputes between policyholders and carriers; IEP disputes involving school boards; vocational rehabilitation statutory violations, ADA physical barrier disputes; employment disputes (private employers) including race, sex, disability, religion, FMLA, retaliation, age; foreclosures in bankruptcy proceedings, property damage claims arising from hurricanes and other catastrophic weather events; catastrophic personal injury and wrongful death suits; bad faith insurance claims; failed or rescinded adoption claims; consumer torts; legal malpractice and billing disputes.

Disability Advocate, Community College Adjunct Professor in Linguistics and Deaf Studies.

Consumer disputes involving insurance claims disputes via state regulatory dispute resolution processes; personal injury cases involving motor vehicle accidents, swimming pool construction disputes, lawn care services contract disputes, automobile financing disputes including "spot delivery" disputes; fraudulent deceptive and unfair trade practices (FDUTPA) claims; Fair Credit Reporting Act (FCRA) claims; credit card disputes, attorney-client grievance and fee disputes;

intentional tort claims involving slips and falls, negligent security cases.

## **Mediator Experience**

Commercial disputes involving franchisee/franchisor disputes; letter of credit disputes; coverage disputes between policyholders and carriers; IELA disputes involving school boards; vocational rehabilitation statutory violations, ADA physical barrier disputes; employment disputes (private employers) including race, sex, disability, religion, FMLA, retaliation, age; foreclosures in bankruptcy proceedings, property damage claims arising from hurricanes and other catastrophic weather events; catastrophic personal injury and wrongful death suits; bad faith insurance claims; failed or rescinded adoption claims; consumer torts; legal malpractice and billing disputes. Multi-party mediation experience in commercial, coverage, employment and personal injury contexts. Mediating since 2008; approximately 2000 cases mediated.

## **Representative Issues Handled as a Mediator**

Sexual harassment/hostile work environment (based on gender/age/race); sexual torts as a variant of personal injury (pastor or spiritual advisor negligence); retaliation in employment (direct or associative); wrongful termination/constructive discharge; failure to hire/promote; ADA discrimination (physical barriers as well as hiring, firing, hostile work environment); race/color discrimination under Section 1981 and Title VII; FMLA discrimination/retaliation; service animal issues and discrimination; insurance coverage disputes; insurance bad faith (liability policies and property damage policies); subrogation; failure to defend/wasting policies; excess demands, excess judgments, SIR issues; pro rata divisions of coverage between policies in same year/pro rata divisions of coverage across time spans; catastrophic injury and wrongful death involving failing products or accidents; multi-vehicle chain accidents; use of structures; home-owner associations and director liability; legal malpractice.

## **Mediator Style & Process Preferences**

Mediation as a tool to resolve disputes is limited only by the parties' ingenuity. My focus, without overlooking parties' self-determination, is to enable parties to reach resolutions that are cost-effective and results-oriented. To resolve a case, all sides must have the best information possible about what the opposing side(s) will or is willing to do. Getting to that information requires more from a mediator than just conveying offers and demands. My goal is to help the parties achieve resolution, or barring that, complete information to provide clarity about future case decisions. Typically, I will review what information is available on a dispute (such as a court docket), request the parties to provide summaries with information that is designated as confidential at their discretion and conduct pre-mediation phone calls to address any potential issues in advance and start to focus on a results-oriented outcome.

## **Technology Proficiency**

Proficient in virtual conferences via Zoom and other meeting platforms.

## **Education**

New York University School of Law (JD-1989); Wesleyan University (BA, with Honors-1983).

## **Professional Licenses**

Admitted to the Bar: New York (1990), Florida (2004).

Florida Supreme Court Certified Circuit Civil Mediator (2008); Florida Supreme Court Certified County Mediator (2009); Florida Supreme Court Appellate Mediator (2010); Florida Qualified Arbitrator (2011); Florida Supreme Court Approved Primary Trainer Circuit Civil Mediation (2019).

## **Professional Associations**

National Academy of Distinguished Neutrals; American College of Civil Trial Mediators; Florida Bar, ADR Section; Brevard County Bar Association; Brevard County Association of Women Lawyers.

## **Recent Publications & Speaking Engagements**

The Florida Bar - ADR Section, Mentoring Academy for Mediators, 2020, 2023; The Florida Bar, Webinar on Hot Topics in Mediation, 2023; The Florida Dispute Center Annual Conference 2023 "Uncommon Solutions to Common Mediation Obstacles"; The Florida Bar Fee Grievance Mediation Arbitration Committee Webinar June 2023 "Fee Grievance Mediations --Do's, Don'ts, and What Ifs"; The Florida Bar, Webinar "Panel Debate on Non-Binding Arbitration," 2022; The Florida Dispute Resolution Center, Annual Conference 2021 "Mastering Mediation: The Experts Discuss Impact of Virtual Mediation and Adapting Mediation Techniques For Success in the Virtual Context"; The Florida Bar, Webinar: Arbitration On-Line, 2020; The Florida Dispute Resolution Center, 2019 Annual Conference "Ethics in Mediation (Who wants to be an Ethics Millionaire?)"; Upchurch Watson White and Max Webinar September 2023 "Pros and Cons of Artificial Intelligence in Mediation – The Next Frontier? "; Brevard County Bar Association Seminar October 2023 "Behind the Curtain: Practical and Ethical Constraints on Mediators." The Florida Bar, ADR Section Webinar: Effective Bracketing for Settlement Negotiations (with Michelle Jernigan, Esq.)

<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Annually, during the months of June, July and August, am located in Rhode Island and will not be charging travel expenses for cases located in southern New England.
<b>Mediation Rate</b>	\$3,500 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Satellite Beach, FL

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.