



**Richard T. Seymour, Esq.**

Hourly Rate

\$485

Current

Law Office of  
Richard T. Seymour,  
P.L.L.C. - Principal  
and Owner  
The Employment  
Law Group, LLC, -  
Of Counsel

Practice

30

Cases

20

Languages

English

### **Current Employer-Title**

Law Office of Richard T. Seymour, P.L.L.C. - Principal and Owner  
The Employment Law Group, LLC, - Of Counsel

### **Work History**

Principal and Owner, Law Office of Richard T. Seymour, P.L.L.C., 2005 - Present; Of Counsel, The Employment Law Group, 2011 - Present; Partner, Lieff, Cabraser, Heimann & Bernstein LLP, 2001 - 2005; Project Director, Lawyer's Committee for Civil Rights Under Law, 1977 - 2001; Principal and Owner, Richard T. Seymour, Attorney at Law, 1973 - 1977; Attorney, Washington Research Project, 1969 - 1973; Attorney/Law Clerk, U.S. Commission on Civil Rights, 1967, 1968 - 1969.

### **Experience as a Mediator**

Currently mediating a certified nationwide sex discrimination class action involving hiring selection standards with an allegedly disparate impact against women.

Mediated the remaining questions in a certified global sex discrimination class action involving promotions, to help the parties resolve whether the defendant had met the conditions for a termination of the consent decree; a multi-State Fair Labor Standards Act certified collective action; and, individual cases involving alleged racial discrimination in discipline and termination, of alleged racial harassment in employment, of alleged sexual harassment in employment, and of alleged employee sabotage of an employer's computer system.

Mediated a matter involving government employment, which required obtaining a security clearance in order to meet with the affected employees and to see relevant documents.

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

Racial discrimination in discipline, termination, harassment or racially hostile working environment; sexual discrimination in hiring standards, in promotions, and in termination; sexual harassment or sexually hostile working environment; retaliation in termination; dissolution of consent decree; and employee sabotage of employer's computer system.

### **Years of Practice as a Mediator**

30

### **Total Number of Cases Mediated**

### **Mediation Experience as an Advocate or Party**

As an advocate, mediated both individual cases and class or collective actions, including:

A Statewide FLSA collective action for FLSA claims and Rule 23 class action for State-law wage and hour claims, resulting in a \$4.45 million settlement for back pay and liquidated damages;

A Rule 23 class action for racial discrimination in hiring, job and department assignments, and promotions, resulting in a \$20 million back-pay settlement and remedial hires of African-American applicants, with monitoring and recordkeeping;

A Rule 23 class action challenging a hiring selection process for law enforcement personnel that resulted in 200 remedial hires of African-American applicants and 200 \$ 950,000 in back pay to the class;

An ERISA breach of fiduciary duty mass tort, resolved on confidential terms;

A challenge to a structurally unfair nationwide arbitration system, in which the system was enjoined by the courts and a replacement system and individual relief for the named plaintiff was resolved by mediation;

An FLSA and D.C.-law wage & hour action;

Racial disparate impact in selection standards;

Sexual orientation discrimination in termination;

Sexual discrimination in termination;

Sexual harassment;

Breach of contract;

Disability discrimination in termination; and

Retaliation in termination.

### **Mediation Philosophy**

Mediation allows the parties to tailor their resolution of the dispute much more flexibly than a court judgment or an arbitration award can do. A mediated agreement can include relief a court would never order, in return for a reduction in the amount of money to be paid that neither a court nor an arbitrator would order. Mediations reduce the roller coaster emotions of litigation in court or arbitration, and allow the parties to agree on a custom-made solution that puts the dispute behind them and allows them to get on with their businesses and lives.

I try to have extensive pre-mediation calls with counsel for the parties, both together and individually. I prefer succinct mediation statements of ten or fewer pages, with case support. I like to have examples of case results, to use in the mediation. I take into account what counsel for the parties think would be the most productive approach to the mediation.

I normally defer to any agreement among counsel as to whether an opening statement by each side would be useful, or would make a resolution more difficult.

I have found that a plaintiff's opening statement to everyone, or statement to me in a separate caucus, can resolve some of a plaintiff's desire to have her or his "day in court" and make a resolution easier.

I have no one fixed approach, because different cases, types of cases, case histories, attorneys, and parties all require a tailored approach. What works with sophisticated parties and collegial counsel will not work if one or both sides do not fit that description. What works if the parties are realistic will not work if one side is not realistic, or if expectations have not been properly managed, or if counsel for a party is relying on me to deliver the bad news to his or her client.

I prefer a facilitative approach, but when a party has unrealistic expectations I find it necessary to become much more evaluative.

If no agreement is reached on the day of mediation, I keep at it. No one can guarantee that every case will settle, but I will spend real

effort to try to make it happen.

A good mediator should understand the law, understand the realities of the kind of litigation in question, be able to understand the positions, motivations, emotions, and needs of both sides, be able to translate them into terms the other side can understand, be able to administer reality checks when needed, be able to think “outside the box” and be able to think of ideas that have not yet occurred to the parties but may unlock the door to a resolution.

### **Mediation References**

Kristine Grady Derewicz, Esq., (267) 402-3003, kderewicz@littler.com

Eric S. Dreiband, Esq., (202) 879-3720, esdreiband@jonesday.com

Martin D. Schneiderman, Esq., (202) 429-6282, mschneiderman@steptoe.com

### **Alternative Dispute Resolution Training**

ACE 20 - Cyber Security: A Shared Responsibility, 2020; ABA Section of Dispute Resolution, Advocate's Perspective - Seemingly Innocuous Procedural Orders in Arbitration, Feb. 19, 2020, 1 hour; AAA ACE 19 Case Finances: What Arbitrators Need to Know, 2019; ACE 18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Addressing the Challenges of Demanding Arbitrations: Part 2 - The Hearing Phase, the Award, and Beyond, 2017; ACE 14 ~ Red Flags & Risk Areas: Challenges to Arbitrator Authority, 2017; AAA Addressing the Challenges of Demanding Arbitrations: Part 1 – The Pre-Hearing Landscape, 2017; AAA Advanced Training in Healthcare Mediation, 2016; Essential Mediation Skills for the New Mediator, 2016; AAA Clarity in Award Writing, 2016; AAA Best Practices in Commercial Arbitration, 2016; AAA Essential Mediation Skills for the New Mediator, 2016; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; AAA Administered vs. Ad Hoc Arbitration: Which Should You Choose?, 2015; AAA Imposing Sanctions in Arbitration: Just How Far Can You Go?, 2015; AAA Top Techniques for Improving Arbitration Case Management Efficiency, 2015; AAA Fair Hearings: Avoiding the Pitfalls 2014; AAA Protocols, Processes and Protecting the Award 2014; AAA Conducting Research & Investigations: The Arbitrator's Authority ACE09, 2014; AAA Guided Choice: Innovations in Mediation to Get Better Settlements at Less Cost 2014; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2012; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2012; AAA Webinar, The Labor Arbitrator's Code of Professional Responsibility - What Every Effective Advocate Should Know, 2011; AAA Webinar, Electronic Discovery in Arbitration: What You Need to Know, 2009; AAA Webinar, Arbitrator Boundaries: What are the Limits of Arbitrator Authority?, 2009; AAA Webinar, Will Traditional Litigation Strategies Work in Employment Arbitration - Ask the Experts, 2009; AAA Webinar, Will Traditional Litigation Strategies Work in Employment Arbitration, 2009; AAA Webinar, Generational Divides: Old and New Issues in the New Workplace, 2009; AAA Webinar, Resolution of Employment Disputes Pre-Arbitration, 2009; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2007; ABA Section of Dispute Resolution, Commercial Arbitration, 2007.

### **Professional Licenses**

Admitted to the Bar: Maryland, 2008; Washington, D.C., 1968; U.S. District Courts: District of Columbia; Southern District of Texas; Northern District of New York; Northern District of Mississippi; Eastern District of Michigan; District of Maryland; Central District of California Bankruptcy Court; U.S. Court of Appeals: District of Columbia; Second; Third; Fourth; Fifth; Sixth; Ninth; Tenth; Eleventh Circuits; U.S. Supreme Court.

### **Professional Associations**

American Bar Association (Dispute Resolution Section; Trial Torts and Insurance Practice Section; Litigation Section; Business Law Section; Labor and Employment Law Section; Labor & Employment Law Section (past Chair, past ABA Governance Liaison, past Council member, past CLE Committee Co-Chair, past EEO Committee Co-Chair); past appointed Member, ABA Task Force on E-Mails; past appointed Member, ABA Task Force on Class Action Reform Act; ABA Center for Professional Responsibility); American Association for Justice (Section & Litigation Group Coordination Committee, Past Chair; Section Leaders Council, Past Chair; Employment Rights Section, Past Chair); National Employment Lawyers' Association; Metropolitan Washington Employment Lawyers' Association (Board member); Trial Lawyers Association of D.C.; College of Labor and Employment Lawyers (Fellow; Past Governor); International Network of Boutique Law Firms (National and Washington Chapter) through 2017; Member, Board of Trustees and then Board of Directors, Lawyers' Committee for Civil Rights Under Law, 2005-2018.

### **Education**

Harvard Law School (LLB-1968); Aquinas College (BA, English Literature and German Literature-1965).

### **Awards and Honors**

Metropolitan Washington Employment Lawyers Association named Lawyer of the Year (2007); rated AV Preeminent by Martindale Hubbell; listed in SuperLawyers; Washingtonian Magazine as one of its Top 100 lawyers in employment law; The National Trial Lawyers as one of the Top 100 Civil Plaintiff Lawyers in the District of Columbia.

Past Chair (2011-2012) of 26,000-member ABA Labor and Employment Law Section, then the third-largest entity in the ABA. Presidentially-appointed member of ABA Class Action Task Force and of ABA E-Mail Task Force; past appointed member of ABA E-Mail Follow-Up Working Group.

### **Publications and Speaking Engagements**

Co-author, Equal Employment Law Update, " Bureau of National Affairs, 15 published editions, copyright ABA, 1996-2007; chapter author, "Mediating Class Actions - A Plaintiff Lawyer's View," chapter 24, HOW ADR WORKS, Bureau of National Affairs, copyright ABA, 2002; co-drafted chapter on monetary relief in Grossman & Lindemann, Employment Discrimination Law, 3d edition (BNA, 1976) (ABA Section of Labor and Employment Law); "The Use of Proof of Claim Forms and Gag Orders in Employment Discrimination Class Actions," 10 CONN.L.REV. 920 (1978); " Strategic Effects of the Weber Decision on Employers," published in EMPLOYMENT & BENEFIT PRACTICES AFTER WEBER -- AFFIRMATIVE ACTION, AGE & SEX (Harcourt Brace Jovanovich, 1979), reprinted in FEDERAL BAR ASSOCIATION, EQUAL EMPLOYMENT PRACTICE GUIDE, vol. I, chapter III (1980); (c) "Post-Certification Problems in Class Actions," published in the PRACTICING LAW INSTITUTE HANDBOOK, FEDERAL CIVIL RIGHTS LITIGATION (1982); "Why Plaintiffs' Counsel Challenge Tests, and How They Can Successfully Challenge the Theory of >Validity Generalization," 33 JOURNAL OF VOCATIONAL BEHAVIOR 331 (1988); "Predictability in EEO Litigation," in PROMOTING MINORITIES AND WOMEN: A PRACTICAL GUIDE TO AFFIRMATIVE ACTION FOR THE 1990S, A BNA SPECIAL REPORT (Bureau of National Affairs, 1989); "The Loss of Predictability in EEO Litigation, and Further Questions to Be Resolved," in EMPLOYMENT DISCRIMINATION AFTER THE 1989 U.S. SUPREME COURT RULINGS (Prentice Hall, 1989); "Pursuing Punitive Damages in Job Bias Cases," TRIAL, July 2002, p. 64; "The Shrinking Door to Discovery," TRIAL, May 2001, p. 48; and "16 Summary Judgment Commandments," TRIAL, Dec. 2000, p. 28. In addition, I have numerous CLE papers, some on arbitration. Many but not all of my papers are on my web site at [www.RickSeymourLaw.com](http://www.RickSeymourLaw.com). Others may be obtained from me by request.

### **SPEAKING ENGAGEMENTS:**

Spoke on AAA Webinar, Navigating the Discovery and Evidence Roadmap in Arbitration, March 2016. Speaks frequently, including at ABA programs sponsored by the Sections of Business Law, Dispute Resolution, Labor and Employment Law, Litigation, and Tort Trial and Insurance Practice. Speaker at training program for Federal judges put on by Federal Judicial Center and New York University Law School in 2005; speaker at various times for ABA entities, AAJ (formerly ATLA), ALI-ABA (every year), ALI-CLE (every year), NELA (every year), and State or City Bars of Atlanta, Arizona (every year), Chicago, DC, Connecticut, Florida, Georgia, Houston, King County (Washington), Minnesota, Ohio, Pennsylvania (every year), South Carolina, Wisconsin. Spoke to the Employment Lawyers Association of England in 2013. Testified at a public hearing of the Federal courts' Advisory Committee on the Civil Rules in 2008, and provided comments on proposed amendments to the Civil Rules in 2014. The testimony and comments may be obtained by request.

### **Compensation**

\$485 Per Hour

### **Languages**

English

### **Citizenship**

United States of America

### **Locale**

Washington, DC

The AAA provides mediators to parties on cases administered by the AAA under AAA mediation procedures. Mediations that proceed without AAA administration are not considered AAA mediations, even where parties select a mediator who is a member of an AAA mediation roster.