



AAA Mediation.org™

Joan Stearns Johnsen, Esq.

Gainesville, Florida

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Current Employer-Title Full-time Neutral Practice, JSJ-ADR, 30 years
University of Florida, Levin College of Law –Director, Institute for Dispute Resolution

Panelist Video <https://www.adr.org/videoresume?paramName=297699061>

Profession Attorney, Arbitrator, Mediator, Trainer.

Work History Associate General Counsel, NYMEX (formerly COMEX) general corporate and regulatory practice, 1990 – 1992; Corporate Counsel, Smith Barney, 1985 – 1988; Partner, Zippel & Stearns Productions (entertainment contracts and employment matters), 1984 – 1986; Enforcement Attorney, Commodity Futures Trading Commission (litigation and investigations), 1980 – 1984. Outside counsel for David Eden Productions, New York, New York. 1998-2015

Director, Institute for Dispute Resolution, Master Legal Skills Professor, University of Florida Levin College of Law, 2015 – Present; Professor of Securities Arbitration and Mediation, Albany Law School, 2010 – 2012.

Experience Arbitrator since 1986
Mediator since 1994

General Commercial Experience

Former In-house counsel for major New York investment bank and former Associate General Counsel for New York Exchange. Extensive corporate experience with regulatory issues, employment matters, as well as corporate governance. Resolution experience of matters involving joint ventures, mergers and acquisitions, and partnership dissolutions including family owned businesses, law firm, and medical practice dissolution. Served as an arbitrator in numerous cases involving various contract claims.

Securities, Commodities, Banking, Financial Services Experience, Contracts, Mergers and Acquisition, Entertainment, Employment

Former litigator for the Commodity Futures Trading Commission in Washington, D.C. Comprehensive knowledge of compliance, statutory and regulatory scheme, brokerage firm protocols and back office operations. Expertise with issues related to trade practice, margin, general compliance, complex trading strategies, back office protocols, private placements, joint ventures, hedge funds, trusts, and complex trading strategies including those involving commodity futures, forward contracts, securities, fixed income, and derivatives. Cases mediated and arbitrated include REITS, swaps, and various insurance products, pools, mutual funds, stock options, and restricted stock and related tax issues.

Representative cases resolved Include: Dispute involving the regulations and tax implications of restricted stock; Dispute involving the trading strategies and investments of a major hedge fund;

Dispute involving the dissolution of investment partnership; Dispute involving private placement in real estate investment trust; Dispute involving the dissolution of a closely held tech partnership.

Entertainment and Sports Experience

Over fifteen years of experience negotiating and drafting touring agreements between independent producer and performance venues for US tours for theatre, ballet, and music touring companies coming to the US from abroad including for example from Ireland, Israel, UK, and Russia.

Representative cases resolved include disputes concerning contract interpretation involving artists and sports figures, compensation disputes, various claims in numerous cases involving either artists or sports figures and their financial investments, disputes revolving around the interpretation and enforcement of licensing agreements, performance agreements, and contracts with personal assistants. Representative matters include dispute over interpretations of a seven figure, multi-year licensing agreement between a major sports figure and sports equipment manufacturer, a dispute involving a sports figure and personal services contract, a contract dispute between an art gallery and artist over the terms of the financial arrangements for the sale of artist's paintings.

Employment Experience

Representative cases: allegations of statutory violations of the Age Discrimination in Employment Act ("ADEA"), Equal Pay Act ("EPA"), Americans with Disabilities Act ("ADA"), Fair Labor Standards Act ("FLSA"), Family Medical Leave Act ("FMLA"). Extensive Experience with statutory claims including claims of discrimination including age, race, and sexual discrimination, and harassment as well as claims of retaliation, disparate treatment, and hostile work environment. Expertise with at will employment, hiring issues, failure to promote, wrongful discharge, constructive discharge, severance issues, compensation issues, raiding cases, signing bonus/note disputes, non-compete agreements, and defamation.

Insurance Experience including policy and certificate provisions, subrogation, coverage issues, excess/umbrella policies, policy limits, and deductibles.

Franchisee/Franchisor Experience.

Expedited Experience arbitrating TRO's and preliminary injunctive actions.

Mediator Experience

Served as a mediator in hundreds of commercial disputes including those involving the financial services industry. Mediated employment matters including wrongful and constructive discharge as well as statutory discrimination matters and compensation disputes. Mediated in the entertainment industry and the automobile industry. Has mediated numerous commercial matters including the dissolution of family held partnerships and closely held corporations. Mediated franchisor/franchisee and licensor/licensee matters. Has mediated numerous consumer cases.

Representative Issues Handled as a Mediator

General commercial issues including interpretation of contracts, lease provisions, notice, termination clauses, buyout provisions, securities, employment, contract, business dissolution, franchisee/franchisor, licensee/licensor, insurance, and commodity futures. Experience mediating sexual harassment, age discrimination, libel and slander, wrongful discharge, constructive discharge, and compensation issues. Interpretation of employment contracts and various compensation, vesting, and bonus provisions. Cases involving union disputes. Experience with restricted stock and other employee option issues, as well as taxation issues. Mediated cases involving issues relating retirement vehicles such as 401K's, IRA's and various insurance products. Partnership issues including contract disputes and dissolution. Trustee/trustor matters raising issues of fiduciary duty and appropriate disclosures. Entertainment matters including contract disputes and employment issues.

Mediator Style & Process Preferences

A combination of risk analysis and facilitation in a caucus based approach. Coaching in negotiation theory throughout the mediation.

Technology Proficiency

Proficient with various platforms of virtual remote hearings. Particular expertise with zoom and possess a zoom pro account. Have conducted several arbitrations and numerous mediations exclusively on zoom. Experience with online exhibit portals including the AAA web based portal. Familiar and comfortable with document sharing platforms including drop box and one drive. Can conduct a paperless hearing or mediation.

Case Western Reserve University School of Law (JD-1979); Northwestern University (BA-1975).

Education

Professional Licenses Admitted to the Bar: New York (1987), District of Columbia (1979-inactive).

Professional Associations Fellow of the Chartered Institute (CIArb); International Mediation Institute (IMI) Certified; CEDR Accredited; American Arbitration Association Mediation and Arbitration Panels; International Institute for Conflict Prevention and Resolution Panel of Distinguished Neutrals; Resolute Systems Panel of Neutrals; FINRA Arbitration Mediation Panels; Southern and Eastern Districts of New York Mediation Panels; New York Supreme Court Commercial Division Mediation Panel; National Futures Association Arbitration Panel. American Health Law Association Panel, NAM. Past Chair of the ABA Section of Dispute Resolution, a member of the International Institute for Conflict Prevention and Resolution ("CPR") Council, Vice Chair of the International Bar Association Mediation Committee, and a Board Member of the Miami International Arbitration Society.

Recent Publications & Speaking Engagements Recent Publications: Burke, Louis F., ed. Chapter 5 "Mediation in the Futures Industry," Alternative Dispute Resolution in the Futures Industry, Huntington, NY: Juris (2013); "The Ethics of Settling a FINRA Dispute: Can You Lie?," PLI July 2014; Deal Resolution: Understanding Impasse: How to Prevent, Avoid And Break Deadlock," 20 PIABA Bar Jour. 373 (2013); "The Facilitated Negotiation of Transactions," 30 Windsor Rev. Legal & Soc. Issues 192 (March, 2011); "Telephonic Mediation: An Overview," 1899 PLI/Corp 195 (August, 2011).

Speaking Engagements: Faculty, Advanced Arbitration Institute, 2017, 2018, 2019; Trainer, Negotiation Skills and Theory, Bar of the City of New York 2015; Trainer, Gender Differences in Negotiation, Maine Bar Association, 2015; Trainer, Negotiation Skills and Theory, New Jersey State Bar Association, 2014; Faculty, American Bar Association Advanced Mediation Institute, 2012, 2013, 2014; Trainer, Negotiation Skills and Theory, Bar of the City of New York, 2013, 2014; Trainer, Negotiation Skills and Theory, New Jersey State Bar Association, 2014; Speaker: Across Borders, International Center for Conflict Prevention and Resolution 2014 Brazil Congress; American Bar Association, Business Law Section Annual Meeting 2014; Trainer, Bar of the City of New York, Breaking Impasse 2013; Trainer, Bar of the City of New York, Negotiation Ethics 2013; Guest Lecture Michigan State University 2013, 2014; Guest Lecture Boston College School of Business 2014; St. John's University School of Law, 2010, 2011, 2012, 2013, 2014, 2015; Visiting Assistant Clinical Professor, Director of the Securities Arbitration Clinic, also Taught Alternative Dispute Resolution and Negotiation 2010-2014; Cornell University School of Law, 2012; Fordham Law School, 2012. AAA/ACR/ACMI: Innovation in Commercial Mediation, Deal Mediation, 2008; New York State Bar Association Advanced Mediation Training, 2008.

Locations Where Parties Will Not be Charged for Travel Expenses No charge for time for travel. Reimbursement of actual expenses only.

Mediation Rate \$475 Per Hour

Languages English, French

Citizenship United States of America

Locale Gainesville, 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.