



What has led to you having a successful practice as both a mediator and an arbitrator?

Before becoming a full-time neutral, my litigation practice spanned various practice areas, including business/commercial, employment, entertainment, financial services and intellectual property. During my time in private practice, I represented both defendants and plaintiffs, which allowed me to understand the concerns and issues facing all parties. Focusing on complex industries with many different players, such as finance, insurance, media, real estate and technology, has led to numerous business relationships that have allowed me to build local and national practices as a mediator and arbitrator. This unique experience has led to my selection as a mediator or arbitrator on various disputes across the United States and Puerto Rico.

Critical to the continued growth and success of my practice is my ability to connect with parties via a thorough understanding of the merits of their case, while also effectively addressing and managing the emotions involved. I am always focused on the human element that is involved in resolving disputes, which can make the difference between reaching settlement on amicable terms and participating in a long and drawn-out litigation process.

How have you retooled your practice in the wake of the current state of affairs?

Technology, technology, technology. Technology has kept my practice prospering during this pandemic. Given the national scope of my practice, travel was necessary to ensure that my clients' needs were met. Now I am finding that I can connect with clients and reach resolution for them through virtual means—just as if we were all in an in-person mediation or arbitration. Zoom and other videoconferencing platforms have proven to be effective means to reach resolution when in-person meetings are not an option. I have conducted more than 45 virtual and hybrid proceedings over the past few months, and several clients have praised the effectiveness, efficiency and cost savings of the process. By staying “grounded,” I have also been able to provide local bar associations and lawyers with best practices for conducting virtual proceedings.

What are your favorite types of cases to mediate?

I enjoy participating in cases in which I have knowledge of the industry and am up to speed on the state of the law. Therefore, I enjoy mediating financial services cases, entertainment and IP cases, employment and general business/commercial disputes, and a variety of class actions. I also like the challenge of resolving cases where emotions run high. Finally, I derive particular pleasure from cases that have been in litigation for many years. I recall a particular class action that had been up and down to the state Supreme Court multiple times and had been in litigation for close to 10 years. We were able to settle that case for a nine-figure amount after a two-day mediation.

As our country begins to establish a new normal, what do you see as being primary areas where ADR services will be needed?

Due to the staggering unemployment resulting from the economic slowdown, there will be a significant rise in employment disputes, with issues including breach of contract, wrongful termination, workplace safety and employee benefits. We could also see a rise in employment discrimination disputes in light of the recent ruling made by the Supreme Court of the United States, which extended Title VII of the Civil Rights Act of 1964 to protect gay and transgender people, as well as



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the revived public consciousness of equity for all. In addition to employment disputes, there will be an increase in business interruption insurance claims and other insurance disputes within the construction and health care industries pertaining to force majeure issues arising from project delays and the reimbursement of telehealth services by payers. Finally, I expect to see an increase in securities cases resulting from the continued volatility we will undoubtedly see in the securities markets.

What do you enjoy most about being a JAMS neutral?

The camaraderie. I have mediated in over 20 JAMS offices. As a result, I have become quite friendly with JAMS neutrals and associates around the country. JAMS does an outstanding job hiring high-quality people at all levels, from the receptionists who greet clients to the seasoned federal court judges who are part of our panel.

You have a very active securities ADR practice. What do you think is the next big trend in financial services/securities matters?

Class or collective actions continue to be more prolific in light of third-party litigation funders. The potential for large payouts for third-party litigation funders has provided them the incentive to grant parties capital to pursue more claims. These actions will only increase in the financial services and securities sectors, among other sectors, as a result. I also expect the rising number of COVID-19 cases to lead to continued volatility in the securities markets, which inevitably leads to new litigation and arbitration.

Can you share an important lesson that a mentor taught to you?

I learned to listen actively and work tenaciously on a matter for as long as it takes to achieve settlement.

What step in the preparation for a case/matter is most important and relevant for you?

Preparation is as important for a mediator or arbitrator as it is for a litigator. I take great pride in reviewing all materials provided to me in advance of a session. I also make myself available to counsel beforehand so that I can determine the roadblocks to settlement and formulate a game plan to overcome those barriers before the mediation starts.

How would you describe your mediation/arbitration style?

I view myself as a chameleon. My personality is generally friendly and easy going, which I bring to my practice. However, I work very hard at reading the room to identify when a more forceful approach is warranted.

Mr. Grubman is available to conduct virtual or remote mediations and other ADR proceedings on a variety of online platforms, including Zoom. To schedule a case with Mr. Grubman visit jamsadr.com/grubman or call 786.405.0613.