



Amy Semmel, Esq.

Semmel ADR

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Profession

Mediator, Arbitrator, Discovery Referee

Statement of Mediation Philosophy

My approach to mediation is both facilitative and evaluative. While respecting that it is the parties who “own” the mediation and that resolution should be driven by the parties’ own objectives, I anticipate that parties would wish for me to utilize my considerable expertise and experience in employment law and business litigation to evaluate the parties’ positions. Thus, as appropriate and in most cases, I will share my views of the respective parties’ positions to facilitate a resolution. I request mediation briefs that focus on the facts, including damages, except where there are more obscure issues of law that warrant briefing. I will thoroughly familiarize myself with each matter prior to the mediation, work hard to facilitate a resolution at the mediation, and follow-up as appropriate if no resolution is reached.

General Experience

Presided over more than 150 AAA employment and commercial arbitrations, and more than 50 mediations. Formerly represented businesses and individuals, employers and employees in hundreds of disputes, including multi-party disputes, including the following subject matters:

- Wrongful termination: federal and California False Claims Act, California Labor Code §§1102.5 & 6310; Fair Employment and Housing Act; California Health & Safety Code §1278.5, Sarbanes-Oxley and other anti-retaliation statutes;
- Equal Pay Act, Labor Code §1197.5;
- Sexual Harassment, Pregnancy Discrimination, Marital Status Discrimination and other Gender Discrimination Claims;
- Disability and Medical Condition Discrimination, including HIV/AIDS;
- Family and Medical Leave Act (FMLA) and the California Family Rights Act (CRFA);
- Age Discrimination;
- Race and National Origin Discrimination;
- Sexual Orientation and Gender Identity Discrimination;
- Wage and Hour, including class actions and PAGA—unpaid wages, overtime, donning and doffing; meal and rest periods;
- Breach of employment contract and fraud;
- Fraud in the inducement and Labor Code §970 claims;
- Unfair Competition and Trade Secrets;
- WARN Act and California WARN Act claims;
- Breach of contract, breach of loyalty, violation of Computer Fraud and Abuse Act, conversion
- Business litigation matters, including breach of contract, fraud, dissolution of partnership; shareholder disputes, unfair competition, real estate disputes.

Parties involved include employees from security guards to C-Suite Executives, professionals and academics as well as numerous industries including,

entertainment, manufacturing, technology, marketing, unions, security, accounting, law, medicine, retail, non-profits, banking, retail, and telecommunications.

ADR Training

The Role of Personality in Managing Conflict, 2021; Resolving Family Business Disputes, 2021; ACE 21 – Impartiality: Do You Know Where Your Biases Are?, 2021; 2021 AAA-ICDR Panel Conference; Pepperdine, Certificate -- Mediating the Litigated Case, 2020; Mediating with Burning Limits Insurance, 2020; Certificate - - Mediating the Litigated Case (Pepperdine) 2020. Central District of California 2021.

Professional Associations

California State Bar, Labor & Employment Section
Los Angeles County Bar Association, Labor & Employment & Small Firms Sections
TEN Esquire, Moderator of Employment Affinity Group
California Employment Lawyers Association
National Association of Employment Lawyers

Education

University of California at Berkeley Law School (J.D.-1984); University of Pennsylvania (B.A., Psychology-1980).

Publications and Speaking Engagements

RECENT SPEAKING ENGAGEMENTS:
Drafting Enforceable Settlement Agreements, TEN Esquire, March 2020
The Art of Settlement Agreements, Los Angeles County Bar Labor & Employment Section, November 2019
Sexual Harassment and Settlements in the #MeToo and Trump Era, Los Angeles County Bar Association, April 2018
"Ending Tit for Tat: Sexual Harassment in California," Century City Bar Association
"Electronically Stored Evidence," California Employment Lawyers Conference;
"FB Friends and Other BFF's in the Biz and Law: Social Media 4 Employees," Beverly Hills Bar Association;
"Show Me the Money: Successor Liability," Los Angeles County Bar Labor & Employment Section;
"Will the Real Employer Please Stand Up: Alter Ego and Successor Liability in Employment Litigation," California Employment Lawyers Conference.

RECENT PUBLICATIONS:

Third Party Discovery in Arbitration: Be Careful What You Ask For, Daily Journal (June 2021)
Proving Disability Discrimination in California, Daily Journal (March 2016);
Proving Disability Discrimination in California, Daily Journal, March 2016
Employers Just Can't Drag Plaintiffs to Another State, Daily Journal (June 2015)
Worker Privacy in Peril, Amy Semmel, Daily Journal (January 2011)
The Battle for Third-Party Information in Discrimination Claims, Daily Journal (August 2011)

Languages

English. Proficient in Spanish.

Compensation

For Mediation Center only: \$500/hr. after agreed flat rate. Parties split fees unless otherwise agreed.