

Lynn H. Cole, Esq. is a dispute resolution professional with experience in all aspects of ADR, including mediation and arbitration. 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 H. Cole, Esq.

ADR Experience and Qualifications

- ◆ Florida certified and Harvard trained in mediation
- ◆ ADR experience in resolving a wide variety of disputes in: banking; business and commercial; contracts; labor and employment; securities; partnerships; and insurance as arbitrator, mediator, Special Master, SEC Receiver, settlement counsel
- ◆ Bringing to the ADR processes over 26 years of evidentiary and procedural experience as a trial attorney in the litigation areas of complex commercial; labor and employment, both private and federal employment issues (representing both employers and employees); securities; construction; property; partnership; banking; and, utilities

EXECUTIVE SUMMARY OF SUBJECT MATTER EXPERIENCE:

Over 22 years in complex commercial, labor and employment and construction litigation, primarily in federal court. Over 10 years of focused labor and employment law experience, representing both employers and employees in both the private and state and federal sectors. Subject matter experience in Civil Rights Act of 1991 (Title VII), 42 U. S. C. § 1983 (including race, ethnicity, gender and retaliation claims); The Fair Labor Standards Act of 1938; Age Discrimination in Employment Act, 29 U.S.C. Sect. 621 (including retaliation claims); Florida Civil Rights Act of 1992, Fla. Stat. Sect.760.01 *et seq.* of 42 U.S.C. Sect.1983, Civil Rights; Florida Whistleblower’s Act (private and public); Sarbanes-Oxley Act of 2002, 29 CFR, 1980; Federal False Claims Act, 31 U.S. C. Section 3729. Class action lawsuit experience in gender discrimination claims and in Worker Adjustment and Retraining Notification Act (“WARN”) cases. In complex commercial litigation, clients represented industries of steel manufacturing; banking; aviation; antitrust; internet and intellectual properties; pharmaceutical; property; construction; utilities; and, health care. Representative issues included breaches of contract; intellectual property; ICANN and internet issues; securities; anti-trust; banking; utilities issues; fraud; partnership; theft and embezzlement; RICO. In construction litigation, 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. Experienced in construction issues of: delay; interference; critical path; design standards of steel rebar; and glass specifications. “Av” rated by colleagues for Martindale Hubbard for last decades of private trial practice.

HONORS, MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

- ◆ International Mediation Institute, The Hague, Certified as International Mediator
- ◆ Special Magistrate- app’ted by Circuit Civil Judge, 13th Jud. Cir. of Florida (2007-2008)
- ◆ *Mediators Beyond Borders*, Founding Member and Member of Board of Directors
- ◆ International Mediation Leadership Summit, The Hague (ABA/DR Section)-invited member
- ◆ CPR (“International Institute for Conflict Prevention and Resolution”), Mediator and Arbitrator
- ◆ WIPO (World Intellectual Property Organization) Mediator

- ◆ AAA “(American Arbitration Association”)Mediator and Arbitrator Roster of Neutrals
- ◆ Mediator and Arbitrator Roster of Neutrals, National Arbitration Forum (“NAF”)
- ◆ U. S. Council for International Business (“USCIB”), listed Arbitrator and Mediator
- ◆ FINRA (“Financial Industry Regulatory Authority”), arbitrator
- ◆ Resolute Systems, Inc., Panel of Neutrals, Arbitrator and Mediator
- ◆ Federal Bar Association, ADR Section, Chair, (2004 - 2007)
- ◆ National Arbitrators and Mediators (“NAM”) Neutral Roster
- ◆ Arbitral Judge, the Willem C. Vis International Commercial Arbitration Moot, Vienna
- ◆ Assn of Conflict Resolution (“ACR”) International Board of Directors (2008-present)
- ◆ Tampa Commission on Ethics, Appointed by Mayor (2004 - present)
- ◆ Mediation Qualifications Board, Appointed by Florida Supreme Court (1992-2002)
- ◆ Civil Justice Reform Act Advisory Commission, Chair, appointed by Chief Judge, M.D.FL, (1997-98)
- ◆ Florida Academy of Mediators (“FAPM”), Adm. Vice-President, (2006-2008)
- ◆ Florida Bar Association, International Section (member)
- ◆ 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 a U.S. Congressional Sub-Committee on Government Personnel and 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)
- ◆ Hillsborough County Bar Association Senior Council, Chair (2004-2006)

BACKGROUND and EDUCATION

Work Experience:

- ◆ Stetson College of Law, Adjunct Professor, ADR, 2004 to 2008
- ◆ Law Offices of Lynn Cole, P.A., Managing Partner and President, 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 (2002 - present)
- ◆ 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 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 EXPERIENCE AND TRAINING:

International Mediation Program Development

- ◆ Mediation Specialist, USAID/DPK, re-assigned to Jordan to expand original Pilot Mediation Program into additional courts and private sector of Jordanian society
- ◆ 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)

Mediation Training

- ◆ *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

- ◆ *Court Based Mediation: Expanding Access to Justice in Developing Societies*, 11th Annual ABA/DR Section Conference, Speaker and Participant, April 2009
- ◆ 4th Annual Southeastern Europe Mediation Forum, Speaker and Participant, Nov. 2008
- ◆ *Basic Mediation Overview*, Trainer and Speaker, University of Florida (60 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*, ADR Annual Conference of the American Bar Association, 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;
- ◆ *Rule 11 and Other Judicially Imposed Rules of Ethics*, Current Issues in Legal Ethics sponsored by The Hillsborough County Bar Association, December 1991;
- ◆ *Basic Commercial Litigation: Selected Issues on Ethics and Professionalism in Litigation*, Florida Bar Continuing Legal Education Seminar, March 1991;
- ◆ *Basic Practice: A View from the Bench*, Ethics of Federal Practice Seminar, August 1990;

- ◆ *Computer Fraud Training*, Florida Association of Computer Crime Investigators, FDLE training course, Orlando, Florida, February 1991;
- ◆ WTKN-AM, hosted by Ed Hartley, July 1988;
- ◆ Florida Risk Management Institute, Inc., 1996-2000;
- ◆ Industrial Personnel Association of Pinellas County, May 15, 1995;
- ◆ American Society of Women Accountants, Tampa Chapter, April 1993;
- ◆ Florida Institute of Certified Accountants, West Coast Chapter, September 1990, 1998;
- ◆ University of Tampa, *EDP Auditing* course, September 1990;
- ◆ American Society of Women Accountants, State meeting, June 1990;
- ◆ WEDU-Channel 13 hosted by Geoffrey Simon, "*Special Focus: Business Crime*", November 1989;

PUBLICATIONS

- ◆ *Jordan Leads the Arab Middle East in Mediation*, ACR International 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;
- ◆ *The Herb Goldberg Award*, HCBA Lawyer, Vol. 1, No. 1, September 1992;
- ◆ *Survey on Computer Crime in Florida*, published by FDLE 1989.

REFERENCES Available upon request.

DISCLAIMER *Ms. Cole's opinions expressed 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.*