

Lynn H. Cole, Esq. is a dispute resolution professional with experience in all aspects of ADR, including mediation and arbitration and mediation system-design in three, developing Rule of Law countries. As a Harvard-trained and Florida-certified mediator, she also has served as a Special Master, an SEC receiver, a neutral evaluator, a Special Magistrate and settlement counsel. She has served internationally in Bulgaria, Jordan and Kosovo as an ADR and Mediation Specialist with USAID and teaches internationally.



Lynn Cole, Esq.

“Lynn accomplished more in a 6-hour mediation than attorneys could in more than a year.” “As an attorney, I was impressed by [her] ability to absorb and synthesize both the facts of the case, and the intangible aspects as well. She was able to put the parties at ease and helped defuse a rather emotionally charged situation”. One attorney described the mediation at issue as follows, “This was one of the most fruitful and rewarding – even uplifting – mediations I have ever participated in. The parties came in despising each other with no expectation of settlement. During the process, they gained a settlement and some measure of mutual respect and understanding.” Another attorney noted that Ms. Cole was able to handle emotions with ease and keep the parties focused on the facts. Excerpts: IMI (International Mediation Institute) Feedback Digest

EXECUTIVE SUMMARY

Because of her 27 years of extensive experience as an "av"-rated attorney in successful complex commercial and contract and labor and employment litigations and trials, and her last ten years practicing exclusively as an ADR Professional, she is often sought as a mediator and arbitrator in labor and employment cases for her subject matter experience in: Employment Contracts; Non-Compete issues; Civil Rights Act of 1991 Title VII Cases, including race, ethnicity, gender, disability, equal pay, FSLA and retaliation claims); The Fair Labor Standards Act of 1938; Age Discrimination in Employment Act, (including retaliation claims); Florida Civil Rights Act of 1992; Florida Whistleblower’s Act (private and public); Sarbanes-Oxley Act of 2002; and, Federal and State False Claims Acts. Ms. Cole has a depth of experience in class-action lawsuits as well, including in gender discrimination and equal pay and retaliation lawsuits; FSLA claims; and in Worker Adjustment and Retraining Notification Act (“WARN”) cases. She represented both plaintiffs and defendants.

In complex commercial litigation, Ms. Cole's experience also supports her mediation and arbitration status because she represented clients, large and small, as plaintiff and as defendant, in the industries of steel manufacturing; banking; aviation; antitrust; internet and intellectual properties; pharmaceutical; property; construction; utilities; and, health care. Her litigated representative issues include breaches of contract; intellectual property; ICANN and internet issues; securities; anti-trust; banking; utilities issues; fraud; partnership; theft and embezzlement; RICO, among others.

In construction litigation, she has represented owners, general contractors and engineers in trials, arbitrations and mediations in disputes ranging from over \$120 million to \$83,000.00 claims for damages. The construction projects in dispute included hospital (public), airport terminal, airport runway; water pipelines; bridges and commercial residences.

HONORS, MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

- ◆ ***Mediators Beyond Borders, Founding Member, member BOD and President (2011-present)***
- ◆ ***United Nations Istanbul Conference on Mediation, Enhancing Peace Through Mediation, Invited Attendee***

- ◆ *International Mediation Leadership Summit, The Hague (ABA/DR Section)*–invited member, 2010
- ◆ Tampa Commission on Ethics, Appointed by Mayor, Chair 2010 (2004 – 2013)
- ◆ NADN ("National Academy of Distinguished Neutrals") (2010 - current)
- ◆ IMI ("International Mediation Institute"), Internationally Certified Mediator (2009 – current)
- ◆ CPR ("Int'l Institute for Conflict Prevention and Resolution"), Mediator and Arbitrator panels
- ◆ WIPO ("World Intellectual Property Organization"), located in The Hague, Invited Mediator
- ◆ AAA ("American Arbitration Association"), Mediator and Arbitrator Roster of Neutrals
- ◆ NAF ("National Arbitration Forum") Mediator and Arbitrator Roster of Neutrals
- ◆ USCIB ("U. S. Council for International Business"), listed as Arbitrator and Mediator
- ◆ FINRA ("Financial Industry Regulatory Authority"), arbitrator
- ◆ NAM ("National Arbitrators and Mediators") Neutral Roster, Mediator and Arbitrator
- ◆ Resolute Systems, Inc., Panel of Neutrals, Arbitrator and Mediator
- ◆ Arbitral Judge, the Willem C. Vis International Commercial Arbitration Moot, Vienna-current
- ◆ Special Magistrate appointed by Circuit Civil Judges, 13th Judicial Circuit of Florida, in multi-party cases: 2007-2008 (contract case) ; 2011-2013, (Real Estate Case); 2012 (contract case)
- ◆ Assn. of Conflict Resolution ("ACR") International Board of Directors (2008-2012)
- ◆ Federal Bar Association, ADR Section, Chair, (2004 – 2007)
- ◆ Florida Academy of Mediators ("FAPM"), Adm. Vice-President, (2006-2009)
- ◆ Mediation Qualifications Board, Founding Member, App'ted by FL Supreme Court (1991-2002)
- ◆ Civil Justice Reform Act Advisory Commission, Chair, appointed by Chief Judge, M.D.FL, (1997-98) (Recommended designed and inclusion of ADR system in M.D. Florida federal courts)
- ◆ Florida Bar Association, International Section (member - current)
- ◆ SEC Receiver (\$20 Million Ponzi scheme), appointed by U.S. Federal Judge (1999 - 2005)
- ◆ Special Master (complex tax fraud case), Appointed by U.S. Magistrate Judge (2000)
- ◆ Chair, 13th Judicial Nominations Commission, Appointed by Governor, (1996-1997)
- ◆ Testimony before U.S. Congressional Sub-Committee on Government Personnel recommending use of Mediation for Federal Employee discrimination matters (1998)
- ◆ Special Appointee by State House Committee to Hills. Co. Labor Relations Board (1995)
- ◆ Chair, Selection Committee for United States Magistrate, Appointed by Chief District Court Judge, M.D. Fla. (1991)
- ◆ 11th Circuit Vice President, Federal Bar Association (1990-2004); National Membership Chair, Federal Bar Association (1999 - 2001)
- ◆ Chair, Trial Lawyers' Section, Hillsborough County Bar Association (1991-92)
- ◆ Chair, 13th Judicial Circuit Florida Bar Grievance Committee (1987-89)
- ◆ Master and Charter Member, American Inns of Court, Ferguson-White Inn (1987-present)

BACKGROUND and EDUCATION

International Work Experience:

- ◆ Cole Academy for International Mediation Training, www.ColeAcademyIMT.com, for training both domestically and internationally in Basic and Advanced Mediation; Commercial Mediation; Ethics and International Mediation
- ◆ Mediators Beyond Borders Team Member establishing Immigration Dialogues in Greece (April 2013 – present)
- ◆ Currently assigned to Jordanian Team working with Saudi Arabian MOJ to establish mediation within the Saudi Court System

International Mediation Program and System Development

- ◆ **ADR Specialist, USAID/ Checchi**, assigned to USAID project exclusively devoted to developing mediation and arbitration throughout the country of Kosovo (October 2009 – 2012); Attended national mediation conference as USAID representative in Prishtina (Dec. 2009); Assisted in the design and training of member of the Kosovo Mediation Committee established to bring mediation to Kosovo (July 2010)
- ◆ **Mediation Specialist, USAID/DPK**, re-assigned to Jordan to expand original Pilot Mediation Program into additional courts and private sector of Jordanian society. Work with MOJ, court, and lawyers to expand and improve current Pilot Programs (January 2009);
- ◆ **Mediation Specialist, USAID/NCSC**, assigned to Kosovo to assist in implementation and development of first Pilot Court-Related Mediation Program. Prepared recommendations to judges on: general mediation procedures and forms; selection of mediator trainees; educational requirements for mediators; mediator training requirements; provisions for referring cases to mediation; mediation procedures for recording case intakes, case processing, and case disposition; mediation confidentiality; creation of a mediation steering committee; grievance procedures, and mediation fees. Prepare revision suggestions for Draft Mediation Law (April 2007)
- ◆ **ADR Specialist, USAID/ABA** assigned to Jordan to assist in implementation and development of first Mediation Court Pilot Program in Middle East with Minister of Justice and Chief Judge of Amman Court of First Instance. Assignments included: construction of a Mediation Center; drafting rules, forms, surveys and regulations for the Court Pilot Program; developing Introduction to ADR training for Judicial Institute of Jordan; conducting mediation training for Arab Women’s Legal Network and judges; drafting and training Standards of Conduct for Mediators.
- ◆ **Mediation Training Program Designer**, designed and implemented USAID/ABA training for Jordanian Judicial and Mediation Delegation in USA (7 days). (March- June 2006)
- ◆ **Mediation Specialist, USAID/ABA/CEELI** assigned to Bulgaria assisting Minister of Justice and Mediation Steering Committee in drafting and implementing ethical, procedural, educational and certification rules and regulations pursuant to the Mediation Act of 12.2005. Conducted advanced mediation training. (April – July 2005)

Domestic Experience

- ◆ **Law Offices of Lynn Cole, P.A.**, fulltime Dispute Resolution Professional with domestic and international practice in ADR (2002-present)
- ◆ **President, Cole Academy for International Mediation Training**, www.coleIMT.com (2008--present)
- ◆ **Stetson University College of Law**, Adjunct Professor of ADR, 2004 to 2008
- ◆ **Law Offices of Lynn Cole, P.A.**, Managing Partner and President, *av*-rated, boutique litigation law firm with focus on federal trial practice in areas of business and complex commercial litigation; labor and employment (representing both employers and employees), contracts; securities; property; products liability; banking; anti-trust; utilities; and, construction law. (1995-2002); Fulltime Dispute Resolution Professional (1995=2002)
- ◆ **Allen Dell Law Firm**, partner for over 10 years in mid-sized law firm with trial practice, primarily in federal court, in the areas of complex commercial, construction, constitutional and anti-trust litigation; and local governmental contract, administration and constitutional law issues. Clients included: Tampa General Hospital (Hillsborough County Hospital Authority); Tampa International Airport (Hillsborough County Airport Authority); Florida Steel; Florida Power and Seminole Electric, among others. (1984-1995)
- ◆ **Assistant United States Attorney**, M. D. Florida appointed by A.G. Griffin Bell. 1979-1984

- ◆ Assistant District Attorney, Lehigh County, Pa. 1975-1978

Education:

- ◆ Harvard College of Law, Mediation Program of Instructions for Lawyers, Mediation Certificate, June 2002
- ◆ John Marshall Law School, Juris Doctor Degree, 1975; President, Student Bar Association
- ◆ University of Maryland, Graduate School, Courses towards Master's Degree in Counseling
- ◆ University of Maryland, B.A. in Intellectual History

INTERNATIONAL MEDIATION TRAINING:

Mediation Training

- ◆ *Introduction to Commercial Mediation, Turkish mediators, Istanbul, Turkey, Oct. 2012*
- ◆ *Fundamentals of Mediation, Trainer, Mediation Commissioners of Kosovo, July 2010*
- ◆ *Basic Mediation, Ohio State University, Moritz College of Law, Nov. 2009*
- ◆ *Advanced Commercial Mediation, Trainer, sponsored Serbian Assn of Mediators, Beograd, Serbia, March 2009*
- ◆ *Ethics for Mediators, Trainer, sponsored by US Embassy and Slovenia Assn' of Mediators, Ljubljana, Slovenia, November, 2008*
- ◆ *Advanced Commercial Mediation, Trainer, sponsored by Croatian Association of Mediation, Zagreb, Croatia, October 2008*
- ◆ *Advanced Commercial Mediation Trainer, sponsored by BAARD of Bulgaria, March 2008 (16 credits for Bulgarian Mediators);*
- ◆ *Basic Commercial Mediation, Trainer, sponsored by ABA/CEELI, Belgrade, Serbia, October 2007 (6 credits for Continuing Legal Education) training judges and mediators;*
- ◆ *Advanced Commercial Mediation, Trainer, sponsored by Department of State, US Embassy, Ljubljana, Slovenia, October 2007 training judges and mediators (15 credits for 25 Slovenian Certified Mediators);*
- ◆ *Basic Mediation Training, Trainer, sponsored by USAID/NCSC, Prishtina, Kosovo, March 2007 (Contributor to and oversight of design and content for mediation Pilot program training for 10 Kosovar and Serbian mediators and judges);*
- ◆ *Basic Mediation Training for Arabic Women, sponsored by ABA MENA Program, Amman Jordan, May - June 2006 (two one-week certified training programs for 15-20 participants each);*
- ◆ *Judicial Mediation Training for Jordanian Judges, designed, implemented and conducted seminars on judicial ethics in mediation, the scope of judicial mediation, and establishing mediation programs as extensions of the Pilot Mediation Program in Amman, Jordan, Tampa, FL, July 2006;*
- ◆ *Ethics for Judicial Mediators, sponsored by ABA CEELI Program, Certified Training for Judicial Mediators, Amman, Jordan, May 2006;*
- ◆ *Imbalance of Power in Mediations, sponsored by ABA CEELI Program, Sofia, Bulgaria, May 2005;*
- ◆ *Advanced Mediation Training, sponsored by ABA CEELI Program, Advanced Certified Training for Mediators, Plovdiv Bulgaria, May, 2005*

GUEST SPEAKER and LECTURER

- ◆ *What's Going on Globally in Mediation. Speaker, Annual Country Meeting ADR Centers Canada, May, 2013*
- ◆ *International Mediation, Fla. Bar, International Committee, online seminar, April 2013*

- ◆ *International Mediation, Around the World in 80 Ways*, Annual Conference, Dispute Resolution Center of Florida, August 2012
- ◆ *Can Mediation Take Root in the Middle East?* ABC Dispute Resolution on Mediation, Apr. 2012
- ◆ *The Role of Member States in Mediation*, before United Nations General Assembly, Apr. 2012
- ◆ *Mediation in the Middle East*, Presentation to UN Attendees, April 2012
- ◆ *International Mediation*, University of Florida, November 2011
- ◆ *Why Youth Become Mediation Professionals – the World Needs You*, Eastern Mediterranean University, Cypress, Sept. 2011
- ◆ *Mediation's Importance to Turkey's Growth* – Presentation to Kaysieri Chamber of Commerce, Kaysieri, Turkey, September 2011
- ◆ ABA International World Justice Forum, –Multiple Modelings of Mediation Usage in Designed Prototypical Human Rights Programs (3 days), Barcelona, Spain June, 2011
- ◆ Presentation on *Basics of Mediation* to Turkish American Chamber of Commerce, September 2011
- ◆ *Core Principles of Confidentiality and Related Ethical Issues* SEEMF (South Eastern Mediation Forum) Conference in Lyubjana, Slovenia, September 2011
- ◆ *Generational Roles in Mediation*, Nova University, Ft. Lauderdale, Fl. Feb. 2011
- ◆ *How to Doom a Mediation*, ABA, Litigation Section Annual Conference, Feb. 2011
- ◆ *Working for a More Peace-able World-Do No Harm*, ACR Annual Conference, Sept. 2010
- ◆ *ADR in Forbidden Places: Tourism & Trade*, Florida Bar International Section, Sept. 2010
- ◆ *View from the End of the Table - A Discussion on Mediation* (President's Showcase), Fl. Bar - International Section, May 2010
- ◆ *Ethics for Mediators*, Hillsborough County Bar Association, April, 2010
- ◆ *Mediators Beyond Borders and the Rule of Law: Peacebuilding in International Communities*, ABA-DR 12th Annual Conference, April 2010
- ◆ *Arbitration v Mediation: Use of Mediation Techniques in Arbitration*, Belgrade, Serbia March 2010
- ◆ *Practical Aspects, Mediator Ethics*, Hillsborough County Bar Assn', February 2010
- ◆ *Mediation in Kosovo – Maximizing the Potential*, Panel presenter, participant, Pristina, Kosovo, Dec. 2010.
- ◆ *Expanding Access to Justice Globally Through Court-Related Mediation*, Dispute Resolution Center of Florida, Annual Conference, August 2009
- ◆ *Court Based Mediation: Expanding Access to Justice in Developing Societies*, 11th Annual ABA/DR Section Conference, Speaker and Participant, April 2009
- ◆ SEEMF, 4th Annual Southeastern Europe Mediation Forum, Speaker and Participant, Nov. 2008
- ◆ *Basic Mediation Overview*, Trainer and Speaker, University of Florida (54 Students), Oct. 2008
- ◆ *Mediating Abroad, Making the Paradigm Shift*, Assn of Conflict Resolution ("ACR"), Annual Conference, Sept. 2008
- ◆ *Mediation Gone Global – Some Precepts for Mediating Abroad*, Dispute Resolution Center of Florida, Annual Conference, August 2008
- ◆ *E-Mediation, The New Horizon of Mediation*, Mid-Year Seminar of Florida Academy of Professional Mediators, organizer and moderator
- ◆ *Mediation: Enhancing Access to Justice in Developing Nations' Judiciaries*, Association for Conflict Resolution, Annual Conference, Phoenix, October 2007;
- ◆ *Challenges of Establishing Court Mediation Programs Abroad*; 16th Annual Dispute Resolution Conference of Florida, August 2007;
- ◆ *Mediation-Cultivating the Rule of Law*, Annual Conference of the ABA, DR Section, April 2007;
- ◆ *Global Alternative Dispute Resolution, An Overview*, Federal Bar Association Annual Meeting, August 2006 (organizer and moderator);

- ◆ *Challenges and Lessons Learned in Establishing Court Mediation Programs Abroad*, Chatham College, Speaker's Program, Mesites Foundation, January 2007;
- ◆ *Mediation, Meeting Global Challenges*, Tampa Bay Chapter of the United Nations, February 2007;
- ◆ *Challenges of Establishing Court Mediation Programs Abroad – Bulgaria and Jordan*, Columbus Bar Association of Attorneys, Columbus Ohio, November 2006;
- ◆ *Rule of Law –Global Efforts*, Rotary Club of Tampa Bay, November 2005;
- ◆ *ADR, Expanding to Shrink the World*, 14th Annual Dispute Resolution Conference of Florida, August 2005;
- ◆ *Basic Commercial Litigation: Selected Issues on Ethics and Professionalism in Litigation*, Florida Bar Continuing Legal Education Seminar, March 1994;
- ◆ *Representing the Public/Private Owner*, 17th Annual Construction Contract Litigation Seminar, Florida Bar CLE Seminar, May 1993;

PUBLICATIONS

- ◆ *What's Driving the Global Growth of Mediation in Business and Commerce*, International Journal of the Florida Bar, June, 2012
- ◆ *Use of ADR in Restricted Countries*, Florida Bar, International Section, Sept. 2010
- ◆ *Jordan Leads the Arab Middle East in Mediation*, ACR Int'l Section Newsletter, Jan/Feb 2008
- ◆ *Mediators Without Borders*, The Caucus, Florida Academy of Professional Mediators, Vol. 18, March 2007;
- ◆ *A Journey in Mediation – The Bulgarian Path*, The Federal Lawyer, Volume 53. No. 7, August 2006;
- ◆ *Mediation in the Middle East, Part 1*, The Lawyer, Vol. 16, September 2006;
- ◆ *Mediation in the Middle East, Part 2*, The Lawyer, Vol. 17, October 2006;
- ◆ *Musings of a Mediator Gone Global, Part 1*, Vol. 16, October 2005;
- ◆ *Musings of a Mediator Gone Global, Part 2*, Vol. 17, No. 3, November 2005;
- ◆ *Mediation-Coming into Your Community*, The Lawyer, Vol. 15, No. 5, February 2005

DISCLAIMER: *Ms. Cole's opinions expressed herein are her own and do not represent, nor are they intended to represent, the opinion of any arbitration, mediation or professional association with which she is affiliated.*