



AAA Mediation.org™

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La Cañada Flintridge, California

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Current Employer-Title Independent Arbitrator and Mediator

Panelist Video <https://www.adr.org/videoresume?paramName=860130981>

Professional Summary Arbitrator and mediator with over 27 years of legal experience advising and representing employees and employers in all aspects of employment law, prior to transition to a career as a neutral. Fair-minded and detail-oriented, with demonstrated devotion to enhancing the profession through service to the bar and to the community. A thought leader who continues to speak and publish on cutting-edge aspects of employment law and who stays current to ensure that all decisions and awards will be consistent with California law.

Profession Attorney, Mediator, Arbitrator, Discovery Referee, Commissioner (Public Works and Traffic Commission, City of La Canada Flintridge, California).

Work History Arbitrator/Mediator, 2023-Present; Partner, Jackson Lewis PC, 2021-2023; Partner, Ford Harrison, 2019-2021; Partner, Scali Rasmussen, 2018-2019; Partner, Dykema Gossett LLP, 2015-2017; Attorney, Gonzalez Saggio & Harlan (following successive mergers of Hernandez Schaedel & Associates and Schaedel & Associates) 2004-2015; Associate, Ballard Rosenberg Golper & Savitt, 1999-2004; Associate, Parker Milliken Clark O'Hara & Samuelian, 1996-1999, Associate, Woollacott, Jannol & Woollacott, 1995-1996.

Experience Key deliverables include:

- Arbitration of nearly three dozen employment matters
- Mediation of numerous litigated employment lawsuits with very high rate of successful settlement.
- Numerous favorable results in litigated wage/hour, harassment, retaliation, and discrimination cases due to substantive knowledge and strategic acumen.
- Prevention and resolution of issues prior to litigation through investigation and negotiation.
- Development of sound employment policies and comprehensive personnel handbooks.
- Advice as needed through news alerts and regular communications.
- Thought leader via frequent webinars and publications on artificial intelligence in the workplace

Specific career highlights include:

- Actively handled over 250 lawsuits and claims through disposition or favorable negotiation.
- Represented employees in discrimination, harassment, and wrongful termination lawsuits and arbitrations, and advised them and negotiated on their behalf at the entrance or exit stage of their relationships with employers.
- Advised employers on workplace disputes, policy changes, Covid-19 return-to-work policies, and other topics as arising, represented employers in all types of litigation and arbitration.
- Built a diversified law firm, then merged it into what was then America's largest Minority-Owned

Law Firm.
 Mentored, trained, recruited, and supervised associates and staff to develop their careers.
 Founded Gig Economy Practice Group at Ford Harrison.
 Member, Coronavirus Taskforce, CARES-PPP Practice Group, Traditional Labor Law Practice Group, Healthcare Practice Group, Restaurant Practice Group.
 Advised numerous clients on changing model from independent contractor to employee after Dynamex decision and AB5, or vice versa after California Prop. 22.
 Edited Ford Harrison's "Sourcebook" chapter on Joint Employment, Independent Contractors, and Staffing Issues, 2021 version.
 Developed employment case-handling matrix and associate career development plan.
 Addressed National Association of Dealer Counsel at annual conference in Chicago in 2018.
 Trained numerous firm clients on sexual harassment avoidance and best practices.
 Summary judgment awarded on behalf of clients against over 15 plaintiffs.
 Primary in-person advisor for clients throughout Southwestern U.S. regarding compliance with federal Labor & Employment law, including traditional/union issues and EEOC charges. This included on-site visits to audit employment law compliance and representation before EEOC, National Labor Relations Board, and state agencies in Nevada, Arizona, Texas and California.
 Thoroughly trained in traditional labor law (collective bargaining, arbitrations, grievance administration, and strikes) and in "modern" employment law.
 Conceived and created Labor & Employment section of Pasadena Bar Association, chaired it for five years.
 Co-Founded and currently co-chair Southern California Mediation Association's Practice Development Group (Employment Law)
 Conceived, founded, and currently moderate The Esquire Network "Neutrals" meeting.

Mediator Experience

Prior volunteer mediator through Resolve Law LA and "Crash" Program, as well as operating mediation practice from 2004-2009. Over 100 cases handled.

Representative Issues Handled as a Mediator

Vast majority of cases are employment law. Some representative cases include a two-plaintiff retaliation lawsuit against a housing advocacy organization where interpersonal relationships were alleged by both sides; a disability lawsuit against a mortgage lender involving wrongful termination as well as denial of commissions; a wage/hour and termination lawsuit that turned in part on whether the plaintiff's facility had been shut down; and numerous lawsuits involving PAGA, misclassification, and other wage/hour violations.

Mediator Style & Process Preferences

Every case is different, so no one style works in every case. My approach to every case is to engage the parties early by putting no limit on the length of briefs and exhibits, thoroughly reviewing everything, and meeting with each party in advance of the mediation to understand each party's motivations, goals, and concerns. I am not a fan of extending "the dance" with tiny moves of \$5,000 when the gap is \$1,000,000. My experience on both sides of "the v." as well as having been an employer and an employee, allows me not only to understand all parties' positions, but also to explain it to every other party, which allows them to see each other's point of view. I use joint sessions sparingly, and with full consent, where it can help to close a deal. I prefer in-person mediation, but will gladly conduct the mediation remotely where it's the parties' preference.

Technology Proficiency

Adept at all aspects of Zoom, Teams, GoToMeeting, GoogleMeet, and other online meeting platforms, as well as all MS Office products. Will conduct conferences and hearings in person or remotely, based on parties' preference.

Education

UCLA School of Law (JD-1995); Cornell University, School of Industrial & Labor Relations (BS-1992). Straus Institute, Pepperdine University, Mediating the Litigated Case (Certificate 2004).

Professional Licenses

Admitted to the Bar: California (1995); US District Court: Central District of California (1995); US Court of Appeals: 9th Circuit (1995). Eastern District of California, Southern District of California.

Professional Associations

Pasadena Bar Association, Founder and first Chair of Labor & Employment Section; Los Angeles County Bar Association, Executive Committee, Labor & Employment Section.
 Southern California Mediation Association, co-Founder and co-Chair of Practice Development Group, Employment Law
 The Esquire Network, Founder and Moderator of Neutrals meeting.

Recent Publications &

Artificial Intelligence and Hiring Bias Raise Real Challenges, Los Angeles Daily Journal ("LADJ")

Speaking Engagements

Mar 2024

Five Ways AI Will Change the Workplace of the Future, LADJ Nov 23

U.S. DOL Rescinds Trump-Era Rule Regarding Joint-Employer Status Under the FLSA, Ford Harrison Legal Alert ("FHLA"), Aug 21

U.S. DOL Signals Tougher Stance on Federal Classification of Workers as Independent Contractors FHLA, May 21

Misclassification Liability in the Rear-View Mirror May Be Greater Than It Appears: Cal Supremes Say Dynamex "ABC Test" Applies Retroactively FHLA, Jan 21

Driving in Reverse? Uber/Lyft Drivers Seek to Undo California's Proposition 22, FHLA, Jan 21

Passage of Proposition 22 Provides Independent Contractor Exemption for Uber, Lyft, and Other Online-Based Transportation Businesses FHLA, Nov 20

California Appellate Court Affirms Preliminary Injunction Requiring Uber and Lyft to Reclassify California Drivers as Employees, FHLA, Oct 20

California Independent Contractor Legislation Would Reform AB 5's Treatment of Freelance Writers, Musicians, Artists, and Other Professions; Bill Awaits Governor's Signature FHLA, Sept 20.

Appellate Court Grants Uber and Lyft Temporary Relief from Re-Classifying Drivers as Employees, FHLA, Aug 20

California Files Lawsuit Against Uber and Lyft For Misclassifying Drivers, FHLA, May 20

Returning to Work – Practical Issues Every Employer Needs to Consider FHLA, May 20.

Los Angeles Continues to Lead Worker Protection in Hospitality, Janitorial, and Tourism Sectors Through Right of Recall and Retention Upon Change in Ownership FHLA, May 20.

A (Temporary) Reprieve for Mandatory Workplace Arbitration FHLA, Jan 20

One Small Win for McDonald's, and One Giant Victory for Small Business Owners FHLA, Dec 19

California Attempts to Weed Out Unfair Labor Practices at the State Level by Enacting Union-Friendly Regulation on Employers in the Cannabis Industry, FHLA, Nov 19

AB 5, Codifying Dynamex and Broadening the ABC Test's Application, Passes California Legislature, FHLA, Sept 19

"Labor and Employment Roundtable" (featured panelist in Daily Journal and Cal Lawyer supplement on variety of issues), Dec 18.

"Bonus Time Overhaul--A Departure from Fairness" Mar 18.

"Calif. High Court OT Ruling: What Employers Should Know" Law 360, Mar 18. (Alvarado v. Dart)

"Justices Weigh Overtime Rules" (Encino Motorcars case) LADJ January 18.

"Two New Employment Laws to Take Effect in January" (Expansion of Baby Bonding Leave, and ban on inquiries into salary history) Dykema Alert, Oct 17.

"Small Ray of Hope for Small Businesses on Disability Access Suits [SB269]", LADJ Jan 17

"New FLSA Regulations Enjoined!" Dykema Alert, Nov 16

"Rejection of \$84 Million Class Action Settlement Sends Uber Back to the Starting Line," Inside Business, Aug 16

"Uber's Millions Buy Temporary Peace, but not Protection, in the Gig Economy," Forbes, Apr 16.

"Time for a Tune-Up of Rules Governing Uber, Lyft Litigation," Forbes, Feb 16

"Tracking Employees: How Far Can (and Should) Employers Go?" June 15.

"How High is Up? The Potential Effects of California's Minimum Wage Hike," Dec 13.

"The Triangle Shirtwaist Factory, 100 Years Later, and the TSCA: Responsibility as Opportunity," May 13.

"Brown Vetoes Bill to Prohibit "Unemployment Discrimination," Oct12.

"What is the Wage Theft Prevention Act?" Sept 12.

"Brinker Clarifies Meal, Rest Break Obligations for California" April 12.

"Who You Callin' Partner?" Southern California Physician May 11.

"Employer Response to Sexual Harassment Complaint 'No Joke,'" Sept. 10.

"Reverse Fee Award Sends Message to Government," LADJ Feb. 06.

Locations Where Parties Will Not be Charged for Travel Expenses

California (Southern California, Bay Area, all regions)

Nevada

Arizona

Utah

Oregon

Washington

New York

Florida

Texas

Hawaii
(Charge for economy airfare only, no charge for meals, lodging, or travel time)

Mediation Rate \$9,500 Per Day

Languages English

Citizenship United States of America

Locale La Cañada Flintridge, 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.