



AAA Mediation.org™

Carole Katz, Esq.

Pittsburgh, Pennsylvania

Current Employer-Title Carole Katz Alternative Dispute Resolution

Profession Arbitrator and Mediator

Work History Principal, Carole Katz Alternative Dispute Resolution, 2012 – Present; Vice President (Litigation and Risk Management), FedEx Ground, 2006 – 2012; Partner (Head of Pittsburgh Labor and Employment Group), Morgan Lewis & Bockius LLP, 2002 – 2006; Partner, Reed Smith LLP, 1994 – 2002; Associate, Reed Smith LLP, 1985 – 1993.

Experience Over 35 years of legal experience.

Business Executive and In-House Litigation Officer. As Vice President of Litigation for FedEx Ground, responsible for docket of over 500 cases including over 60 class and mass actions. Docket included: employment cases of all kinds such as discrimination, retaliation, wage and hour under FLSA and state analogues, wrongful discharge; independent contractor challenges; commercial cases such as contract breach, business tort and fraud cases; and personal injury and negligence cases. Developed litigation, trial, and negotiation strategies, assessed and valued cases, and led complex cases that carried significant financial implications. Was the lead negotiator for mediations in complex cases and oversaw negotiations in all other cases.

Trial Lawyer and Law Firm Partner. As partner of two major international law firms (Morgan Lewis and Reed Smith) for over 20 years, handled clients' employment cases of all kinds. Tried many employment and restrictive covenant/trade secret cases to verdict. Obtained countless successful results through settlements, trials, and summary judgments.

Areas of Substantive Legal Experience:

- Employment cases of all kinds, whether brought as individual, class or collective actions, such as discrimination, harassment, retaliation, and whistleblower claims under federal and state statutes (for example, Title VII, the ADEA, the ADA, the FMLA, the state human relations laws), FLSA (and state analogues) misclassification, overtime and off-the-clock claims, ERISA claims, and common law claims for wrongful discharge.
- Executive breach of contract claims such as wrongful termination, failure to pay severance, retention bonus, incentive pay, commissions, stock awards, or other compensation (in addition to litigation and arbitration experience in these types of cases, was an executive at a Fortune 500 company).
- Claims that (former) employees misappropriated trade secrets, breached restrictive covenants, confidentiality obligations, and fiduciary duties, and related common law and statutory claims (represented both employees and employers when in private practice).
- Commercial cases and business disputes, such as claims by present or former customers, business partners, or shareholders asserting contract breaches, business torts, successor liability, breach of fiduciary duty, and related common law and statutory claims.
- Professional liability claims.

Mediator Experience In over 10 years serving as a mediator, have mediated over 900 cases. As mediator, leverages

decades of trial, litigation, and executive business experience to actively and persistently help parties and their counsel reach their dispute resolution goals. Mediates on average three (3) cases per week.

Mediation Rosters/Panels:

- American Arbitration Association
- U.S. District Court for the Western District of Pennsylvania
 - Arbitrator, Mediator, and Early Neutral Evaluator
 - Bankruptcy Court Mediator
 - eDiscovery Special Master and eMediator
- FINRA (Financial Industry Regulatory Authority), Arbitrator (Chairperson Panel) and Mediator
- U.S. Equal Employment Opportunity Commission, Pro Bono Mediator.

**Representative Issues
Handled as a Mediator**

The types of cases in which has served as mediator range broadly, and include:

- Employment cases asserting claims of: race, age, gender, religious, and disability discrimination, harassment, or retaliation; alleged violations of the FMLA (Family and Medical Leave Act); and wrongful discharge in violation of public policy or implied contract.
- Collective and class actions under the FLSA (Fair Labor Standards Act) and state law analogues asserting misclassification as an independent contractor or exempt employee, failure to pay overtime or off-the-clock work, and under the FCRA (Fair Credit Reporting Act) alleging failure to comply with disclosure and notice obligations.
- ERISA claims for benefits.
- Commercial breach of contract, fiduciary duty and fraud claims.
- Professional liability cases.
- Disputes asserting that a departed employee misappropriated trade secrets and other confidential information, breached a restrictive covenant (non-compete, non-solicitation) and/or duty of loyalty, and related claims.
- Disputes arising from business “divorces” such as disputes among former partners or shareholders asserting breach of fiduciary duty or contract.
- Public access/failure to accommodate claims.

Extensive experience in a broad range of industries too numerous to list. Specific information about industry experience and/or references from clients in any particular industry will be provided on request.

**Mediator Style & Process
Preferences**

Mediation is a key and unique opportunity in the life of a dispute to reach resolution and move beyond conflict. Style is active, persistent, collaborative, and thoughtful. Asks questions and digs under the surface, listens to what is said and what is not said, talks through issues including not only the dispute’s strengths, challenges and value, but also its practical realities and the business or emotional drivers involved. Makes observations, helps to generate and analyze options, and works hard to identify ways to overcome barriers to reach the parties’ settlement objectives.

Education

Columbia University School of Law (JD-1985); Kenyon College (BA, Phi Beta Kappa, Summa Cum Laude, Honors-1981).

Professional Licenses

Admitted to the Bar: Pennsylvania (1985); U.S. District Court: Western (1985) and Eastern (2000) Districts of Pennsylvania; U.S. Court of Appeals: Third (1987), Fourth (1996), and Sixth (1997) Circuits; U.S. Supreme Court (1990).

Professional Associations

- Academy of Trial Lawyers of Allegheny County (Former Chair, Membership Committee; Former Member, Board of Governors)
- Mediation Council of Western Pennsylvania (Member)
- Allegheny County Bar Association (Former Chair, Federal Court Section; Member, Alternative Dispute Resolution Committee and Labor and Employment Section)
- American Bar Association (Member, Dispute Resolution, Litigation, and Labor & Employment Sections)
- Pennsylvania Council of Mediators (Member).

**Recent Publications &
Speaking Engagements**

Given many presentations, and served as chair and panelist on mediation-related topics, for example:

- Mediation in the Time of COVID-19, Allegheny County Bar Ass’n Federal Court Section Webinar, May 2020

- Mediation Strategies That Work -- The Savvy Advocate's Guide, PBI, Mar. 2019
- Diffusing Bad Faith Mediation Threats, Mediation Council of Western PA Roundtable, Feb. 2018
- The Best Mediation I Ever Had: Making the Most of Mediation, PBI Employment Law West, Nov. 2017
- How to Win Your Mediation: Preparation and Pitfalls, 27th Annual Academy Federal Practice Program, Dec. 2015
- Deception in Mediation: What Crosses the Ethical Line, PBI Employment Law West, Nov. 2015
- Getting Passed Impasse, Mediation Council of Western PA Roundtable, Apr. 2015
- Class and Collective Actions: Overview, Differences, and Third Circuit Developments, Allegheny County Bar Association Federal Court Section, Nov. 2014
- Top Ten Do's (and Don'ts) for Mediation Counsel (presented several times at various law firms)
- Behind the Curtains – What Plaintiff's and Defense Counsel Want to Know About How Businesses Strategize for Mediation, PBI Employment Law West, Nov. 2013
- Advocacy in the Mediation of a Commercial Case, PBI, Aug. 2013.

Locations Where Parties Will Not be Charged for Travel Expenses Anywhere within an hour of Pittsburgh, Pennsylvania

Mediation Rate \$500 Per Hour

Languages English

Citizenship United States of America

Locale Pittsburgh, PA

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.