



Joan C. Grafstein, Esq.

Joan C. Grafstein, Esq. is a skilled full-time mediator and arbitrator who has resolved hundreds of complex business/commercial, employment, ERISA, securities, real property, and university cases. With thirty years experience as an attorney, most as in-house counsel at Emory University and the University of Georgia, she has expertise and experience in resolving faculty, staff, and student disputes, including tenure denial, discrimination, and harassment claims, as well as representing the university in intellectual property, major construction, contract, and insurance disputes. She is well known for being hard working, prepared, and getting the difficult settlements done.

ADR Experience and Qualifications

- Arbitrator or mediator in hundreds of significant cases, including serving as chair, sole arbitrator, and panelist in business arbitrations under JAMS, AAA, and party-specific rules
- As university in-house counsel, frequently represented the institution at mediations and administrative hearings, often in employment disputes

Representative Matters

- **Representative Arbitrations**
 - Arbitrated fraud and breach of contract claims and counterclaims between California investors in Florida nursing home and the fired manager of the nursing home
 - Arbitrated breach of contract claim of land auction company against developer in North Carolina
 - Arbitrated ERISA case against employer for denial of medical benefits on grounds of pre-existing condition
 - Arbitrated multiple breach of contract and discrimination cases brought by terminated employees
 - Arbitrator in dispute between software developer and national food company over custom software
 - Arbitrator in dispute over asset purchase and sale agreement in health field
 - Arbitrated numerous disputes in FINRA (Financial Industry Regulatory Authority) and its predecessor NASD (National Association of Securities Dealers) Dispute Resolution, as chair of panel, panel member, and sole arbitrator, including claims brought by customers over mortgage-backed securities, and claims between brokers and dealers who are FINRA members and their “associated persons”
 - Sole arbitrator in two related claims for class action by over 2,000 firefighters seeking pay for breach of contract and quantum meruit
- **Representative Mediations**
 - Mediator in lawsuit by medical school faculty member against school and hospital
 - Mediated ERISA case against employer for denial of medical benefits on ground of unlawful act exclusion
 - Mediated disability discrimination and breach of contract claim against Fortune 100 company by employee fired for substance abuse
 - Mediated numerous discrimination cases and breach of contract disputes brought by dismissed employees
 - Mediated race discrimination employment claim against large public authority
 - Mediated catastrophic injury caused by truck collision for settlement in excess of one million dollars
 - Mediated numerous pro bono cases including civil disputes and applications for criminal warrants

Honors, Memberships, and Professional Activities

- Chair, Atlanta Bar Association Women in the Profession Section 2009-2010
- Member: FINRA Dispute Resolution Board of Arbitrators; American Bar Association Sections of Business Law, Employment Law, Dispute Resolution, and International Law; State Bar of Georgia Sections of ADR, Intellectual Property, and Labor & Employment Law
- Registered Neutral, Georgia Office of Dispute Resolution

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- Publications include: "Women in Negotiation." The Atlanta Lawyer, January 2008; "Developments in Party-Appointed Arbitrator Cases," Dispute Resolution News, Spring 2004
- Frequent speaker on arbitration and mediation topics at national conferences including Annual Section Meetings of the American Bar Association: panel chair and moderator, "Current Trends in International Arbitration" (2010) at ABA Mid-year Meeting; panel member, "Is Commercial Arbitration Broken" (2010) at ABA Business Law Section; panel co-chair, "The Evolving State of Arbitration in China: Can a Foreign Party Get a Fair Hearing and an Enforceable Award?" (2009) at Fall Meeting, ABA International Law Section; panel chair, "Women in Negotiation" (2008) and "Arbitration of Employment Disputes" (2006), Annual Meeting of the ABA Dispute Resolution Section; presenter, "Faculty Tenure Denials: Current Law and Practical Tips" (2004) at Mid-year Meeting, National Association of College and University Attorneys. Panelist, "Developments in Arbitration Ethics," (2004) and "ADR in Institutional Settings" (2000) at Annual Georgia ADR Institute

Background and Education

- In-house counsel, Emory University Office of the General Counsel, 1986 – 2003
- Legal Advisor, University of Georgia, Division of Student Affairs 1981 – 1986
- Associate, Sutherland, Asbill and Brennan, 1980 - 1981
- Law Clerk to Judge James C. Hill, United States Court of Appeals for the Fifth Circuit, 1979 - 1980
- Adjunct Assistant Professor, Emory University School of Law, 1988 - 1989; Adjunct Assistant Professor, University of Georgia Criminal Justice Program, 1983 – 1986; Lecturer, Labor Law, University of Georgia School of Law, 1981 – 1982
- J.D., *summa cum laude*, *First In Class*, University of Georgia School of Law, 1979 (*Georgia Law Review*, Articles Editor; Order Of The Coif; Castellow Scholar)
- A.B., Government, Barnard College, Columbia University, 1968