

# MARY K. AUSTIN

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## **MEDIATOR, ARBITRATOR AND HEALTH CARE ATTORNEY**

Mediator, arbitrator and health care attorney with extensive experience in a broad spectrum of health care issues, commercial litigation, business transactions and employment law. Valuable perspective as both outside and inside counsel with the ability to resolve difficult matters favorably and expeditiously.

### **SCOPE OF EXPERIENCE AS A NEUTRAL**

#### **Mediation**

- Contract disputes, including commercial, manufacturing and employee placement disputes
- Health care disputes, including physician practices, patient care, health care employees, contract claims and related issues
- Construction and real estate disputes
- Investment, financing and credit disputes
- Insurance coverage and tax disputes
- Wrongful termination and discrimination claims
- ADA claims
- Professional fee Disputes

#### **Arbitration**

- Health care disputes, including physician practices, patient care, facilities management, billing, vendor services, contract claims and related issues
- Contract disputes
- Consumer arbitrations
- Vendor disputes
- Financial industry disputes
- Professional fee disputes

#### **Additional Mediation/ADR Experience**

Representation of clients in a variety of mediations and conciliations, including construction, employment, whistle-blowing, wrongful death, clerical abuse and child custody matters

Facilitation of community discussion in a high crime neighborhood with respect to community needs and the selection of a new police chief

## **PROFESSIONAL EXPERIENCE**

**MARY K. AUSTIN, ATTORNEY AT LAW**, New York, New York (2015 to the present)  
Pittsburgh, Pennsylvania (2013-2014)

Health care, business and employment mediation, arbitration and conflict resolution; consulting on health care related legal matters; medical staff hearings

**UPMC** (University of Pittsburgh Medical Center), Pittsburgh, Pennsylvania  
Senior Associate Counsel (2009-2013), Associate Counsel (2000-2008)

Supervision of litigation and alternative dispute resolution (ADR); general counsel representation for hospitals, a charitable foundation and employed physician organizations; billing disputes; medical staff hearings and governance; physician disputes; purchase and sale of physician practices; physician employment and contract matters; patient care matters; risk management; audits and investigations; strategic planning; corporate transactions; real estate and construction matters; compliance, regulatory and governance issues; insurance matters; development of medical legal collaborative to provide pro bono representation for indigent patients. Litigation and ADR experience included uninsured patient class actions and cases involving contracts, antitrust, billing, patient care and access, physician and medical staff disputes, restrictive covenants, employment contracts, whistleblowing claims and construction disputes, as well as regulatory, investigatory and audit matters.

**ECKERT SEAMANS CHERIN & MELLOTT, LLC**, Pittsburgh, Pennsylvania  
Partner (1990 to 2000), Associate (1987 to 1990)  
Vice-chair of the Litigation Department for several years.

Extensive litigation practice in federal and state courts and agencies, including complex commercial, antitrust, contract, restrictive covenant, intellectual property, clerical abuse and product liability cases. Extensive courtroom experience and a focus on developing conflict strategy, directing discovery and conducting settlement negotiations in highly complex and sensitive matters. ADR experience.

**FOX ROTHSCHILD LLP**, New York, New York  
Of Counsel (2016), health care law practice

**REBOUL MacMURRAY HEWITT MAYNARD & KRISTOL**, New York, NY, associate

**CHADBOURNE & PARKE**, New York, NY, associate

## **BAR ADMISSIONS**

- New York and Pennsylvania
- Southern and Eastern Districts of New York and the Western District of Pennsylvania
- Second, Third and Fourth Circuit Courts of Appeals

- Supreme Court of the United States

## **EDUCATION**

- **UNIVERSITY OF MICHIGAN LAW SCHOOL**, LLB, Cum Laude
- **WELLESLEY COLLEGE**, AB in History (Wellesley Scholar)
- **WESTFIELD COLLEGE OF THE UNIVERSITY OF LONDON**, London, UK

## **NEUTRAL PRACTICE**

Experienced arbitrator and mediator with additional training in health care, commercial and employment mediation

## **NEUTRAL PANELS**

- AAA Commercial and Health Care Arbitration Panels
- American Health Lawyers Association (AHLA) Neutral Panel (arbitration, hearing officer)
- New York County Supreme Court Commercial Division Mediation Panel
- Southern District of New York Mediation Panel
- FINRA Arbitration Panel
- Fee Dispute Arbitration and Mediation Panel (New York County)
- Eastern District of New York Mediation Advocacy Program
- Western District of Pennsylvania Neutral Panel
- University of Pittsburgh Medical Center Intermediation Panel

## **TRAINING EXPERIENCE**

Created and taught a class entitled “Think Like a Mediator” for female inmates at Rikers Island (co-taught with three other mediators); this six session class was taught in the Spring and Summer of 2017

Coach for mediation training at New York State Bar Association Commercial Mediation Training programs and New York Law School Mediation Trainings since 2018

## **PROFESSIONAL ASSOCIATIONS**

- Co-Chair, Membership, Dispute Resolution Section of the New York State Bar Association
- New York City, New York State, American, Federal and Allegheny County Bar Associations
- Past member, ADR Committee of the New York City Bar Association
- Previous appointment to the disciplinary hearing committee of the PA Supreme Court
- Extensive pro bono representations

## **CIVIC RESPONSIBILITIES**

- Volunteer for New York Cares (tutoring and other educational assistance)
- Past President of Neighborhood Legal Services Association (LSC organization)
- Past President of Pittsburgh Action Against Rape (PAAR)

- Past Officer and Board Member of Allegheny County Bar Association Foundation
- Past Officer and Board Member of the Girl Scouts of Southwestern Pennsylvania
- Past Officer and Board Member of two contemporary dance companies

## **SELECTED SPEAKING ENGAGEMENTS AND WRITINGS**

“The Value of Mediation and Arbitration in Healthcare” Federal Bar Association webinar with Lisa Brown and Marcia Adelson. June 2019.

“Rikers Island Training – Think Like a Mediator” presentation at the ACR-GNY (Association for Conflict Resolution of Greater New York), December 2017 (co-presentation with Richard Brewster, Nina Martinez and Hillary Zilz)

“Think Like a Mediator,” *Mediate.com*, November 2017 (co-authored with Richard Brewster, Nina Martinez and Hillary Zilz)

“Mediation is the Best Medicine” presentation at the Pennsylvania Council of Mediators 2017 Annual Meeting (April 2017) (co-presentation with Marcia Adelson)

“Mediation Is Particularly Suited to Health Care Disputes,” *The Resolver*, March 2017 (co-authored with Marcia Adelson)

Presentation on dealing with disruptive physicians to the American Health Law Association in February 2014

Presentation on advance directives and DNR (do not resuscitate) orders at the Pennsylvania Bar Association Health Law Section’s annual meeting

Additional presentations on ethics, (Duquesne School of Law), antitrust (Carnegie Mellon Tepper School of Business), contracts (University of Pittsburgh School of Engineering), legal issues for nurses and providers

Articles on trademark enforcement and presentations on trademark enforcement and infringement for the Pennsylvania Bar Institute and the United States Customs Service

## **AWARDS**

- Finalist for Athena Award in 2008
- Pennsylvania Legal Aid Network Excellence Award in 2012

April 2020