

DAVID PAUL CLARK, ESQ.

E-mail Address: DClarkEsq@aol.com

Website: www.clarklegalsolutions.com

Present Occupation: Arbitrator, Mediator, Administrative Judge

PROFESSIONAL AFFILIATIONS:

Board Member, D.C. Bar Association Attorney/Client Arbitration Board, 2002-2011

Board Member, D.C. Association for Conflict Resolution, 2002-2009

EDUCATION:

J.D., Washington College of Law, American University, 1997

M.A., International Law/Conflict Resolution, American University, 1998

B.A., English Literature & Philosophy, University of Richmond, 1992

CERTIFICATIONS:

Bar Memberships: District of Columbia, New Jersey, and New York

Certified Mediator: Supreme Court of Virginia

Volunteer Mediator: United States District and Bankruptcy Courts for the District of Columbia

SPECIALIZED TRAINING: Complex Public Education Issues: FMCS-NAA September 16, 2011

ARBITRATION/LABOR RELATIONS EXPERIENCE:

From 2001 to present, private ADR law practice specializing in Arbitration, Adjudication, Mediation, and Expert Facilitation. Arbitration of numerous labor cases, and Mediator of well over 800 cases, concerning labor relations and employment law, involving public and private sector organizations and their labor associations.

From 2016 to 2020, served under appointment of the U.S. Secretary of State to be a member of the Foreign Service Grievance Board (FSGB), which oversees the formal grievance system covering employees of the U.S. foreign affairs agencies. In 2014, appointed by the Comptroller General of the United States and sworn in for a 5-year term as an Administrative Judge and Member of the Government Accountability Office's Personnel Appeals Board (Board Chair, 2017-2019), an independent body charged with protecting against potential or perceived conflicts of interest arising from the GAO's oversight of the executive branch. Part-time duties include adjudication of matters in areas of employee relations, equal employment opportunity, and labor relations, pursuant to the same laws, rules, and regulations applied by the Equal Employment Opportunity Commission, Federal Labor Relations Authority, Merit Systems Protection Board, and Office of Special Counsel. Additional experience as an Administrative Judge includes cases assigned by the EEOC (2010 to 2012), and the D.C. Office of Human Rights (2002 to 2013).

From 2005 to 2020, Adjunct Professor of Law at American University's Washington College of Law, in areas of negotiation and alternative dispute resolution. From 1998 to 2001, attorney-adviser at the Federal Labor Relations Authority, an independent, quasi-judicial agency responsible for overseeing labor-management relations in the federal government. Duties included review of arbitration awards, unfair labor practices, negotiability, and representation decisions; mediating and facilitating settlement of lawsuits; and drafting final decisions issued by the presidential appointees.

INDUSTRIES: Airlines, Automotive, Construction, Education, Electronics, Food (manufacturing/processing/service), Federal Sector, Health Care, Hotels/Motels/Casinos/Resorts, Hospital/Nursing Home, Local Government, Machinery, Office Workers/Clerical, Organizations/Associations, Professional, Paint & Varnish, Police and Fire, Printing and Publishing,

Plumbing, Prison Guard, Public Sector, Refrigeration/HVAC, Restaurants, Retail Stores, Services, Transportation, Trucking & Storage, Utilities, Warehousing.

ISSUES: Arbitrability, Assignment of Work, Bargaining Unit Work, Conduct, Demotion, Discipline (Non-Discharge), Discipline (Discharge), Discrimination: Age, Disability, Race, Sex, Religion, National Origin; Drug/Alcohol Offenses, Fringe Benefits: Holidays, Leave, Vacation, Holiday/Holiday Pay; Grievance Mediation, Health/Hospitalization, Hiring Practices, Job Performance, Job Posting/Bidding, Jurisdictional Disputes, Layoffs/Bumping/Recall, Management Rights, Official Time, Past Practices, Promotion, Safety/Health Conditions, Seniority, Sexual Harassment, Subcontracting/Contracting Out, Wages: Cost-of-Living Pay, Holiday Pay, Incentive Pay, Job Classification and Rates, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay; Work hours/Schedules/Assignments, Working Conditions/Work Orders, Violence or Threats.

PERMANENT PANELS:

Washington Gas Light Company/IBT Local 96
FAA/NAGE National Panel of Arbitrators
Health and Human Services/NTEU East Arbitration Panel
National Archives and Records Administration/AFGE Regional Panel
Consumer Financial Protection Bureau/NTEU Panel
Labor Relations Neutral, Montgomery County, Maryland

ARBITRATION ROSTERS:

American Arbitration Association
D.C. Bar Association
Federal Mediation and Conciliation Service
Financial Industry Regulatory Authority

AWARD CITATIONS:

NFFE, Local 1442 v. Army, LEAD, 2017 WL 7690036 (January 16, 2017);
132 Lab. Arb. Rep. (BNA) 430 (2013);
131 Lab. Arb. Rep. (BNA) 975 (2013);
Mayeske v. Dep't of the Navy, No. 2011-3167 (Fed. Cir. April 17, 2012);
See also FLRA.gov and Westlaw for record of awards issued by David P. Clark

PUBLICATIONS and SPEAKING ENGAGEMENTS:

"A Framework For Success: Preparing for the Mediation Session": Panelist for DC Courts ADR Week, October 17, 2022.
"ADR in the Age of the Coronavirus, or, A Meeting on Meetings": presented by David Clark to the Library of Congress professional staff, July 30, 2020.
Office of Congressional Workplace Rights Stakeholders' Summit: Panelist, "What is Mediation and How Can it Help You," November 5, 2019.
"How the Arbitrators Rule": Speakers' Panel, 40th FMCS Arbitration Symposium, Atlantic City, N.J., May 10, 2019.
"How an Ombuds Can Foster Collaboration and Reduce Risk," Corporate Counsel Magazine, May 18, 2013.
"The Role of the Ombuds in a Knowledge-Intensive Corporation: A Partner for Conflict Prevention and Mitigation," Washington College of Law Digital Commons, July 02, 2013.
PER DIEM FEE: \$1,950.00 **DOCKETING FEE:** None Study time also billed at \$1,950 per day. Travel expenses at out-of-pocket cost. Mediation fee schedule available upon request.

CANCELLATION POLICY: \$1,950.00 cancellation/postponement fee (same as per diem) is charged if notice to arbitrator is received 15 days or fewer prior to the hearing, along with refund of travel costs.