



Panelist Video

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Current Employer-Title Krokidas & Bluestein LLP – Partner

Mediation Profession Attorney, Mediator, Arbitrator

Work History Co-Managing Partner, Krokidas & Bluestein, LLP, 1992 – Present; Staff Attorney, Lawyers' Committee for Civil Rights Under Law, 1989 – 1992; Attorney, NAACP Legal Defense & Educational Fund, 1988 – 1989; Law Clerk to Honorable Pierre N. Leval, U.S. District Court Southern District of New York, 1987 – 1988.

Experience Litigated hundreds of employment matters before the Massachusetts Commission Against Discrimination (MCAD), Equal Employment Opportunity Commission (EEOC), and in state and federal court. Represented both plaintiffs and defendants in all nature of employment and wage and hour disputes.

Litigated contract disputes, disability discrimination, sexual harassment, race discrimination and age discrimination matters. Litigated and mediated dozens of wage and hour disputes, including class and collective actions related to misclassification, overtime pay, dual jobs, off the clock work, prevailing wage, and other claims under the Fair Labor Standards Act (FLSA) and state wage laws. Other areas of expertise include Family and Medical Leave Act, sexual orientation discrimination, reasonable accommodations, affirmative action, partnership disputes, professional firm breakups, non-competition, restrictive covenants, and commission disputes.

Counseled employers and employees regarding discipline and termination decisions, drafting employment agreements, responding to requests for accommodation, FMLA and other leaves of absence.

Litigated partnership and professional fee disputes; insurance coverage disputes under Commercial General Liability (CGL), Directors and Officers (D&O) and Employment Practices Liability (EPL) policies; business disputes involving breach of fiduciary duty, fraud, Chapter 93A deceptive business practices, consumer protection, and intellectual property claims. Also litigated housing discrimination, public accommodation and Americans with Disabilities Act cases.

Trained hundreds of managers regarding discrimination and wage & hour laws, progressive discipline, and other topics.

Handled dozens of matters involving disputes between landlords and tenants, ranging from challenges to tenant selection and marketing plans, to requests for

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accommodations based on handicap status, contested evictions, discrimination claims, and enforcement of property rules regarding parking and use of common areas.

Authored the chapter entitled "Availability of Insurance Coverage for Employment Claims" in the MCLE Massachusetts Employment Law treatise.

Handled cases involving defamation claims by a business competitor, disputes between shareholders, disputes between a payroll company and clients, collection actions, and litigation under the Massachusetts Zoning Act and Dover Amendment. Testified as an expert witness on wage/hour issues in an attorney malpractice action.

Served as Advisor to American Law Institute on inaugural Restatement of Employment Law.

Extensive experience with class action litigation.

Experience as a Mediator

Mediated nearly two hundred employment cases, including class actions raising complex wage and hour issues. Mediation experience includes federal and state court actions related to misclassification, overtime, off the clock work, prevailing wage, commission disputes, and retaliation claims. Has mediated numerous cases involving sexual harassment, and allegations of discrimination on the basis of age, disability, gender, race, and sexual orientation. Other issues have included claims of misclassification as independent contractors, claims under the Family and Medical Leave Act (FMLA), contract disputes and collective actions under the Fair Labor Standards Act (FLSA).

Mediation practice benefits from wide experiences of insurance coverage disputes.

Representative Issues Handled as a Mediator

A class action involving overtime claims by hundreds of employees of a major retailer. A class action involving prevailing wage claims by hundreds of employees of government contractors. A collective action on behalf of employees of a restaurant chain alleging off the clock work and minimum wage violations. A gender discrimination claim by a senior executive of a leading company. Claim of retaliation by a public employee alleging termination for whistleblowing activity. A class action seeking treble damages for unpaid commissions to sales staff of a major corporation. Sexual harassment and race discrimination cases in financial, hospitality and nonprofit sectors.

Served as a volunteer mediator for the Equal Employment Opportunity Commission and the Massachusetts Commission Against Discrimination, handling claims of gender, age, race and disability discrimination in employment and housing.

Multi Party Mediation Experience

Mediated several multi-party actions, including wage and hour and discrimination disputes where the interests of managerial employees and the corporation were at odds. Mediated cases involving multiple claimants with competing interests. Mediated employment disputes involving Professional Employer Organization

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(PEO) and direct employer, and cases involving alleged co-employers with competing interests.

Also, mediated numerous class and collective actions involving alleged violations of the Fair Labor Standards Act and state wage and hour statutes.

Years of Practice as a Mediator

20

Total Number of Cases Mediated

Approximately 200

Mediation Experience as an Advocate or Party

As advocate, participated in dozens of mediations. Topics included wage and hour violations, civil rights claims, employment discrimination, public accommodation discrimination, housing discrimination, zoning disputes, commercial and partnership disputes. As an advocate in mediations served as counsel both for employees and management, as well as for nonprofit organizations asserting claims under civil rights statutes.

Mediation Philosophy

My commitment as a mediator is to exhaust every possible effort to explore a negotiated resolution of the parties' dispute. Having litigated employment cases for employees and employers for 28 years, I bring to mediation a keen understanding of the governing legal principles, likely outcomes and a textured sense of the likely range of recovery for different sorts of claims. As a result, in addition to ensuring that each party is heard and respected during the process, I do not hesitate as a mediator to play an evaluative role. I can speak with counsel and parties about my experience with similar cases, areas of legal exposure and promising defenses, as well as procedural and doctrinal hurdles to overcome. In sum, I have found that a mediator who can share lessons learned from litigating similar cases can offer a uniquely valuable perspective about best and worst alternatives to a negotiated solution.

Also, my approach (and my expectations of the parties) is informed by decades of experience as an advocate at mediations. I aim to understand the objectives and interests of each party, and to employ a wide variety of techniques to bring counsel and parties to a negotiated result. In some cases, this involves suggesting elements of a resolution that may not have been articulated by the advocates but that serve the overall goal of an effectively facilitated negotiation. I also bring to bear my knowledge of insurance coverage issues where relevant.

In sum, building on extensive experience in the realm of litigation, I seek to assist parties and their counsel in crafting a solution which achieves their core objectives without the inherent risks associated with litigation.

Mediation References

Danielle Vanderzanden, Esq., Ogletree Deakins,
Dani.Vanderzanden@ogletree.com, (617) 994-5724;
Josh Gardner, Esq., Gardner and Rosenberg, P.C.,
Josh@gardnerrosenberg.com, (617) 390-7570;
Jonathon Friedmann, Esq., Rudolph Friedmann, LLP,
Jfriedmann@rflawyers.com, (617) 723-7700;

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Debra Shoji-Sinkus, Esq., Senior Corporate Counsel, PerkinElmer, Inc.
Debra.Shoji-Sinkus@perkinelmer.com, (774) 278-2225.

**Alternative Dispute
Resolution Training**

ACE 20 - Cyber Security: A Shared Responsibility, 2020; Motion Practice Under AAA Rules: What You Need to Know, 2020; AAA/ICDR/AAA Mediation.org Panel Conference, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Arbitration Awards: Safeguarding, Deciding and Writing Awards ACE01, 2017; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2017; AAA Addressing the Challenges of Demanding Arbitrations: Part 1 - The Pre-Hearing Landscape, 2017; AAA Addressing the Challenges of Demanding Arbitrations: Part 2 - The Hearing Phase, the Award, and Beyond, 2017; Mediation Workshop, Program on Negotiation, Harvard Law School (40 hours, October, 2001).

Professional Licenses

Admitted to the Bar: Massachusetts (1993), District of Columbia (1989), New York (1988).

**Professional
Associations**

American Law Institute, Board of Advisors, Restatement of Employment Law (2005-2015)
Boston Bar Association, Co-Chair Alternative Dispute Resolution (ADR) Committee (2003-2005)
Boston Bar Association, Co-Chair Employment Law Section (2005-2007)
Boston Bar Journal, Board of Editors (2011-2017)
Association for Conflict Resolution
American Bar Association.

Education

Yale Law School (J.D. 1987); Harvard College (A.B. 1983).

Awards and Honors

Employment Lawyer of the Year, Boston (U.S. News and World Report, 2016).

**Publications and
Speaking Engagements**

Chaired panel presentations on employment law at Judicial Retreat and Bench-Bar Conference of the United States District Court for the District of Massachusetts (2019).
Progressive Discipline & Employee Evaluations Seminar (April 2017).
Fair Labor Standards Act Overtime Webinar (October 2016).
"Siting Opioid Treatment Programs: Legal Tools for Addressing Zoning Restrictions and other Municipal Impediments." Boston Bar Journal (July 2016).
"Why Litigate When You Can Mediate?" 60 HR Magazine 7 (September 2015).
"Availability of Insurance Coverage for Employment Claims," Massachusetts Employment Law (MCLE Books 2015).
"Earned Sick Time: Tips for Compliance." 59 Boston Bar Journal 2 (Spring 2015).
"Heads Up: Traps Associated with Hiring Unpaid Interns." 57 Boston Bar Journal 4 (Fall 2013).
"Proving and Valuing Damages in Employment Cases." MCLE Panel (February 2011).

Author of chapter on "Availability of Insurance Coverage for Employment Claims" in Massachusetts Continuing Legal Education (MCLE) treatise entitled

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"Massachusetts Employment Law."

Published widely on topics relating to employment law and alternative dispute resolution, including columns in Massachusetts Lawyers Weekly, and has often been quoted in news articles dealing with employment and civil rights issues.

Locations Where Parties Will Not be Charged for Travel Expenses Connecticut, Maine, New York, New Jersey, Pennsylvania and Rhode Island.

Citizenship United States of America

Languages English

Locale Boston, Massachusetts, United States of America

Compensation

Hearing: \$475.00/Hr

Study: \$475.00/Hr

Travel: \$250.00/Hr

Cancellation: \$1500.00/Day

Cancellation Period: 7 Days

Comment: Travel Rate waived for train travel to Connecticut, Rhode Island, New York, New Jersey and Pennsylvania (which time can be used productively on other matters).

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