

# Daniel Schlein

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Experienced attorney with background in alternative dispute resolution (ADR) and more than 20 years of experience handling New Jersey state and federal employment and labor law matters; included on roster of court-approved mediators for the New Jersey Superior Court as qualified mediator; selected by American Arbitration Association to mediate property damage claims; extensive track record as neutral investigator and factfinder for multinational company. Earned advanced certification in ADR from Cornell's School of Industrial & Labor Relations. Extensive experience in drafting briefs and motions in civil litigation in New Jersey state and federal courts and New Jersey Office of Administrative Law; experience with investigations involving U.S. Equal Employment Opportunity Commission and New Jersey Division on Civil Rights; sole practitioner serving as counsel to public and private sector clients in assessing risks and reducing exposure to litigation; also Of Counsel to New Jersey firm specializing in school law matters.

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LAW OFFICE OF DANIEL SCHLEIN, New York, NY  
*Principal*

2007 to Present

Practice includes ADR as well as counseling corporate and public sector to reduce litigation costs and liability exposure.

- **Alternative Dispute Resolution:** Court-approved mediator for the New Jersey Superior Court as a qualified mediator under R. 1:40; arbitrator for Financial Industry Regulatory Authority (FINRA); conduct fact-finding investigations as independent neutral. Efforts are focused on facilitating resolution of disputes to reduce costs of litigation.
- **Litigation and counseling:** Experience with a wide variety of state and federal issues. Advise employers on and resolve disputes relating to New Jersey Law Against Discrimination (NJLAD), Conscientious Employee Protection Act (CEPA), Fair Labor Standards Act (FLSA), New Jersey Prevailing Wage Act, New Jersey Public Contract Law, §1983 civil rights actions and New Jersey Civil Rights Act, Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act (ADA) & Section 504 of federal Rehabilitation Act, Age Discrimination in Employment Act (ADEA), federal and New Jersey Family and Medical Leave Act, WARN Act, RICO, New Jersey school law, New York State Human Rights Law, Foreign Corrupt Practices Act (FCPA), harassment, discrimination, retaliatory discharge, ERISA, OSHA, public sector employment, public procurement laws, whistleblower statutes, assault and battery, RIF's, disciplinary actions, terminations, training and mentoring, employee development, immigration and compensation agreements. Experience with depositions, pretrial preparation, hearings, negotiating settlements, drafting briefs and memoranda and planning investigations.
- **Labor:** Experience with a range of labor-management issues including collective bargaining negotiations, picketing, allegations of reprisals for pro-union activities, social networking under National Labor Relations Act (NLRA), Labor Management Relations Act (LMRA) and New Jersey Employer-Employee Relations Act.

ADAMS, GUTIERREZ & LATTIBOUDERE, Newark, NJ

2011 to Present

*Of Counsel* to firm representing school boards and municipalities. Research and draft wide variety of motions and briefs in federal, state and administrative courts. Projects include dismissal motions, motions for summary judgment, motions to compel discovery, removal motions, motions to sever claims, interlocutory appeals, motions to change venue and many others.

PFIZER, INC., New York, NY  
*Assistant Director*

2001 to 2007

Handled internal investigations, corporate policy initiatives, employee training, public relations, and other employment-related issues. Identified and resolved systemic and individual problems (including 200+ complex discrimination, harassment or other pre-litigation complaints), significantly reducing costs and exposure. Worked directly with all levels of employees as well as Compliance, Human Resources, Research and Development, Sales, Manufacturing, and other divisions.

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- **Internal Investigations:** Led internal investigations of alleged employee misconduct, including harassment and discrimination matters. Interviewed employees and reviewed documentation. Documented factual and legal findings and recommended corrective actions.
- **Best Practices:** Researched, created, and implemented complaint resolution process to receive and respond to employee complaints. Developed electronic tool to track performance of same, and to identify underlying systemic or individual issues. Also worked with multiple divisions on succession planning and identifying and training next generation leadership.
- **Employee Training and Handbooks:** Developed and implemented policies on corporate procedures, compliance issues and creating inclusive work environments. Delivered training on employment law issues to managers, non-managers and trainers; developed on-line training program to leverage resources.
- **Public Relations:** Researched corporate standing among key marketing constituencies. Worked across divisions to create favorable public perception of business. Served as point-person for publications seeking information about company policies and practices, improving ability to recruit top talent.

SILLS CUMMIS ZUCKERMAN TISCHMAN EPSTEIN & GROSS P.C., Newark, NJ

1997 to 2001

*Associate Attorney*

Defended companies in employment law and general commercial litigation at one of New Jersey's premier law firms. Hands-on practice in administrative courts, trial courts and appellate courts. Directly managed state and federal litigation regarding employment law, commercial litigation, contractual disputes, franchise agreements, copyright infringement, real estate transactions, public bids and bankruptcy.

- **Motion Practice and Discovery:** Drafted answers, interrogatories and document requests. Led preparation of documents for production, including relevancy and confidentiality reviews. Identified and interviewed witnesses and prepared them for depositions. Took and defended depositions. Researched and wrote complex briefs on discovery issues, summary judgment, appeals and other matters.
- **Argument and Courtroom:** Represented clients at administrative hearings, trial and appeal. Prepared and delivered oral argument at court hearings. Provided trial and pre-trial support.
- **Settlement:** Led mediation, arbitration and settlement negotiations. Drafted and reviewed settlement agreements, including confidentiality provisions.

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## PROFESSIONAL DEVELOPMENT & CERTIFICATIONS

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CORNELL UNIVERSITY SCHOOL OF INDUSTRIAL & LABOR RELATIONS	Adv. Certificate in Conflict Resolution, 2009
SCHNEIDERMAN INSTITUTE ON CONFLICT RESOLUTION	Rostered as Court-Approved Mediator, 2008
SUPERIOR COURT OF NEW JERSEY-ESSEX COUNTY COURT	Dispute Resolution Arbitrator, 2009
FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)	Executive Management Program, 2006
THUNDERBIRD SCHOOL OF MANAGEMENT	Certificate of Achievement in Management Excellence, 2006
AMERICAN MANAGEMENT ASSOCIATION (AMA)	Approved Mediator for Transportation Security Admin. (TSA), 2010
U.S. DEPARTMENT OF HOMELAND SECURITY	

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## EDUCATION

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GEORGE WASHINGTON UNIVERSITY NATIONAL LAW CENTER, Washington, DC	JD
UNIVERSITY OF OXFORD, Oxford, England, UK	M.Litt. in Politics
WESLEYAN UNIVERSITY, Middletown, CT	BA with honors and high distinction

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## BAR MEMBERSHIPS

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STATE: New Jersey, New York and the District of Columbia.

FEDERAL: U.S. District Courts of New Jersey (DNJ), Southern & Eastern Districts of New York (SDNY & EDNY) and U.S. Court of Appeals for the Third Circuit.

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## PUBLICATIONS

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- *The Employment Non-Discrimination Act*, Assoc. of the Bar of the City of New York, New York, NY (Apr. 2011)(participated as part of Labor and Employment Committee).
- *New Frontiers for Genetic Privacy Law: The Genetic Information Nondiscrimination Act of 2008*, 19 GEO. MASON U. CIV. RTS. L.J. 311 (2009).
- *Rethinking the Role of Unpublished Authority*, New Jersey Lawyer (April 2013).

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## PROFESSIONAL ASSOCIATIONS

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New York and New Jersey State Bar Associations, American Bar Association, Association of the Bar of the City of New York (former member of Labor and Employment Committee and current member of International Human Rights Committee), New York State Dispute Resolution Association, University Club (member, Annual Events Committee) and Oxford Alumni Association of New York (past President).

## REPRESENTATIVE MEDIATIONS

- Hussain v. Avis Rent-A-Car – Superior Court of New Jersey, Essex County  
(Docket No. ESX L 008579 10)

Claim of termination on the basis of national origin brought under New Jersey Law Against Discrimination.

- Erraez v. Cronus Construction Co., Superior Court of New Jersey, Essex County  
(Docket No. ESX L-9020-10)

Allegation of failure to pay proper wage rate under New Jersey Prevailing Wage Act.

- AAA Storm Sandy Mediation Program, New York Supreme Court, Civil Term  
Mediated disputes in the following matters involving claims by property owners against insurers for compensation for damages allegedly caused by Storm Sandy:

- Kvetnoy v. Allstate Insurance Co.
- Aksanov LLC v. American Safety Casualty Insurance Co.
- Huell v. Nationwide Insurance Co.
- Canopy Claims Management LLC v. Farmington Casualty Co.
- Whelan v. Otsego Mutual Fire Insurance Co.

## ARBITRATIONS

Served as public arbitrator in the following matters under the auspices of the Financial Industry Regulatory Authority (FINRA):

- Bensoussan v. NewEdge USA, LLC, Laurent Jacques Cunin and John Francis Fay – Action by broker against employer for unpaid draw and commissions under New York labor law with additional allegation of breach of implied covenant of good faith and fair dealing.
- Glenna Rosenbergh v. NFP Securities, Inc. – Action by investor against brokerage alleging breach of contract, breach of fiduciary duty, failure to supervise agents, violation of FINRA rules and federal securities laws, negligence and *respondeat superior* liability.
- Marjorie Cohen Barres individually and as Trustee of Brandon Barres Supplemental Trust v. Morgan Stanley & Co., Inc. – Action by trustee of investor alleging unsuitable investment recommendations, breach of fiduciary duty, negligence, fraud, breach of contract and violation of FINRA rules.
- Ronald Florszak v. Merrill Lynch Pierce Fenner & Smith – Action by investor alleging breach of fiduciary duty, violation of SEC Rule 10(b)-5 and *respondeat superior* liability Christopher Kaye, Kristine Kay, John Eyler and Dolores Eyler v. Citigroup – misrepresentation of nature of investment, negligent management and supervision of funds, common law fraud, constructive fraud, breach of fiduciary duty, breach of contract negligent supervision of employees.