

LEE HORNBERGER
ARBITRATOR AND MEDIATOR
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Profession

Arbitrator, Mediator, Hearing Officer

Work History

2007-present, Arbitrator, Mediator, and Hearing Officer
1982-07, Labor and Employment Attorney, Self-employed
1979-82, Labor Attorney, The Kroger Co.
1974-79, Attorney at Dyer, Meek, Ruesegger & Bullard
1971-74, Attorney, Office of the Solicitor, U.S. Department of Labor
1969-71, Officer, Military Police Corps, U.S. Army

Experience

Arbitrator, hearing officer, and mediator experience. 35 years+ labor and employment law experience representing government, individuals, labor organizations and management, including grievance arbitration and contract implementation. Speaks and writes on ADR issues. Editor, *The Michigan Dispute Resolution Journal*. Former President of Grand Traverse-Leelanau-Antrim Bar Association; Hearing Officer, Grand Traverse Band of Ottawa and Chippewa Indians; Little Traverse Bay Bands of Odawa Indians Hearing Officer list; Hearing Referee, Michigan Civil Rights Commission; former member of Grand Traverse County Board of Canvassers; and former Chair of Traverse City Human Rights Commission. Former adjunct professor Salmon P. Chase College of Law, labor law and school law, and University of Cincinnati, administrative law and civil rights law. Author, "Alternative Dispute Resolution Theme Introduction," *Michigan Bar Journal* (June 2015). Co-author, "Settlement Agreements For Employment Termination Cases (With Sample Clauses And Forms)," *Practical Litigator* (March 2010). Author, "Employment Discrimination Law in Michigan," *Michigan Bar Journal* (September 2003).

Alternative Dispute Resolution Experience

Mediator Michigan Circuit Courts, EEOC, MDCR, and AAA. Hearing Officer, Grand Traverse Band of Ottawa and Chippewa Indians; Little Traverse Bay Bands of Odawa Indians Hearing Officer list; MCRC Hearing Referee. Arbitrator Hamilton County Common Pleas Court (Ohio) 1985 to 2002, and volunteer mediator 1998 to 1999. Disputes mediated include administrative, age discrimination, assault and battery, bailment, business dissolution, buy-sell, collection, compensation, condominium, construction, conversion, custody, deposit, disability, dog- bite, entertainment, equal pay, False Claims Act, foreclosure, fraud, insurance, invasion of privacy, land contract, landlord-tenant, landscaping, legal malpractice, logging, mechanic's lien, medical malpractice, Michigan Consumer Protection Act, mold, national origin discrimination, no-fault,

nuisance, over payment, parenting time, personal injury, pregnancy discrimination, probate, property division, public body, real estate, receivership, religious discrimination, restitution, retaliation, sex discrimination, sexual harassment, shareholder rights, sovereign immunity, time-share, tortious interference, trade secret, transportation, trespass, tribal, Truth in Lending Act, and veterinary services. Disputes arbitrated include arbitrability, attendance, attorney fees, collection, commercial, commissions, compensation, construction, constructive discharge, Consumer Protection Act, contract, corporation, discharge, disobedience, discrimination, employment, expungement, Fair Credit Billing Act, forum selection, fraud, internet, medical leave, Michigan Uniform Securities Act, non-compete, performance, personal injury, promissory estoppel, retaliation, Securities Exchange Act, suspension, Wage and Fringe Benefits Act, and warranty cases. AAA, FMCS, MERC, NAF, and NFA Arbitrator. Hearing Referee, Michigan Civil Rights Commission. Professional Resolution Experts of Michigan. National Academy of Distinguished Neutrals.

Alternative Dispute Resolution Training

SBM ADR Section Annual Meeting, 2016; AAA Protecting Your Award from Appellate Challenge, 2016; ABA and FINRA, Utilizing Mediation to Navigate the Perils of Electronic Discovery in Arbitration, 2016; How to Increase Your Chances of Reaching a Successful Mediation Settlement Agreement, 2016; SBM ADR Section Annual Meeting, 2015; FMCS and NAA, 2015 Arbitrator and Advocate Symposium; SBM ADR Section ADR Summit, 2015; AAA Labor Arbitrator Best Practices: What You Can Do to Raise Your Game 2015; AAA "The Labor Arbitration Advocate's Views of Remedies," 2014; AAA Webinar Is that Really a Direct Order? Tough Challenges with Insubordination Issues, 2014; AAA "Exceeded Powers": Recent Trends in Challenging Arbitrator Authority, 2014; AAA Dishonesty in the Workplace- Conundrums for Advocates and Arbitrators, 2013; SBM ADR Section, Advanced Mediation Training, 2015 and 2013; AAA Developments In Arbitration Law: Disclosure, Vacatur, Sanctions, and Arbitrator Authority, 2013; AAA Last Chance Agreements - "Last Chance"...or Not?, 2012; NCM, Advanced Mediator, 2012; AAA How to Become a More Innovative Neutral or Advocate: Applying Cutting Edge Innovation Management Techniques to Your ADR Practice, 2012; MERC Fact Finder and 312 Arbitrator, 2011; AAA Due Process Dilemmas: How Far to Go in the Name of Fairness, 2011; US DC WD Michigan, Advanced Mediator, 2012, 2011, 2010, 2008, 2007; NFA, Arbitrator, 2009; NFA, Pre-Hearing, 2009; NCM, Advanced Mediator, 2009; AAA Arbitration Roadmap: Efficient and Cost Effective Arbitration, 2008; AAA Ensuring Clients' Interests are Addressed in Mediation, 2008; ICLE Arbitration, 2008; ICLE Collaborative Law, 2008; AAA Labor Arbitrator II: Advanced Case Management, 2007; NAA Due Process, 2007; AAA Labor Arbitrator I, 2006; AAA Managing Cases Involving Pro Se Parties, 2006; FMCS Labor Arbitrator, 2006; NYSE Arbitrator, 2006; Domestic Relations Mediation, 2005; Domestic Violence Protocol, 2005; AAA: Safeguarding, Deciding & Writing Awards, 2005; Pepperdine Law School, Straus Dispute Resolution Institute, Handling Difficult Employment, Malpractice and PI Cases, 2005; AAA Employment Arbitrator II: Advanced Case Management, 2004; AAA Arbitrator I-Fundamentals of Arbitration Process, 2004; ICLE Advanced ADR, 2004; CRS, Agreement Drafting, 2004; ICLE Advanced Mediation, 2003; NASD Arbitrator, 2003; CRS Court Mediator, 2003; CRS Confidentiality, 2003; Advanced Mediator, 2003; CRS Ethics, 2003; ICLE Advanced ADR, 2003; ICLE Mediation, 2002; Hamilton County, Ohio, Mediator; Collaborative Law; NASD Duty to Disclose; NASD Expungement.

Admitted to Bar

1969, Michigan.
1980, Ohio, (inactive).
1998, U.S. Supreme Court.
1970, U.S. Court of Military Appeals.
2003, U.S. Court of Appeals, Federal Circuit.
1973, U.S. Court of Appeals, Sixth Circuit.
1971, U.S. District Court: Northern District of Ohio.
1973, U.S. District Court: Western District of Michigan.
1978, U.S. District Court: Eastern District of Michigan.
1982, U.S. District Court: Eastern District of Kentucky.
1982, U.S. District Court: Southern District of Ohio.

Professional Associations

State Bar of Michigan (Chair-Elect, ADR Section Council; and former member, Representative Assembly; Labor and Employment Law; Family Law; American Indian Law; and General Practice Sections); and Grand Traverse-Leelanau-Antrim Bar Association (former President; Chair, ADR Committee); former member Grand Traverse County Board of Canvassers; Former Chair Traverse City Human Rights Commission; FMCS; FINRA; Forum; MERC; NFA; Editor, *The Michigan Dispute Resolution Journal*; National Academy of Distinguished Neutrals; Professional Resolution Experts of Michigan.

Education

1966, A.B., The University of Michigan.
1968, J.D. *cum laude*, The University of Michigan Law School.
1982, LL.M. in Labor Law, Wayne State University Law School.

Publications

"Mediation the Answer for Contentious Issues" TRAVERSE CITY RECORD-EAGLE, October 2, 2016; "Effective Use of Mediation" LABOR AND EMPLOYMENT LAWNOTES, Winter 2015; "Michigan Family Law ADR Update" MICHIGAN FAMILY LAW JOURNAL, Nov 2014; "Michigan ADR Case Law Update" July, 2014; ADR QUARTERLY, "Pre-Award Suit Concerning Arbitrator Selection" GENERAL PRACTITIONER, March 2014; "Arbitration or Mediation" TRAVERSE CITY BUSINESS NEWS, Dec 2013; "Nassar But-For Decision" GENERAL PRACTITIONER, Sep 2013; "ADR Update" LABOR AND EMPLOYMENT LAWNOTES, Fall 2012; "Mediation Law Update" GTLA NEWSLETTER, Summer 2012; "Case Evaluation" GENERAL PRACTITIONER, Sep 2012; "Supreme Court Ministerial Exemption Decision" GENERAL PRACTITIONER, March 2012; "Staub Decision," GENERAL PRACTITIONER, Sep 2011; "ADR Update" LABOR AND EMPLOYMENT LAWNOTES, Summer 2011; Co-author, "Vietnam Labor Code Leave Provisions" LABOR AND EMPLOYMENT LAWNOTES, Winter 2011; "ADR Law" LABOR AND EMPLOYMENT LAWNOTES, Spring 2010; Co-author, "Employment Settlement Agreements" PRACTICAL LITIGATOR, March 2010; "ADR Law" LABOR AND EMPLOYMENT LAWNOTES, Fall 2009; "Gross Age Discrimination Decision" GTLA NEWSLETTER, Fall 2009; "Case Evaluation" GTLA NEWSLETTER, Summer 2009;

"Crawford Retaliation Decision" GTLA NEWSLETTER, Spring 2009; Contributor, DRAFTING EMPLOYMENT AGREEMENTS AND POLICIES, ALI-ABA, 2008; "Due Process Protocol" LABOR AND EMPLOYMENT LAWNOTES, Fall 2007; "Arbitration and Mediation" CHAMBER NEWS, April 2007; "Mediation for General Practitioner" GENERAL PRACTITIONER, Nov 2006; "Mediation Preparation" MICHIGAN LAWYERS WEEKLY, Sep 4, 2006; "Mediation Reflections" ADR NEWSLETTER, Aug 2006; "Unemployment Compensation Settlements" LABOR AND EMPLOYMENT LAWNOTES, Spring 2006; "Police-Fire Arbitration" MICHIGAN LAWYERS WEEKLY, March 6, 2006; co-author, "Settlement Agreements (Part II)," LABOR AND EMPLOYMENT LAWNOTES, Winter 2006; Co-author, "Settlement Agreements (Part I)" LABOR AND EMPLOYMENT LAWNOTES, Fall 2005; Co-author, "HIPAA in Mediation" ADR NEWSLETTER, Oct 2005; "Promissory Estoppel" MICHIGAN LAWYERS WEEKLY, March 21, 2005; "Pre-Dispute ADR" ADR NEWSLETTER, Feb 2005; "Employment Discrimination Law" MICHIGAN BAR JOURNAL, Sep 2003; "Civility and Ethics" LABOR AND EMPLOYMENT LAWNOTES, Summer 2003; "Dealing With EEOC" NORTHWEST MICHIGAN BUSINESS NEWS, April 2003; "Disability Discrimination Law" MICHIGAN LAWYERS WEEKLY, Nov 18, 2002; "Unemployment Compensation Law" BUSINESS COURIER, Oct 20, 2000; co-author, "Age Discrimination" OHIO TRIAL, Winter 1999; "Sexual Harassment" OHIO SCHOOL LAW JOURNAL, July 1991; "Age Discrimination" 1989 DETROIT COLLEGE OF LAW REVIEW 667, 1989; "Wrongful Discharge Decisions" 15 NORTHERN KENTUCKY LAW REVIEW 303, 1988; "When Contractor Can Become Primary Employer" 12 CAPITAL UNIVERSITY LAW REVIEW 195, 1982; "Occupational and Safety Health Act" 21 CLEVELAND STATE LAW REVIEW 1, 1972; "Title I of Landrum-Griffin Act" 6 IDAHO LAW REVIEW 77, 1969.

Awards and Honors

2016, Michigan Super Lawyers list.
2015, Hero's Award, SBM ADR Section.
2014, George N. Bashara, Jr. Award, SBM ADR Section.
2009, Pinnacle Award, Conflict Resolution Services.
2009, Certificate of Appreciation, Community Mediation Services.
2009, Northern Michigan's A-List of Attorneys, *Traverse Magazine*.
1995, "The Verdict: Town's Top Attorneys." *Cincinnati Magazine*.
1970-71, While with U.S. Army in Vietnam awarded Bronze Star Medal, Army Commendation Medals, and Vietnam Service Medal with two bronze service stars; unit awarded Meritorious Unit Commendation and Vietnam Gallantry Cross with Palm Unit Citation Medal.
1968, American Jurisprudence Award in Restitution.

Speaking Engagements

"ADR Domestic Relations Law Update," ICLE Family Law Institute, 2016; "ADR Law Update," SBM ADR Section Annual Conference, 2016; "ADR Law Update," Northwestern Michigan College, 2016; "ADR Law Update," SBM Solo and Small Firm Section and SBM ADR Section, University of Detroit Mercy School of Law, 2016; "Domestic Relations ADR Law Update," SBM Family Law Section Mid-Winter Conference, Puerto Rico, 2015; "ADR Law Update," SBM ADR Section Annual Conference, 2015; "Mediator Ethics," GTLABA, 2015; "How Judges Treat Mediated Agreements," CRS, 2012; "Ethics," CMS, 2010; "ADR," GTLABA, 2007-2009; "ADR," Northwestern Michigan College and Traverse City Area Chamber of Commerce, 2007; "Mediating Employment, Malpractice, and PI Cases," GTLABA, 2005; "Settlement Agreements" ICLE, 2005;

"Discrimination Law" Lorman, 2005; "Non- Compete Covenants" GTLABA, 2004; "Disability Discrimination Law" Lorman; "Privacy Law" GTLA Bar Association, 2004; "Toussaint" ICLE 2004.