

Penn Payne
Penn Payne, LLC
3586 Tuxedo Park N.W.
Atlanta, Georgia 30305
404.841.3295 (T)
ppayne@pennpayne.com
www.pennpayne.com

Profession: Attorney, Mediator, Arbitrator, Independent Investigator of Employee Complaints and Workplace Disputes

Alternative Dispute Resolution Experience: As a mediator and arbitrator, Penn has long been known for her fairness, her respect for the participants in a dispute, and her skill in obtaining the trust of each party. She has cultivated the ability to be open-minded and to analyze all sides of a dispute. She has served as a mediator since 1998 and an arbitrator since 2002.

Her cases have involved:

- sexual and racial harassment
- discrimination on the basis of sex, age, race, national origin, ethnicity, pregnancy, religion and disability
- retaliation
- employee classification and wage and hour disputes under the Fair Labor Standards Act
- restrictive covenants (non-compete, non-solicit, trade secrets and confidentiality agreements)
- employment contracts and change of control agreements
- stock options and other forms of executive compensation
- the Family and Medical Leave Act
- the Equal Pay Act
- intentional infliction of emotional distress
- invasion of privacy
- negligent hiring and retention
- civil assault and battery

For more information, please go to www.pennpayne.com.

Experience: For 28 years, Penn represented parties in employment, general business and commercial litigation (discrimination and harassment, retaliation, restrictive covenant, employment contract, civil rights, antitrust, securities, trade secrets, business fraud and other business torts, creditors' rights and bankruptcy, general contract, partnership and fiduciary duty, Computer Fraud and Abuse Act, Computer Systems Protection Act, and business dissolution disputes), with a heavy concentration in employment and restrictive covenant disputes since 1994. She has represented both employees and management in mediation, arbitration, negotiation, and litigation in cases involving: discrimination on the basis of race (including reverse race discrimination and affirmative action), sex (including pregnancy), age, disability, national origin, ethnicity, and religion; retaliation; sexual and racial harassment; employee classification and wage and hour claims under the Fair Labor Standards Act; issues unique to governmental employees; the Family and Medical Leave Act; the Equal Pay Act; employment contracts and change of control agreements; restrictive covenants (non-compete, non-solicit, trade secrets and confidentiality agreements); and executive compensation. She has represented several law firms and individual lawyers in employment litigation and threatened litigation and has provided advice on preventive policies and negotiation strategy. At the request of corporations, she serves as an

independent investigator of all varieties of harassment and discrimination claims brought by employees, including the use by employees of blogs, Internet posting sites and social networking sites.

Awards and Honors: Over the past 12 years Penn has variously been recognized by her peers through inclusion in The Best Lawyers in America; Who's Who Legal USA – Management Labour and Employment; Who's Who Legal USA – Arbitration; Georgia's Legal Elite published by Georgia Trend Magazine; and The Guide to the Best Attorneys in Georgia published by Atlanta Magazine.

Education: Stanford University (A.B., History, Dean's List-1966); Emory University (J.D., With Honors, Order of the Coif-1978).

Work History: Penn Payne, LLC, 2004-present; Partner, Kirkley & Payne, LLP, 1998-2004; Of Counsel, Nations, Yates & Toman, 1989-98; Partner/Associate, Vaughan, Roach, Davis, Birch & Murphy (and predecessor firms), 1979-88; Teacher, Seoul (Korea) Foreign School, 1973-74; Teacher, Ewha Women's University, Seoul, Korea, 1973; Admissions Director, The Harley School, Rochester, NY, 1968-1972; Teacher and Admissions Secretary, The Barstow School, Kansas City, MO, 1966-1967.

Alternative Dispute Resolution Training: 2016 Georgia Arbitrators Forum; 2016 The New ICDR International Arbitration Rules; 2015 AAA Webinar, Guided Choice: Innovations in Mediation to Get Better Settlements at Less Cost; 2014 AAA Webinar, Managing ESI Exchanges—Preparing Yourself for the New Landscape and New Challenges; 2013 The Extent (or Limit) of Mediator Influence; 2012 AAA Managing the Arbitration Process for Efficiency and Economy Following the Preliminary Hearing; 2012 AAA Advanced Mediator Training Series, The Extent (or Limit) of Mediator Influence to Effect Settlement; 2010 AAA/ICDR Neutrals Conference; 2010 Employment and Labor Arbitrators Code of Ethics; 2008 ABA ADR Section, Sound Perspectives on ADR; 2007 AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics; 2007 AAA Dealing With Delay Tactics in Arbitration; 2006 AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards; 2005 AAA Employment Arbitrator II Training: Advanced Case Management Issues; 2003 AAA Arbitrator I Training - Fundamentals of the Arbitration Process; 1998 Resolution Resources Corporation, Advanced Mediation Training; 1996 Resolution Resources Corporation, General Mediation Training.

Professional Licenses: Admitted to the Bar, Georgia; admitted to practice before all state and federal courts in Georgia. Registered Neutral, Georgia Office of Dispute Resolution.

Professional Associations: National Academy of Distinguished Neutrals; Georgia Academy of Mediators and Arbitrators; Georgia Arbitrators Forum; State Bar of Georgia (Dispute Resolution Section; Labor and Employment Section); Atlanta Bar Association (Dispute Resolution Section; past Board of Directors, Labor and Employment Section); Lamar Inn of Court (Past member; past Executive Committee); Federal Defender Program (Past member of Board of Directors; past President); Emory Law School Council (Past member).

Publications and Speaking Engagements: "Recent Developments in the Law of Arbitration," Annual Arbitration Institute of the Institute of Continuing Legal Education in Georgia; "The Good, the Bad and the Ugly," American Arbitration Association mediation panel discussion; "The Employment and Labor Arbitrator's Code of Ethics," American Arbitration Association panel discussion; "Negotiate, Mediate, Settle," (conducted mock mediation), Atlanta Bar Association Advanced Employment Law Seminar; "Mediation of Employment Claims," The Seminar Group's 2nd Annual Labor and Employment Law Seminar; "The Ten Most Common Employment Law Mistakes," 9th Annual Advanced Employment Issues Seminar; "Selected Developments in Georgia Restrictive Covenants Law," 34th Annual Labor and Employment Law Institute; "Analyzing an Age Discrimination Mediation: Termination Tempest," 11th Annual ADR Institute and 2004 Neutrals' Conference;

"Facilitating Early Settlement of Litigation," American Corporate Counsel Association, Georgia Chapter; "Mediating at an Early Stage of a Dispute: Techniques to Increase the Likelihood of Settlement," Atlanta Bar Association, ADR Section; speaker and publication, "Disputes Management: Facilitating Early Settlement of Litigation - An Outside Counsel's View," Corporate Counsel Institute; "Managing an Employee Who Has Filed a Discrimination Complaint Against Your Company," Society for Human Resource Management, Southeastern Annual Conference; "Trial Tactics" in "EEO Basics," American Bar Association Section of Labor and Employment Law; "What's Hot and What's Not in Employment Law: An Ounce of Prevention Is Worth a Pound of Cure," American Corporate Counsel Association, Georgia Chapter; "Emerging Issues in Employment Discrimination Litigation, Recent ADA Cases from the Supreme Court," Institute of Continuing Legal Education in Georgia; "The Family and Medical Leave Act," The Layman's Lawyer, weekly program on public television; "Psychiatric Disabilities Under the Americans with Disabilities Act," Matthew Bender Continuing Legal Education and the Atlanta Bar Association.

Arbitration and Mediation References:

Patrick T. O'Connor, Esq., Oliver Maner LLP, Savannah, GA, pto@olivermaner.com (912) 236-3311.
James B. Ellington, Esq., Hull Barrett, PC, Augusta, GA, JEllington@hullbarrett.com (706) 722-4481 x8043.
Gary R. Kessler, Esq., Gary R. Kessler, PC, Atlanta, GA, gkessler@martensonlaw.com (404) 915-7207.
Kim Worth, Esq., Thrasher Worth LLC, Atlanta, GA, kworth@thrasherworth.com (404) 760-6012.
Stanford G. Wilson, Esq., Elarbee, Thompson, Sapp & Wilson, LLP, Atlanta, GA, swilson@elarbeethompson.com (404) 659-6700.
Graham Scofield, Esq., Hornsby Law Group, Atlanta, GA, gs@hornsbylaw.com (404) 577-1505.
Samuel C. Burch, Esq., formerly Chief Counsel, Employee Relations and Litigation, AGL Resources, sburch97@gmail.com (404) 962-3255.