



## M. Nan Alessandra, Esq.

New Orleans, Louisiana



- Current Employer-Title** Phelps Dunbar, L.L.P. – Partner and Practice Coordinator of Employment Law Practice Group in New Orleans
- Profession** Attorney - Employment, Labor, Civil Rights, ERISA, Business Litigation, Constitutional Challenges
- Work History** Partner/Associate, Phelps Dunbar L.L.P., 1986 – Present; Law Clerk to the late Honorable A.J. McNamara, U.S. District Court Eastern District of Louisiana, 1985 – 1986; Judicial Extern to Honorable Martin L.C. Feldman, U.S. District Court Eastern District of Louisiana, 1984 – 1985.
- Experience** Over 28 years of experience as civil trial lawyer in labor/employment law, business litigation, civil rights, Employee Retirement Income Security Act, and constitutional law. Clerking experience before federal trial judges provided bench and jury trial experience in all aspects of above areas. As associate and partner, the employment and labor-related matters range from client counseling/training, EEOC/OFCCP investigations and handling of these claims in mediation, litigation, and arbitration. Active counseling and trial practice involving all aspects of employment/labor issues in state and federal courts and in arbitration/mediation proceedings.
- Mediator Experience** Over the past several years has mediated a wide variety of cases in the labor/employment arena. The industry/entities included fast food restaurants, oil and gas employers, hotels, funeral homes, chemical companies, construction companies, banks, and private and public corporations. The size of the companies varied tremendously from public companies employing several thousand employees to those that were privately owned employing a range of employees. Mediated cases involved claims of discrimination, harassment, and retaliation under protected categories and involved employees that were terminated, demoted, and/or were still with the company. Some of the cases involved state law only whereas other cases involved both federal and state law. The amounts of money at issue ranged from in excess of \$1 million (including punitive damages), to those seeking equitable relief such as reinstatement. Aside from discrimination related matters under the EEO laws, has also mediated employment related matters predicated on breach of contract, non-competition/non-solicitation agreements, and ERISA related matters. In addition, has mediated disputes involving overtime and misclassification issues under the Fair Labor Standards Act. Experience has included cases with parties who are not represented by counsel. Prior to entering private practice, gained invaluable training, insight, and experience in connection with settlements in federal court when externed and then clerked for federal judges in 1984 to August of 1986. Attended numerous settlement conferences with judges in the role of neutral observer in a wide variety of

cases, some complex and protracted. This first-hand view showed the invaluable rewards of settlement conferences and the tools and skills that facilitate the settlement process.

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

The representative issues handled as a mediator over the years involved discrimination under the legally protected categories such as race, gender, age, disability, etc. in all facets of the employment relationship such as promotion, termination, and others. In some instances, employees sought to be reinstated and in others they sought monetary damages such as back pay, front pay, compensatory, and punitive (liquidated) damages. In several mediation cases the employee was employed and the mediation focused on either transitioning the employee with a severance package or putting the employee in another position within the company. In the mediations involving claims under the Fair Labor Standards Act, the issues dealt with ascertaining liability and once liability was assumed, then the parties tried to agree on what would be an appropriate compromise on damages. Also asked to be a fact finder chosen by a municipality in connection with one of its disputes involving first responders on alleged overtime issues.

## **Mediator Style & Process Preferences**

I am a strong proponent of the mediation process, as I believe that alternate dispute resolution is a key initial step in the adjudicative/arbitral process. I view the mediator as a facilitator who seeks to get the parties to agree about what they disagree on, so that the focus is then on how the parties can retain those points of disagreement and still reach a mutually acceptable resolution. As a mediator, I expect the parties to be active in the facilitative process. I seek to give each party the Devil's Advocate view of each of their respective strengths and weaknesses for evaluative purposes. I expect the parties to proceed in good faith and to approach the mediation with the expectation that since they are even present at mediation, there is a potential for resolution as long as there is some movement from both sides as to having both the sincere desire and the goal of resolving the matter before trial or arbitration.

## **Education**

Loyola University (JD, cum laude-1985); University of New Orleans (BA-1982); Hunter College of City University of New York(1975 – 1977).

## **Professional Licenses**

Admitted to the Bar: Texas (1993), Louisiana (1985); U.S. District Court: Eastern (1986), Middle (1986) and Western (1988) Districts of Louisiana, and Southern District of Texas (1995); U.S. Court of Appeals: Fifth Circuit (1987); U.S. Supreme Court (1989).

## **Professional Associations**

New Orleans Bar Association Inn of Court; Louisiana Bar Foundation; American Bar Association (EEO Subcommittee); Louisiana Bar Association; Texas Bar Association; New Orleans Bar Association; U.S. Fifth Circuit Bar Association; Federal Bar Association (New Orleans Chapter); Greater New Orleans Louis A. Martinet Society, Inc.; American Immigration Lawyers Association; Louisiana Hospital Association; United Way (Women's Leadership Initiative Committee); National Association of Women's Lawyers.

## **Recent Publications & Speaking Engagements**

Co-author, "Noncompetition Agreements in Louisiana; A Drafter's Dilemma;" LOYOLA LAW REVIEW 809, 2003; co-editor, LABOR AND EMPLOYMENT IN LOUISIANA, Lexis Publishing, 1995 through 2000; "Constitutional Law and Civil Rights," Fifth Circuit Symposium, 36 LOYOLA LAW REVIEW 719, 1990; "Legal Malpractice in Louisiana: Problems in Prescription," 31 LOYOLA LAW REVIEW 93, 1985. List of speaking engagements available upon request. Please contact the AAA case manager if you require complete information regarding publications and activities.

## **Mediation Rate**

\$285 Per Hour

## **Languages**

English

## **Citizenship**

United States of America

## **Locale**

New Orleans, LA

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.