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PLEASE REPLY TO
RIDGEFIELD PARK

August 1, 2019

Honorable Mark Falk, U.S. Magistrate Judge
United States District Court for the District of New Jersey
U.S. Post Office and Courthouse
Room 457
1 Federal Square
Newark, New Jersey 07102

Re: **Application of Timothy R. Hott, Esq., pursuant to L. Civ. R. 301.1, to continue as a Certified Mediator in labor and employment matters and in consumer matters.**

Dear Judge Falk:

I am approaching the end of my first three year term as a Certified Mediator with the Court as per your gracious approval of my prior application. I am again writing to you as the District Court's Compliance Judge under the above referenced Local Rule. Please accept this letter and enclosure of my updated American Arbitration Association resume as my application for renewal of my appointment as a District of New Jersey Certified Mediator.

I have now been practicing law in New Jersey for more than 44 years. In addition to my experience as a litigator in labor and employment law I have now had the opportunity to serve as an American Arbitration Association arbitrator in more than 20 cases involving a variety of consumer matters as well as cases involving employee benefit issues. Some of the consumer cases involve issues arising under various consumer credit agreements as well as others arising under such Federal laws as the Telephone Consumer Protection Act and the Fair Debt Collection Practices Act.

As noted in my 2016 application letter, my practice has been almost exclusively in the

areas of labor and employment law. I have represented and currently still represent several labor unions and their related employee benefit funds. I am also admitted to practice in New York having been admitted there in 1980. I have never been disciplined by any Court. I have been a member in good standing of the New Jersey State and Federal Bar and the New York State and the United States District Court for the Southern and Eastern District of New York Bars for as long as I have been admitted to practice in any of those courts. In addition to representing labor unions and employee benefit funds I have experience representing management interests in labor and employment matters. I have represented labor and management before the National Labor Relations Board, the New Jersey Public Relations Commission, the New Jersey Department of Labor, the United States Department of Labor and the New Jersey Civil Service Commission. I have tried more than 800 labor arbitration cases before arbitrators appointed by and in accordance with the procedures of the New Jersey State Board of Mediation, the Federal Mediation and Conciliation Service and the American Arbitration Association. In addition, there are hundreds of collective bargaining agreement grievances in which I have negotiated settlements thereby resolving those disputes without the need for final and binding arbitration. I have tried more than 100 administrative cases before most of the State and Federal agencies listed above. According to a search of my name in Pacer for the U.S. District Court for the District of New Jersey my law firms and I have litigated more than 450 cases since the inception of the electronic filing system (ECF) and PACER record keeping began in or about 1991. In fact, by that time, I had been practicing for 17 years. Therefore, I estimate that I litigated another 200 or more matters in those 17 years before the Court started keeping electronic records. In addition, I have litigated cases for clients in the U.S. District Court for the Southern District of New York, the Eastern District of New York, the Eastern District of Pennsylvania (pro hac vice), Western District of Pennsylvania (pro hac vice) and the United States Bankruptcy Court for the District of New Jersey. I have also litigated more than 100 cases in the State Courts of New Jersey and New York. I have tried jury trials and bench trials. I have argued half a dozen times before the United States Court of Appeals for the Third Circuit, twice in the Supreme Court of New Jersey and several times in the Appellate Division of the Superior Court of New Jersey. In addition to representing labor and management clients in court, arbitration and administrative litigation I have also represented labor and management clients in drafting, amending and administering employee benefit pension, health and apprenticeship training funds. I have represented these ERISA funds in matters with the Pension Benefit Guaranty Corporation, the Internal Revenue Service, the U.S. Department of Labor and the New Jersey Department of Labor. I have been the primary negotiator for both labor and management clients in collective bargaining negotiations and have been involved in the negotiation of several hundred collective bargaining agreements, trust agreements creating multi-employer employee benefit funds, employee benefit plans and summary plan descriptions. I have also served as a professional trustee for multi-employer benefit funds as well as a special trustee-monitor.

In addition to representing labor and management in matters related to collectively bargained agreements I have also represented dozens of at-will individual employees, predominantly at the executive level, in negotiating at-will employment agreements and exit agreements. I have drafted employee handbooks for such varied management entities as a dental practice and an extended stay luxury hotel. I have represented employees and employers in matters concerning employment discrimination of all kinds.

I have read L. Civ. R. 301.1 in full as well as Appendix Q., Guidelines for Mediation. I believe that I meet all the qualifications to be appointed a Mediator based upon my personal experience as a long-time litigator in labor and employment matters for both labor, management, employees and employers. I specifically acknowledge and hereby certify and affirm that I will abide by the Ethical Standards for Mediators as to Impartiality and as to avoiding Conflicts of Interest and Relationships; Required Disclosures; Prohibitions as enumerated and detailed at L. Civ. R. 301.1 (g)(1) and (2).

I also offer, as personal references, Certified Mediators, Rosemary J. Bruno, Esq., and J.J. Pierson, Esq., both of whom I have known for a number of years. In addition, arbitrator and mediator John Sands is also a personal reference.

Enclosed please find my updated curriculum vitae which includes a list of some of the notable cases in which I was primary counsel. If there is any other information you need please let me know. Thank you for your time and consideration.

Respectfully,



TIMOTHY R. HOFF

enc.



Current Employer-Title	Law Offices of Timothy R. Hott, P.C., Principal
Profession	Arbitrator, Attorney
Work History	Principal, Law Offices of Timothy R. Hott, P.C., 2000 - Present; Senior Partner, Hott & Margolis, Esq, 1989 - 2000; Senior Partner, Hott, Margolis & Hernandez, Esq., 1983 - 1989; Senior Partner, Hott, Goodman, Kropf, Margolis & Hernandez, Esq, 1980 - 1983, Partner, Friedland, Friedland & Hott, Esqs., 1979-1980; Associate, Friedland & Friedland, Esqs., 1974-1979.
Experience	<p>Private practice attorney since 1974, specializing in labor and employment. More than four decades representing labor organizations, multi-employers and employees. Represented benefit fund boards of trustees as general, special and or collection counsel. Also served as an independent trustee and monitor for multi-employer employee benefit funds in matters involving prohibited transaction exemptions. Created all initiating documents to establish all types of ERISA employee benefit funds.</p> <p>Edited, revised and updated operating documents for all types of multi-employer employee benefit funds, including, but not limited to trust agreements, benefit plans, summary plan descriptions. Has appeared before various government agencies representing employee benefit funds including, but not limited to, the Pension Benefit Guaranty Corporation, U.S. Department of Labor, Internal Revenue Service and the Employee Benefits Security Administration.</p> <p>Trial experience includes more than 1000 arbitration cases involving employee discipline, contract interpretation and enforcement, arbitrability, seniority, management rights, layoff and recall and all manner of collective bargaining agreement disputes in both private and public sector employment; Litigated over 700 cases in the United States District Courts. Argued multiple cases in the United States Court of Appeals for the Third Circuit with at least six reported case decisions.</p> <p>Argued multiple cases in the Appellate Division of Superior Court of New Jersey with several reported decisions. Argued before the New Jersey Supreme Court twice with one reported decision. Negotiated dozens of collective bargaining agreements for both Unions and employers. Acted as chief industry negotiator for 15 years for a labor union with a single industry-wide contract covering more than 5000 employees and 250 employers.</p>

Timothy R. Hott, Esq.
Neutral ID : 4298866

The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

Successfully processed one of the first prohibited transaction exemptions under ERISA obtaining an exemption allowing a Multi-employer Pension Fund to act as mortgagee for a Joint Apprenticeship Training Fund to build a new training center. Represented multi-employer pension funds in dozens of employer withdrawal liability claims, including the trial of arbitrations arising out of employer withdrawal liability disputes as well as negotiation of settlement agreements of employer withdrawal liability claims. Guest speaker on more than 20 occasions at annual benefit fund conference held jointly by an employer association and a statewide conglomeration of labor unions.

Alternative Dispute Resolution Experience

Since 2017 has served as arbitrator in a variety of consumer as well as employee benefit cases. Consumer cases have involved automobile sales, credit card, consumer financing, home service agreements and cases concerning alleged violation of various state and/or federal consumer protection statutes.

As a practicing attorney, litigated more than 1000 arbitration cases before arbitrators appointed by and in accordance with the rules and procedures of the American Arbitration Association, the Federal Mediation and Conciliation Service, New Jersey State Board of Mediation and the New Jersey Public Employment Relations Commission as well as privately designated boards of arbitrators as provided for in specific collective bargaining agreements.

Experience with issues of discipline and contract interpretation. Negotiated dozens of collective bargaining agreements both on an industry-wide basis as well as those between an individual union and single employer. Many of these collective bargaining agreement negotiations involved interaction with mediators appointed to facilitate negotiations.

Alternative Dispute Resolution Training

Dispute Resolution: Basic Arbitrator Training, 2016; Chairperson Training, 2016; Civility in Arbitration, Direct Communication Rules, Discovery Abuses, and Sanctions, Understanding the Pre-hearing Stage and Your Duty to Disclose, 2016. Arbitrator Performance and Demeanor mandatory course qualifying for renewal of status as AAA Arbitrator, March 2018. ACE 19- Case Finances: What Arbitrators Need to Know, 2019; ACE 20 - Cyber Security: A Shared Responsibility

Professional Licenses

Admitted to Bar, New York, 1980
Admitted to Bar, New Jersey, 1974

Professional Associations

International Foundation of Employee Benefit Plans,
American Bar Association, New Jersey State Bar Association, New Jersey State Bar Association Labor & Employment Section, New Jersey Labor and Employment Relations Association, New York Bar Association, New York Bar Association Labor & Employment Section, New York Bar Association Dispute Resolution Section.
Appointed to Roster of Public Arbitrators for employment

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related matters by the
Financial Industry Regulatory Authority, May 2016;
Appointed to Roster of Arbitrators for Employer Withdrawal Liability Matters of
the American Arbitration Association, August 2016;
Appointed as Certified Mediator for the U.S. District Court for the District of New
Jersey, October 2016.
Appointed to Roster of Arbitrators for Employer Withdrawal Liability Matters of
the New Jersey State Board of Mediation, December 2016;
Appointed to Roster of Arbitrators for Consumer Matters of the American
Arbitration Association, January 2017;
Inducted into the Sidney Reitman Employment Law American Inn of Court
September 2017;

Education

Adelphi University, Bachelor of Arts, 1970
New York Law School, Juris Doctor, 1974

Citizenship

United States of America

Languages

English

Locale

Great Neck, New York, United States of America

Compensation

Hearing:	\$2,500.00/Day
Study:	\$375.00/Hr.
Travel:	\$375.00/Hr.
Cancellation Period:	14 Days
Comment:	If less than 14 days prior to scheduled hearing date a cancellation fee of \$1,000.00 is to be paid by the canceling party. Cancellations due to factors outside the control of the parties such as weather or other natural disasters are not subject to the cancellation fee of \$1,000.00. Travel of more than 200 miles round trip must include the arbitrator's option, at the equal and joint expense of the parties, to stay overnight the night before the scheduled hearing date at a commercial-business grade hotel which is no more than 20 miles from the hearing location.

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