

PANEL OF NEUTRALS

Hon. William H. Abrashkin (ret.)

Jeffrey L. Alitz, Esq.

Mark Bobrowski, Esq.

Hon. Judith C. Cutler (ret.)

Lawrence S. DiCara, Esq.

Warren Fitzgerald, Esq.

Hon. Karen F. Green (ret.)

Hon. Mel L. Greenberg (ret.)

Hon. Harry M. Grossman (ret.)

Hon. R. Marc Kantrowitz (ret.)

Arthur P. Kreiger, Esq.

Hon. Mark D. Mason (ret.)

Joel M. Reck, Esq.

Hon. Jennifer S. D. Roberts (ret.)

Bette J. Roth, Esq.

Hon. Alexander H. Sands III (ret.)

Diane C. Tillotson, Esq.

Hon. J. Owen Todd (ret.)

David E. Wilson, Esq.

REBA DISPUTE RESOLUTION, INC.

Panel of Neutrals' Professional Profiles



THE HON. WILLIAM H. ABRASHKIN (RET.)

Mediator | Arbitrator | Case Evaluator

Throughout his career, the Hon. William H. Abrashkin (ret.) has made mediation and other forms of dispute resolution a central focus of his work. As a member of the Supreme Judicial Court Committee on Alternative Dispute Resolution, Judge Abrashkin helped to formulate the standards and rules for court-connected ADR, and also served as civil program co-chair of the Flaschner Judicial Institute Committee on Judicial Involvement in Settlement. As First Justice of the Housing Court, Western Division, he expanded and supervised an ADR program in his court that resolves a high volume of disputes, including many contract, premises liability, discrimination, zoning, and other cases, in addition to the court's landlord/tenant caseload. In 2007, Judge Abrashkin received the Judicial Excellence Award from the Massachusetts Judges Conference, of which he remains a member.

After 22 years on the bench, Judge Abrashkin was appointed Executive Director of the Springfield Housing Authority, in which position he served for 10 years, until 2018. Through 2020, he served as Interim Executive Director for two additional housing/redevelopment authorities in the western Massachusetts region. He has taught trial practice at the Western New England School of Law, and has published a number of articles in legal journals and a chapter on the Law of Sales in the Massachusetts Practice series. In 2014, he was named as a Purpose Prize Fellow by the national organization, Encore.org, for his "outstanding contributions to solving challenging problems in the second half of life," based on his work on education of low-income children.

A graduate of Columbia College and the Western New England University School of Law, *cum laude*, Judge Abrashkin served as Editor-in-Chief of the Western New England Law Review, and he has served on many boards, including *Massachusetts Lawyers Weekly* and the *Massachusetts Law Review*.

"After mediating with Judge Abrashkin on several real estate-related cases, he has become my Western Massachusetts go-to mediator, for both in-person and videoconference mediation sessions. Judge Abrashkin easily shifts back and forth, from advising the attorneys with credibility acquired through decades of experience on the bench, to relating directly to the human concerns underlying the disputes."

Michael Pill, Esq.
Green Miles Lipton LLP
Northampton



JEFFREY L. ALITZ, ESQ.

Mediator | Arbitrator | Case Evaluator

Jeffrey Alitz chairs the construction and design law section of the national law firm of Freeman, Mathis & Gary, LLP, where he is a partner in the Boston office. His practice includes construction and design law, professional liability/errors & omissions, architects and engineers, cyber liability and tech E&O, miscellaneous professional liability, and real estate agents/brokers.

Mr. Alitz possesses extensive mediation and arbitration experience, particularly concerning construction and real estate disputes. The construction disputes he has mediated and arbitrated run the gamut from property line and ownership disputes to claims concerning the Boston Harbor Cleanup, The Central Artery/Tunnel Project (a/k/a The Big Dig), municipal water and wastewater treatment facilities, public schools and colleges throughout New England, professional sports stadiums, and Boston area high-end condominium and hotel projects.

Most recently, Mr. Alitz was involved as counsel for the following successfully-resolved matters: For the arbitration and eventual follow-on litigation of a dispute concerning the layout, design and construction of a phase of the Gillette Stadium complex; For the arbitration of disputes arising out of the design and construction of the 657,000 square foot Home Depot Distribution Facility in western, MA (so large its designers had to account for the curvature of the earth in planning its structural elements); For the mediation of a dispute concerning the design and construction of a hotel in the Seaport, Boston; For the mediation of conflicts concerning the redesign and renovation of the Lenox Hotel, Boston. For the seven-day mediation of claims arising from the design and construction of a Cambridge, MA powerplant; For the mediation of claims resulting from the construction and operation of wastewater facilities in Hooksett, NH and Winchester, NH, and others throughout New England; and, For the mediation of cases in Massachusetts that concern the development and construction of multi-unit residential projects and condominium projects throughout the state.

Mr. Alitz's construction and design practice consists of representing business corporations of all types, including general contractors, subcontractors, owners, developers, suppliers and sureties. He often is called upon to review construction contracts, policies and procedures, and develop preventative strategies to reduce the likelihood of litigation. He also handles construction defect cases and tort claims arising out of construction site accidents. In 2013–2019, Mr. Alitz was recognized as a Massachusetts Super Lawyer by *Law & Politics* magazine in the areas of construction litigation and professional liability defense.

In 2012–2019, Mr. Alitz was selected for inclusion in The Best Lawyers in America® in the fields of commercial litigation, construction law and construction litigation. Mr. Alitz is a member of the Massachusetts Bar Association, New Hampshire Bar Association and Defense Research Institute, and an honorary member of the New Hampshire Chapter American Institute of Architects. He received his J.D. from Boston University School of Law and his B.A. from the University of Vermont.

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MARK BOBROWSKI, ESQ.

Mediator | Arbitrator

A partner in the Concord-based law firm of Blatman, Bobrowski, Haverty & Silverstein, LLC, Mark Mr. Bobrowski concentrates his statewide practice in land use and municipal law. From 1986 to 2014, he served as a tenured professor of law at New England School of Law in Boston, teaching courses in land use, local government, property and administrative law. He is now on emeritus status with the law school.

Mr. Bobrowski has authored numerous publications and articles on land use, zoning and municipal law. He is author of the Handbook of Massachusetts Land Use and Planning Law, now in its 5th edition. The Handbook has been frequently cited by our trial and appellate courts. His articles have addressed subjects as diverse as the regulation of formula businesses, the promotion of affordable housing, the protection of the scenic landscape, and Chapter 40R, the Massachusetts Smart Growth statute.

Mr. Bobrowski has worked with more than 100 Massachusetts municipalities to recodify or revise their zoning ordinances or bylaws. He has served as a mediator in 40B affordable housing appeals referred by the Housing Appeals Committee. He has litigated dozens of land use cases before the Land Court and Superior Court and argued many times at the appellate level.

A graduate of Ithaca College, Mr. Bobrowski has a J.D. from New England School of Law and an M.A from the University of Oregon.



THE HON. JUDITH C. CUTLER (RET.)

Mediator | Arbitrator | Case Evaluator

The Honorable Judith C. Cutler (ret.) served on the Massachusetts Land Court bench for ten years, first as Associate Justice, and, more recently, as Chief Justice. Her extensive experience in land use and property matters, as well as municipal law, ideally position her to offer case evaluation and mediation services in a broad range of legal disputes, including public sector disputes involving cities and towns.

During her time on the Court, Judge Cutler presided over a broad spectrum of subdivision and zoning appeals, adverse possession claims, easement and boundary disputes, land registration cases, partition cases, condominium disputes, and tax title matters.

Judge Cutler brought to the bench an extensive background in real estate and development. She holds both a J.D. from Suffolk University Law School and a Masters in Community Planning from the University of Rhode Island. She headed the Planning Department in Concord, Massachusetts for more than ten years before starting her legal career at Kopelman and Paige, PC. There, she practiced municipal law for nineteen years, first as an associate and then as a principal, representing municipalities before the trial and appellate courts, and advising cities and towns on municipal authority, obligations, and procedures relative to such matters as public and private ways; licensing; zoning; comprehensive permits; subdivision control; acquisition, disposition, and control of public land; tax title; earth removal; and sign regulation. After retiring from the bench, Judge Cutler returned to KP Law, the successor to Kopelman and Paige, taking on an “of counsel” role for four additional years.

Judge Cutler’s professional memberships include the Massachusetts Bar Association, the Real Estate Bar Association, and the Abstract Club. She is also a member of the American Law Institute, where she has been serving as an Advisor on the 4th Restatement of Property Law project since 2016.

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LAWRENCE S. DICARA, ESQ.

Mediator | Case Evaluator

Larry DiCara is among Boston's most recognized civic leaders. A frequent speaker at colleges, universities and other venues, as well as a regular go-to source in Boston media, Mr. DiCara has taught at Harvard, Boston University and the University of Massachusetts. For more than 40 years, Mr. DiCara has practiced real estate and administrative law and has been intimately involved with the development process in and around Boston.

In addition to practicing law, Mr. DiCara has also taught at Harvard University, Boston University, and the University of Massachusetts Amherst. He has served as president or chairman of a number of charitable and civic organizations and has received numerous awards and recognitions. Currently, Mr. DiCara serves as a consultant to owners and developers before the Boston Redevelopment Authority and most every other city and state agency in the Commonwealth. He has extensive experience counseling clients on legislative matters at the federal and state levels. He frequently travels to Washington D.C. to represent clients and on several occasions, he has been named Special Counsel to Massachusetts House of Representatives with respect to redistricting.

In his 2013 political memoir, *Turmoil and Transition in Boston*, Mr. DiCara describes how he was affected personally and politically by the 1970s federally mandated policy that required Boston public school students to be reassigned to schools around the city in order to achieve racial integration. From 1972 to 1981, DiCara was a member of the Boston City Council. In 1978, he was the Council President. When he took office at the age of 22, he became the youngest person to ever serve on the Boston City Council. In 1978, DiCara was President of the Boston City Council, as well as a candidate for Treasurer and Receiver-General of Massachusetts. He finished second in the Democratic Primary behind incumbent Robert Q. Crane. In 1983 he was a candidate for Mayor of Boston. He finished in fourth place with 9.09% of the vote. In 1992, he was an unsuccessful candidate for Chairman of the Massachusetts Democratic Party.

Mr. DiCara has degrees from the University of Massachusetts, LL.D., (Hon.); Harvard University, John F. Kennedy School of Government, M.P.A.; Suffolk University Law School, J.D.; and Harvard College, A.B., *cum laude*. In 1966, he attended Massachusetts Boys State and was elected to represent Massachusetts at American Legion Boys Nation. A graduate of the Boston Latin School, Mr. DiCara is a native of Dorchester and currently resides in Boston.



WARREN FITZGERALD, ESQ.

Mediator | Case Evaluator

Warren Fitzgerald is a full-time mediator with a wide range of experience settling cases in many areas of the law including easements, condo disputes, environmental contamination, construction, premises liability, business disputes, contracts, insurance coverage, labor and employment, intellectual property, product liability, fires and explosions, professional and medical malpractice, property damage, admiralty, estates and consumer class actions.

Mr. Fitzgerald has more than 30 years' experience as a trial lawyer and negotiator representing both plaintiffs and defendants in business, commercial, municipal and personal injury litigation. He was an associate with the firms of Hutchins & Wheeler and Parker, Coulter, Daley & White and was a partner at Meehan, Boyle & Cohen for 22 years. He began mediating at the request of fellow trial lawyers in the 1980's and participated in several court supported mediation programs before starting Fitzgerald Dispute Resolution LLC.

A past president of the MBA and the MATA, Mr. Fitzgerald has lectured many times on topics relating to trial practice and DR for MCLE and numerous law schools and bar associations. He was chair of the MBA DR committee from 2007 to 2009 and has been a member of the Massachusetts Trial Court Standing Committee on Dispute Resolution since 2007. He was elected to the American Board of Trial Advocates in 2009. He graduated from Boston University, magna cum laude with distinction, where he was inducted into Phi Beta Kappa, and Boston University School of Law, where he was an editor of *The Law Review*.

REBA DISPUTE RESOLUTION, INC.



THE HON. KAREN F. GREEN (RET.)

Mediator | Case Evaluator

With decades of experience investigating, litigating, settling and adjudicating disputes, both on and off the bench, Judge Green brings to REBA Dispute Resolution a keen understanding of the value of mediation, and a unique skillset of patience and humor, combined with a tenacious drive to assist parties in achieving a mutually satisfactory settlement.

From 2016 to 2022, Judge Green was an Associate Justice of the Massachusetts Superior Court. She handled criminal and civil cases, including complex commercial real estate, shareholder, breach of contract, breach of fiduciary duty, corporate control and governance, insurance, intellectual property, employment, products liability, class action, SLAPP, tort, and consumer fraud litigation in the Business Litigation Session.

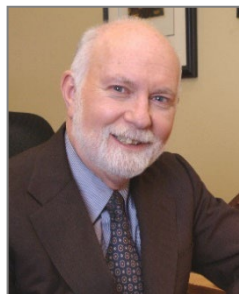
Prior to her judicial service, Judge Green was a partner in Wilmer Cutler Pickering Hale and Dorr LLP's Boston office, where she focused her practice on complex business litigation, including the defense of white-collar criminal, and False Claims Act, litigation. At the request of corporate clients, she also conducted internal investigations. Judge Green first joined legacy Hale and Dorr in 1982. She was elected junior partner in 1988 and senior partner in 1990. She co-chaired the firm's Litigation and Controversy Department of more than 400 lawyers and served on its Executive Committee. She also chaired Hale and Dorr's Litigation Department, was a director of various organizations, including CareGroup, Inc. and Fiduciary Trust Company, and served on state and federal committees on alternative dispute resolution.

In the mid-1980s, Judge Green served as an Assistant U.S. Attorney and Deputy Chief of the Civil Division of the U.S. Attorney's Office in Boston, and in 1993, as Chief of Staff to Massachusetts Governor William F. Weld. From 1993 to 1996, she served as the Deputy U.S. Attorney for the federal District of Massachusetts.

In private practice, Judge Green was consistently recognized by clients and peers as a litigation leader in *Best Lawyers in America*, *Chambers USA: America's Leading Lawyers for Business*, *Boston Magazine*, and other publications. She was listed in the 2004-2016 editions of *New England Super Lawyers* and featured in the 2015 edition. She was again selected by *Massachusetts Lawyers Weekly* as a "Top Woman of the Law" and was inducted into its Circle of Excellence in 2015.

Judge Green is a Fellow of the American Bar Foundation and of Litigation Counsel of America, of which she served as President in 2016. She also is a member of the Rule of Law Leadership Council of the World Justice Project and of the Advisory Board to the American Bar Association's Center for Human Rights.

Judge Green received her JD, *cum laude*, from Harvard Law School, and is a *magna cum laude* graduate of Harvard and Radcliffe Colleges, where she was elected to *Phi Beta Kappa*. While still in law school, she co-founded the Harvard Mediation Program. From 1981-1982, she clerked for U.S. District Court Judge W. Arthur Garrity, Jr.



THE HON. MEL L. GREENBERG (RET.)

Mediator | Arbitrator | Case Evaluator

Judge Greenberg served on the Appeals Court bench from 1990 to 2007, after many years of experience on the Trial Court bench. He served on the District Court bench from 1977 to 1983, in the District Court's Appellate Division from 1980 to 1983, and on the Superior Court bench from 1983 to 1990. Prior to 1977, he practiced law in Worcester.

Judge Greenberg is a member of the Massachusetts Judges' Conference, the American Law Institute (ALI) and the New England Appellate Judges' Conference. He has also served as chair of the Boston Bar Association's Bench Bar Committee and as a faculty member of the National Judicial College in Reno, Nevada.

A *magna cum laude* graduate of Clark University, Judge Greenberg received his J.D. from Boston University School of Law. He also served in the Judge Advocate General Staff of the United States Army Reserve and is a member of the REBA/DR Board of Directors.

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THE HON. HARRY M. GROSSMAN (RET.)

Mediator | Arbitrator | Case Evaluator

Judge Grossman served as an Associate Justice of the Land Court from 2006 to 2014. Prior to his service on the bench, Judge Grossman served for many years as Adjunct Professor of Business Law at Suffolk University's Sawyer School of Management. During the same period, he served as member and chair of his local zoning board of appeals.

Judge Grossman began his lengthy public service career at the Massachusetts Department of Revenue, where he served, in turn, as legal counsel to the Division of Local Services, Chief of the Property Tax Bureau, and as the Department's First Deputy Commissioner. Thereafter, he served in the administrations of Governor Cellucci, Acting-Governor Swift and Governor Romney as General Counsel for the Executive Office for Administration and Finance.

In 2023, REBA/DR's parent, the Real Estate Bar Association, honored Judge Grossman with the Richard B. Johnson Award, in recognition of his years of outstanding and selfless contributions to advancing the practice of real estate law, his service to the Commonwealth's real estate bar, and his singular support of REBA Dispute Resolution. This award is REBA's highest honor.

A graduate of Tufts University, Judge Grossman received his law degree from Suffolk University Law School followed by his L.L.M. in Taxation from the Boston University School of Law. Judge Grossman is a member of REBA/DR's Board of Directors.

"Judge Grossman has an inimitable ability to help parties reach settlement even in the most intractable situations. He coaxes the players to evaluate their positions dispassionately and to recognize the uncertainty, expense and delay of placing their fates in the hands of a third-party judge or jury."

Scott A. Schlager, Esq.
Nathanson & Goldberg, PC
Boston

"I recently had the pleasure of mediating a municipal permitting dispute with Judge Grossman. He very quickly grasped the legal complexities, and, through experience, intellect, affability and patience, was able to bring the parties together to understand the strengths and weaknesses of their respective arguments, and move towards a resolution. Judge Grossman was fantastic to work with. I highly recommend him for all real estate disputes."

Thomas C. Fallon, Esq.
Segal Edelstein Bussone
and Fallon, LLP
Beverly

"It was a pleasure working with Judge Grossman on two recent arbitration matters. He promptly scheduled the initial phone conference for each case, patiently listened to full arguments of both counsel, while subtly stating his concerns to the parties. Always well-prepared for the hearings, Judge Grossman drafted lengthy, well-reasoned, and well-written opinions enabling the parties to understand clearly the underlying fundamentals of his decisions. I won't hesitate to request Judge Grossman on future mediation and arbitration matters."

Jordan L. Shapiro, Esq.
Shapiro & Hender
Malden

REBA DISPUTE RESOLUTION, INC.



THE HON. R. MARC KANTROWITZ (RET.)

Mediator | Arbitrator | Case Evaluator

The Hon. R. Marc Kantrowitz (ret.) served as an associate justice in both the trial court and Appeals Court, where he handled scores of land use related cases. In 2015, three days after leaving the bench, he was in Athens, Ohio, serving as a visiting professor/scholar at his alma mater Ohio University, both lecturing and teaching for the fall semester. The course he taught centered around his most recent book, *Old Whiskey and Young Women: American True Crime Tales of Murder, Sex and Scandal*.

In addition to his non-legal writing, which includes three other history related books, Judge Kantrowitz is the most highly published attorney in the Commonwealth on state law. He has either authored or co-authored books on criminal law, motor vehicle tort law, juvenile law, evidence, and mental health law. He has also written numerous law-related articles and chapters.

While a judge, he served on several SJC committees, most notably as a member of the Model MurderManslaughter Jury Instructions Committee; as a member and acting chair of the Bishop-Fuller Committee, established to develop protocol concerning the rights of criminal defendants to review the psychiatric records of complainants who sought psychiatric care; and, perhaps most tellingly, he created and chaired, for several years, the Advisory Committee on Massachusetts Evidence Law, established to assemble the current law into one easily usable document. The Massachusetts Guide to Evidence (Flaschner), created under his guidance, is a mainstay, along with his Criminal Law Sourcebook (MCLE), in courts throughout the Commonwealth. He has also taught at various local institutions and currently teaches criminal trial advocacy at Northeastern University's School of Law.

From 1972 to 1985, Kantrowitz served in the United States Army Reserves, leaving as a Captain in the Quartermaster Corps. He earned a B.A., cum laude, from Ohio University, an M.A. in political science from Ohio University, and a J.D. from the University of Toledo College of Law.

To learn more about Judge Kantrowitz, visit www.rmarckantrowitz.com.



ARTHUR P. KREIGER, ESQ.

Mediator

Arthur Kreiger, co-founder of Anderson & Kreiger LLP in Boston, has more than 30 years of experience practicing environmental and land use law as a litigator, advocate, counselor and mediator. His areas of expertise include oil and hazardous material contamination, wetlands protection, permitting, environmental impact review, environment insurance, zoning (including agriculture, religious and educational uses and day care), subdivision control and other local permitting and regulation, and other environmental and land use matters.

For nearly 20 years, Art has successfully mediated cases through DEP, court panels, the Massachusetts Office of Dispute Resolution and privately. He has taught Advanced Environmental Law, addressed Massachusetts judges on the management of complex environmental cases for the Flaschner Judicial Institute, and written and lectured extensively to the legal and business audiences on a variety of topics. He co-chaired the Steering Committee and the Litigation Committee of the Boston Bar Association's Environmental Law Section, and currently co-chairs REBA's Environmental Committee.

A *cum laude* graduate of the University of Pennsylvania, Art earned his J.D., with honors, from Columbia Law School. Over the past several years, he has been consistently recognized by his colleagues as a Super Lawyer (*Boston Magazine*), a Leader in his Field (*Chambers USA*) and a Best Lawyer in America (*Best Lawyer*).

REBA DISPUTE RESOLUTION, INC.



THE HON. MARK D. MASON (RET.)

Mediator | Arbitrator | Case Evaluator

Before joining REBA Dispute Resolution, the Hon. Mark D. Mason (ret.) was a judge for fifteen years, and has mediated cases for more than thirty-five years. From 2015 until his retirement in 2024, Judge Mason was Associate Justice of the Superior Court, and from January 2009 to January 2015, he was Associate Justice of the Springfield District Court. With decades of experience, both on and off the bench, Judge Mason brings patience and perseverance, enhanced with humor, to the mediation process. He approaches mediations with an understanding of the parties' interests in the context of the evidence and the law.

Prior to joining the bench, Judge Mason was a principal at the Springfield law firm of Cooley Shrair, where he specialized in business litigation, commercial litigation, construction litigation, domestic relations, probate litigation and mediation. Judge Mason chaired the Trial Court's Standing Committee on Dispute Resolution for six years and served as chair of the Trial Court's Public Outreach Committee since 2021. He chaired the Superior Court's Civil Committee for three years and served on the Superior Court's Dispute Resolution Committee, as well as the Superior Court's Working Group on Litigation Options. Judge Mason served on the SJC's Committee on the Code of Judicial Conduct and the SJC's Committee on Litigation Options. He was the 2006-2007 president of the MBA and is a past vice president of the Massachusetts Judges Conference.

Having served on numerous community boards, Judge Mason is the recipient of several awards, including the Lawyers Weekly's Outstanding Lawyer of the Year Award, the MBA's Community Service Award, and GLAD's Spirit of Justice Award. Judge Mason is a frequent lecturer, covering a wide array of subjects across the Commonwealth, including negotiation and conciliation. From 2009 to 2013, he was an adjunct faculty member of Western New England University School of Law, where he taught negotiation, mediation, civil practice and criminal practice.

Judge Mason is a graduate of Boston University School of Law and Columbia University.



JOEL M. RECK, ESQ.

Mediator | Arbitrator | Case Evaluator

Joel Reck has more than ten years of varied mediation experience involving the following types of disputes: Development and land use; condominiums; construction; family businesses; workouts and foreclosures; easements, boundaries and adverse possession; leases; employment; personal injury; and professional malpractice. Mr. Reck is a retired partner from Brown Rudnick LLP and is the former Chair of its Real Estate Department. His practice consisted of structuring, managing and closing sophisticated commercial real estate transactions throughout the United States and included several of the largest development projects and leases in the Greater Boston area.

Currently listed in The Best Lawyers in America in the specialties of Alternative Dispute Resolution and Real Estate Law, he has been listed as one of the "Nation's Top 10 Real Estate Lawyers" published by the United States Lawyer Rankings guide and named as a leading individual in real estate law in Massachusetts by Chambers USA: America's Leading Lawyers for Business. He served as Chair of the Real Estate Section and President of the Boston Bar Association and Boston Bar Foundation, and served on the governing boards of the Massachusetts Bar Association, REBA, the American Bar Association and Massachusetts Continuing Legal Education. He is the recipient of REBA's Richard B. Johnson Award, the Association's highest honor. Mr. Reck is a member of the American College of Real Estate Lawyers and its Leasing Committee, is a former Chair of the Wayland Zoning Board of Appeals and of the Boston Harbor Island Alliance, now Boston Harbor NOW. He has been a former chair and board member of many other non-profit organizations and has served on various governmental task forces.

Currently, Mr. Reck serves as an Adjunct Professor at Boston College Law School and as a Massachusetts Continuing Legal Education faculty member to train and certify lawyers to be mediators. He received his J.D. from Harvard University and his B.A. from Bowdoin College.

"I have mediated several complex disputes with Joel. I have found he has an extraordinary ability to get parties to see the legal and practical limitations of their positions without generating defensiveness. He has a steady, but not too firm, hand that deftly guides participants to perspectives that are critical to achieving resolution. One of the best."

Thomas O. Moriarty, Esq.
Moriarty Bielan & Malloy LLC
Quincy

"Joel mediated a zoning case -- it was actually two cases, in two different courts -- that appeared very unlikely to settle. Joel spent all day, with no breaks, to produce a miracle -- a total settlement that everyone considered a win/win. On the surface, he mixes boundless energy and optimism with self-deprecating humor, but beneath that he's a results-oriented sharp thinker and a shrewd negotiator."

Joseph B. Lichtblau, Esq.
Attorney at Law
Boston

"Attorney Reck is an excellent and highly professional mediator. My attorney and I appreciated his thoughtfulness and integrity, coupled with good humor throughout the process."

Richard W. Thaler, Jr.
Lieutenant Island Partners LLC
Charleston, SC

REBA DISPUTE RESOLUTION, INC.



HON. JENNIFER S. D. ROBERTS (RET.)

Mediator | Arbitrator | Case Evaluator

Judge Jennifer Roberts brings more than 40 years of experience to REBA Dispute Resolution (REBA/DR), five years as a Land Court judge following 39 years in private practice in New York City, Boston and Cape Cod. While on the Land Court bench, Judge Roberts presided over a broad range of cases, including zoning and land use cases (among others, Dover Amendment cases and the interplay of local zoning and the Federal Telecommunications Act), easement cases, adverse possession claims, boundary disputes and claims involving condominiums.

In her 26 years practicing on Cape Cod, Judge Roberts focused on real estate, high-end residential construction (representing both owners and builders), and probate litigation, representing clients from the Cape and islands, Plymouth and Bristol counties. In private practice, Judge Roberts appeared at one time or another in all the trial and appellate courts of the Commonwealth.

While living on the Cape, Judge Roberts served on the boards of Cape Cod Healthcare, The Cape Cod Foundation and the Barnstable County Bar Association, among other entities, ultimately becoming the chair of the Foundation board (2011-2013) and the president of the bar association (2003-2004).

In addition to her work on behalf of her clients while in private practice, Judge Roberts was also a panelist on several MCLE seminars devoted to real estate litigation, which resulted in the following publications: *The Law Of Easements By Necessity And Easements By Implication*, *Litigating Real Estate Disputes*, B. Hurley, et al., 2005; *Easement Litigation*, *Litigating Real Estate Disputes*, B. Hurley, et al., 1999; and *The Law of Regulatory Takings: The United States Supreme Court and the Courts of Massachusetts*, The Best of MCLE Journal 1997; reprinted from *Regulatory Takings*, B. Hurley, et al., 1997.

Judge Roberts received her J.D., *cum laude*, from Boston University School of Law, and her A.B., *cum laude*, from Bryn Mawr College. Upon her retirement from the Land Court in June 2024, Judge Roberts happily returned to the Cape.



BETTE J. ROTH, ESQ.

Mediator | Arbitrator | Case Evaluator

Bette Roth, a full-time mediator and arbitrator, has handled more than 1,500 cases involving a wide-range of commercial, employment, securities, construction, real estate, professional malpractice, and family business/real property ownership disputes. Among others, she has settled in mediation and in arbitration real property disputes involving purchase and sale agreements, adverse possession, easements, title, trusts, estates, zoning, inspections, and variance issues involving the cities, families, and surrounding neighbors.

Prior to 1992, Bette was a trial lawyer for several years in private practice, and prior to that, with the federal government. In addition to REBA/DR, Ms. Roth mediates and arbitrates with American Arbitration Association, CPR Panel of Distinguished Neutrals and Case Closed. She is certified by the International Mediation Institute in The Hague, and recognized by AAA as a "master mediator." She has trained arbitrators through MCLE and mediators through AAA.

Ms. Roth has spoken extensively on mediation and arbitration for MCLE; the BBA, where she served as Co-Chair of the Dispute Resolution Committee of the Litigation Section; and the American Law Institute-American Bar Association Committee on Continuing Professional Education (ALI-ABA). She has published numerous articles on dispute resolution with *Massachusetts Lawyers Weekly*, *The Practical Lawyer* (ALIABA), the *Boston Bar Journal*, *PIABA*, *NSCP Currents*, *MCLE*, *CCLE*, and on antitrust through *The Antitrust Bulletin*. Ms. Roth is the primary editor and contributing author of the national two-volume text, *The Alternative Dispute Resolution Practice Guide* (© 1993-2021 Thomson/West), a finalist for the 1994 CPR book award. This text is widely cited by litigants and judges, and has become a staple in most law libraries. She publishes its yearly updates, which has kept her on the forefront of dispute resolution developments for the past 28 years.

Recognized for her work in dispute resolution, Ms. Roth was named a "Super Lawyer" in the field of Dispute Resolution by Boston Magazine and Law & Politics Magazine for more than a decade. In 2001, she received the John Dunlop Dispute Resolution Award from the Commonwealth of Massachusetts for her work in mediation.

REBA DISPUTE RESOLUTION, INC.



HON. ALEXANDER H. SANDS III (RET.)

Mediator | Arbitrator | Case Evaluator

Judge Sands comes to REBA/DR with more than 45 years of experience as a judge, attorney, and ADR practitioner. Judge Sands served as an Associate Justice of the Massachusetts Land Court from 2002-2015, and as a recall justice from 2015-2017, where he authored many decisions of first impression.

During his time on the bench, Judge Sands was a pro-active participant in the Land Court's robust court-connected alternative dispute resolution program, always stressing the mediation option at initial case management conferences. He also drafted revisions to the Time Standards of the Land Court, implemented in 2004.

With 15 years on the Land Court bench, his experience on municipal boards and more than 30 years in a transactional real estate practice, Judge Sands is uniquely qualified to mediate any real estate dispute, particularly zoning, permitting and land use matters. He also has extensive experience in affordable housing, with many such cases on the Land Court, resulting in his teaching a unique course on the subject in several Massachusetts law schools. All of these experiences have honed his role as a communicator and facilitator in ADR matters. In fact, several attorneys involved in recent mediations have remarked that he was able to settle "impossible" real estate situations.

In 1977 he was a founding partner in the Boston law firm of Lynch, Brewer, Hoffman & Sands, and was head of the Real Estate Department, specializing in complex transactional projects in both the residential and commercial fields. He was a member of the Gloucester Planning Board from 1984-1991, where he focused on zoning, land use and subdivision law.

From 2005-2010, he was on the Massachusetts Bar Association Law Review. He has taught seminars for MCLE and the MBA in real estate law, and he has been a judge on moot court panels for Harvard Law School and for high school competitions with the Massachusetts Federal Courts. He is a member of the Abstract Club and the Massachusetts Judges Conference, where he received an award in Judicial Excellence presented in November 2017. He was a primary speaker for the International Land Registration Conference held in Dubai, UAE in 2016.

Judge Sands has served on many civic, religious and charitable organizations, including Chairman of the Board and Artistic Director of the Annisquam Village Players, one of the oldest continually operating community theaters in the US (where he has directed an annual summer musical for the past 25 years), and on many committees of the Annisquam Village Church in Gloucester, MA. His zest for life has inspired him to write two legal mystery novels, and to run the Boston Marathon annually from 1991 to 2007. In 2014, he received a Gloucester Citizenship Award. In 2016, he fulfilled a bucket list challenge by climbing Mount Kilimanjaro in Africa. Judge Sands is a member of REBA/DR's Board of Directors.

Judge Sands received his B.A. from Williams College and his J. D. from the University of Virginia School of Law.

"Judge Sands brings a really unique combination of empathy and experience to mediation. His good-natured personality combined with his usual frank assessment of a case helps the lawyer maintain credibility while moving towards a resolution. I always highly recommend Judge Sands for my real estate disputes."

Richard D. Vetstein, Esq.
Vetstein Law Group, PC
Framingham

REBA DISPUTE RESOLUTION, INC.



DIANE C. TILLOTSON, ESQ.

Mediator | Case Evaluator

Diane Tillotson currently serves Of Counsel at Hemenway & Barnes, LLP, having retired as a partner in 2018 after almost 40 years with the firm. Prior to joining Hemenway & Barnes, she clerked for the Justices of the Superior Court and was Chief Law Clerk to the Justices in 1979-1980. Diane's vast experience in every aspect of real estate permitting and litigation, as detailed below, gives her an unparalleled depth of subject-matter knowledge that will provide insight in helping parties achieve resolution in mediating real estate disputes.

Diane's practice covers a broad range of land use litigation and permitting matters, including zoning and environmental litigation, boundary and easement disputes, contested land court registration cases, land damage cases and tax abatement and exemption issues. She has appeared before the SJC, Appeals Court, Land Court, Superior Court, Federal District

Court, Appellate Tax Board, state district courts, the Boston Housing Court, and the Boston Municipal Court, as well as local planning boards, zoning boards of appeal and conservation commissions. Diane advises property owners and educational, religious and other institutions in obtaining permits from municipal and state agencies, and has served as special counsel to several Massachusetts cities and towns.

Diane's representative matters include: Obtained summary judgment for a non-profit 40B developer on the grounds that plaintiffs lacked standing to sue and successfully defended the case in the Massachusetts Appeals Court; Represented the owner of a beachfront lot in successfully defending adverse possession and implied easement claims and established ownership to the low tide mark and defended the judgment in the Massachusetts Appeals Court; Successfully challenged a Town of Hadley rate of development zoning bylaw and defended the decision in the Massachusetts Supreme Judicial Court; Defended the Massachusetts Water Resources Authority in two eminent domain cases involving multiple week jury trials; Represented the Episcopal Diocese of Massachusetts in a case interpreting the First Amendment and establishing clear limits for court involvement in disputes involving hierarchical churches; Successfully navigated a Newton synagogue through the permitting process involving application of the Dover Amendment and RLUIPA protections; and, Represents members of the aggregate industry before local authorities in connection with permitting and zoning issues inherent in sand and gravel operations.

Diane is a frequent presenter for MCLE, REBA, Boston and Massachusetts Bar Associations, and Massachusetts City Solicitors and Town Counsel Association. From 2002-2018, she was a guest lecturer on *Legal Issues in Land Use Planning* at MIT's Department of Urban Studies and Planning. In 2008, she was a panelist for a program on Oral Advocacy in the Massachusetts Supreme Judicial Court and Massachusetts Appeals Court, Social Law Library. In 2008 and 2009, she served as Chair of the MCLE program on Litigating Real Estate Disputes. From 2002-2006, she served on the Land Court Committee to revise Guidelines for Surveyors/Engineers. Diane has also authored numerous articles on land use, zoning and other aspects of real estate law, including "Landowner Challenges of Zoning Ordinances and By-Laws," published in MCLE's *Massachusetts Zoning Manual* (1983, updated 1989, 1992, 1995, 1999, 2002, 2006). A former president of REBA and the Abstract Club, Diane received a J.D. from Suffolk University Law School and B.A. from Emmanuel College.



THE HON. J. OWEN TODD (RET.)

Mediator | Arbitrator

The Hon. J. Owen Todd (ret.) served as an Associate Justice of the Massachusetts Superior Court from 1988 until his resignation in 1992. During his judicial appointment, he presided over a variety of areas including construction, commercial real estate, commercial contract, land use and environmental law. Before his appointment, Judge Todd was a senior partner in the litigation department of Hale and Dorr, practicing in Massachusetts State and Federal Courts, including the Tax Court. Having returned to the practice of law, he concentrates on trials involving real estate, complex business litigation, intellectual property disputes, tax and corporate securities litigation.

Judge Todd's extensive experience in mediation and arbitration includes matters of environmental issues, complex commercial litigation, employment discrimination and harassment, patent and copyright claims and divorce issues. A respected author and lecturer, he has served as President of the Massachusetts Trial Lawyers Association. He also holds memberships in the American College of Trial Lawyers, ABA, MBA and BBA. He was Sudbury's Town Moderator and has been the recipient of numerous educational trusteeships and fellowships. Judge Todd graduated from Harvard University, and earned his J.D. at Boston College Law School.



DAVID E. WILSON, ESQ.

Mediator | Arbitrator | Case Evaluator

David Wilson, a partner at Corwin & Corwin LLP in Woburn, practices exclusively in the field of construction law, representing subcontractors and suppliers, general contractors and construction managers, sureties, designers and owners, in matters ranging from general advice to trials in district and state courts.

David has lectured and participated in numerous classes and seminars on construction law with Massachusetts Continuing Legal Education, Suffolk University Law School, MBA, BBA and REBA, and with various trade groups, including the Associated Subcontractors of Massachusetts for which the firm is general counsel. He has also drafted significant legislative bills pertinent to construction, a number of which have been enacted into law.

In addition to REBA, David is an active member of the BBA, a former co-chair of its Construction Law Committee and Real Estate Section, and a former co-chair and present member of its Education Committee. He is also active in a number of charitable organizations. He is President of Team Heart, Inc., an international non-governmental organization which travels each year to Rwanda to perform life-saving open heart surgeries while helping the country develop its own cardiac surgery program; he is a Director of The Circuit Theatre Company, a talented group of young people that has become one of the most innovative companies in Boston; and he is a longtime participant in the Pan Mass Challenge, a 200-mile cycle ride that has raised over \$400 million for the Jimmy Fund of the Dana Farber Cancer Institute. Mr. Wilson received his J.D. from Boston University School of Law, and his A.B. from Brown University.