

Mediation for Improved Class Action Settlements: Timing, Process, Insurance, Techniques, Critical Terms

WEDNESDAY, AUGUST 12, 2020

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

Donald R. (Don) Frederico, Partner, **Pierce Atwood**, Boston

Bryan Schwartz, Attorney, **Bryan Schwartz Law**, Oakland, Calif.

The audio portion of the conference may be accessed via the telephone or by using your computer's speakers. Please refer to the instructions emailed to registrants for additional information. If you have any questions, please contact **Customer Service at 1-800-926-7926 ext. 1.**

Reference:

[Class Action Settlements Article](#)

[Class Action Settlements Blog](#)

PIERCE ATWOOD 
CLASS ACTION MEDIATOR
DONALD R. FREDERICO

Class action mediator Donald R. Frederico brings decades of class action experience to the mediation table. He has served as lead defense counsel nationally in a wide variety of class actions, representing clients in court as well as in mediations, and negotiating and drafting class action settlement agreements for payouts ranging from hundreds of thousands to tens of millions of dollars. Don understands the drivers of class action settlements and can help both sides of a case achieve their settlement goals. He is also a trained mediator who has served with distinction as a third-party neutral.

As experienced lawyers know, most class actions settle, and many class action settlements are achieved through mediation. Although a class action costs much less to mediate than to litigate, a failed mediation can be costly because of the additional, potentially avoidable litigation expense the parties incur before the case concludes. It is not unusual for a class action lawsuit to go through multiple mediations before it settles, but getting to resolution sooner than later can benefit all concerned.

Some class action mediations fail because the parties select mediators who have little or no experience with the unique complexities of class litigation, class settlements, and the court approval process. Selecting a mediator with extensive class action experience can mean the difference between settling before or after spending thousands or millions of additional dollars on litigation costs.

Don also knows that mediation is far more likely to succeed if both sides know that they have been heard and treated fairly. Through his decades of service to his clients, the courts, the legal community, and nonprofit organizations, Don has achieved a reputation for fairness and professionalism among both plaintiff and defense attorneys. That reputation stems not only from his keen sense of ethics and professionalism in cases he litigates, but also from his advocacy in support of funding for the courts and for legal services organizations, his leadership roles in the Boston Bar Association and the Boston Bar Foundation, his significant pro bono work, and his appointments as Special Discovery Master in complex litigation.

Don's deep knowledge of class action litigation and settlements, coupled with his abiding passion for fairness, enables him to provide high-quality mediation services to class action plaintiffs and defendants. Please consider Don for your next class action mediation.

For more information, see Don's posts on his [Class Action Settlements and Mediation blog](#).

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BRYAN SCHWARTZ LAW

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BRYAN SCHWARTZ

A smart and tenacious litigator, Bryan Schwartz has represented clients' interests before a wide range of adjudicative bodies: from the United States District Court, to United States Courts of Appeals; from California Superior Courts to the California Supreme Court; from the Equal Employment Opportunity Commission, to the Merit Systems Protection Board; from the United States Department of Labor, to labor arbitration before the American Arbitration Association and other organizations. Mr. Schwartz has helped many grateful clients get their careers back on track after employer wrong doing derailed them, obtaining tens of millions in recovery for employees across the country.

Mr. Schwartz's efforts on behalf of whistleblowers and discrimination victims have been publicized worldwide, from *The NY Times* to *The Washington Post* and the *Wall Street Journal*, from *National Public Radio* to *MSNBC*, from *Voice of America* to India's *Hindustani Times*. Mr. Schwartz has developed a niche in Federal employees' unique claims, and has led multi-plaintiff, class and collective actions involving overtime and other wage violations under state and federal laws across the country.

Before founding his own firm in 2009, Mr. Schwartz led the San Francisco, California, office of Nichols Kaster, LLP. Previously, Mr. Schwartz practiced with the Washington, DC-based firm of Passman & Kaplan, PC, and clerked for the late Hon. Franklin Van Antwerpen, formerly a member of the Third Circuit Court of Appeals and Eastern District of Pennsylvania.

Mr. Schwartz is a member of the Board of Directors of Legal Aid at Work. He is the past Chair of the State Bar of California's Labor and Employment Law Section, which has over 7500 members, and also past President of FAIR, a non-profit foundation dedicated to increasing diversity in the plaintiffs' employment Bar and to workers' rights education. He is also a past member of the Executive Board of the California Employment Lawyers Association (CELA).

Mr. Schwartz has chaired the Annual Meeting of the Labor and Employment Law Section, the State Bar's Advanced Wage and Hour Conference, and Legal Aid at Work's Annual Gala. He helped to initiate CELA's statewide Employee Justice Fellowship, to aid law students of all backgrounds in entering the practice of representing workers, and CELA's annual Diversity Summit, by which hundreds of labor and employment lawyers gather to discuss how to create leadership opportunities for diverse attorneys in the field and overcome bias in the profession. Mr. Schwartz appeared as amicus curiae before the California Supreme Court on behalf of CELA in several critical cases, including *Brinker Restaurant Corp. v. Superior Court*, *Kirby v. Immoos Fire Protection*, and *Duran v. US Bank*.

Mr. Schwartz is one of California's most prolific speakers and authors on employment law subjects. He has presented often to the State Bar, the National Employment Lawyers Association, CELA, and elsewhere, from NPR's "Your Legal Rights" radio show, to the ABA's Commission on Disability Rights, to the San Francisco Trial Lawyers Association, to JAMS (the arbitration and mediation provider). His articles have been published in the *California Labor and Employment Law Review*, *Plaintiff Magazine*, and other media. The firm's blog is a resource to jurists, attorneys, and workers nationwide.

As a young man, Mr. Schwartz was elected the International Programming Vice President of the B'nai B'rith Youth Organization and President of Cornell University's student government. After graduating from Cornell and before law school at the University of California at Berkeley, Mr. Schwartz was a Federal Investigator (bilingual-Spanish) at the U.S. Equal Employment Opportunity Commission, a campaign manager, and a school teacher in Costa Rica. Also a professional photojournalist, Mr. Schwartz has traveled to nearly 50 countries on five continents, is the author of *Scattered Among the Nations* and is President of the non-profit organization, Scattered Among the Nations. Mr. Schwartz is a member of the City of Alameda's Open Government Commission, a member of the Board of Directors of the Alameda Boys & Girls Club, past President of Temple Beth Abraham in Oakland, California and co-chair of the dads' club at his son's public school.

ADMISSIONS

California Supreme Court
District of Columbia Court of Appeals

US Court of Appeals:
Ninth Circuit
Federal Circuit

US District Court:
Northern District of California
Central District of California
Eastern District of California
Southern District of California
District of Columbia

Mr. Schwartz also has been admitted by special permission (pro hac vice) in 14 District Courts nationwide.

EDUCATION

J.D. 2000, Boalt Hall School of Law,
University of California at Berkeley

B.A. 1994, Cornell University, *magna cum laude*

COMMITTEES

Alameda's Open Government Commission, *Chair*

California Lawyers Association (*formerly State Bar of California*) Labor & Employment Law Section
Past Chair

California Employment Lawyers Association, *former Executive Board Member*
Foundation for Advocacy Inclusion & Resources,
Board Member, Past President

Legal Aid at Work, *Board of Directors, Member*

AWARDS

2020 The Best Lawyers in America, Litigation -
Labor and Employment

2015 - 2020 Top 75 Labor & Employment
Attorneys in CA - *Daily Journal*

2013 - 2020 Northern CA "Super Lawyer" -
Super Lawyers Magazine

2018 Wage Justice Attorney Advocate Award

2011 - 2012 Northern CA "Rising Star" -
Super Lawyers Magazine

MEMBERSHIPS

National Employment Lawyers Association
CA Employment Lawyers Association
CA State Bar Labor & Employment Law Section