

Linda A. Michler, Esq

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Linda.Michler@michlerlaw.com<https://www.michlerlaw.com>**Primary Areas of Expertise**

Complex Commercial & Consumer

Franchise & Franchisor

Banking and Finance

Healthcare

Employment

Attorney, Independent Arbitrator and Mediator
2,000+ Arbitrations | 200+ Mediations | National Practice

Professional Summary

I am a highly experienced arbitrator and mediator with decades of experience resolving complex commercial, business, and civil disputes nationally. I have served as arbitrator in more than 2,000 matters and as mediator in more than 200 disputes involving individuals, businesses, corporations, and government entities.

My ADR practice encompasses complex commercial and contractual disputes, franchise and franchisor-franchisee matters, healthcare, employment, financial and investment disputes, technology and intellectual property, real estate, construction, business ownership and valuation, and professional practice disputes. I have handled sophisticated two-party and multi-party matters, including domestic and international arbitrations.

My experience includes disputes involving contracts, corporate governance, ownership and valuation, fiduciary duties, executive compensation, restrictive covenants, insurance, investments, software and technology, intellectual property, healthcare arrangements, and business operations. I have represented and advised businesses of varying sizes and structures, including franchisors and franchisees, physician practices and healthcare systems, financial institutions and investment interests, and technology and e-commerce companies.

As a neutral, I bring a practical, business-focused approach informed by extensive legal and business experience. I am known for careful analysis, strong communication and interpersonal skills, and an ability to understand complex issues and competing interests. My goal is to help parties and counsel identify the issues that matter most, assess their positions realistically, and move difficult disputes toward informed and effective resolution. With offices in South Carolina and Pennsylvania, I maintain a national ADR practice and bring broad legal, business, and dispute-resolution experience to every matter.

Work History

Owner, ADR Offices of Linda A Michler, 2015-Present;

Managing Attorney, Law Office of Linda A. Michler, 1997-2015;

Attorney, Lyons, Doughty & Veldhuis, 2000-2003;

Special Assistant US Attorney, Assistant District Counsel, US Small Business Administration, 1991-1997;

Associate Attorney, Frank R. Fleming III PC, 1988-1991.

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Instructor, Community College of Allegheny County, 2000-2001;
Instructor (Business Law - Liability and Avoidance, Legal Research and Writing), Robert Morris University, 1990-1999.

Experience

CONTRACT DISPUTES

Extensive experience in complex consumer, commercial, & governmental disputes, primed by service as Assistant District Counsel for the U.S. Small Business Administration and private law practice focused on dispute resolution. Experience spans contract negotiation, breach & enforcement, including servicing/supply agreements, payment terms, exclusivity, insurance bad faith, family-owned businesses, real estate, property insurance, title, and landlord/tenant disputes. Additional experience includes product liability/warranty litigation (hundreds of automobile warranty/leasing cases) under the Magnuson-Moss Warranty Act and Lemon Laws; contractor & subcontractor disputes; franchisor-franchisee conflicts; professional malpractice; intellectual property licensing; copyright infringement; software & technology disputes; and False Claims Act (FCA) claims. Matters range from small business disputes to multiparty litigation involving international airport construction projects.

BANKING AND FINANCE

Decades of experience representing major banks & mortgage lenders in commercial and consumer disputes involving lending, collections, creditors' rights, lender liability, bankruptcy, foreclosure, receiverships, and deed recording/mortgage fraud. Real estate litigation & arbitration include mortgage enforcement, commercial lease interpretation, accounting & deposit disputes. Additional experience includes shareholder/partnership disputes, financial services liability & business asset acquisitions/sales.

EMPLOYMENT

Experience handling complex employment disputes through investigation, mediation, & arbitration, emphasizing confidentiality, impartiality, compliance, and practical resolution. Matters include employment contracts, exclusivity & non-compete provisions, executive compensation (wages, stock options, bonuses, severance), fiduciary duty claims, independent contractor classification, trade secrets & confidential information. Additional experience includes workforce reductions; Fair Labor Standards Act (FLSA) compliance; minimum wage and overtime; discrimination, retaliation, sexual harassment, and hostile work environment claims; whistleblower & FCA fraud claims; EEOC and PHRC proceedings; and Family and Medical Leave Act (FMLA) matters.

HEALTHCARE

Extensive experience arbitrating and mediating complex healthcare disputes involving hospitals, health systems, insurers, physician groups, skilled nursing and rehabilitation facilities, laboratories, and patients. Matters include managed care reimbursement, coding and fee schedule interpretation, 340B drug pricing, outsourcing, prior authorization, experimental treatment, denied therapy, out-of-network reimbursement, network termination, the No Surprises Act, Stark Law, and FCA compliance.

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Additional disputes include physician employment agreements, partnerships, joint ventures, operating agreement income losses, merger/acquisition liabilities, shareholder separations in physician & radiology groups, and noncompete provisions. Experience encompasses complex legal, financial, regulatory, and business issues.

FRANCHISEE & FRANCHISOR

Substantial experience litigating, arbitrating, mediating, and resolving franchisor-franchisee disputes involving contract interpretation & enforcement, franchise termination, royalties, payment disputes, franchisee non-compliance, bankruptcy & vendor relationships. Represented franchisors in state & federal courts, arbitration, and mediation, addressing financial, contractual, operational, and business conflicts.

Experience provides insight into the competing interests of franchisors & franchisees, the consequences of contract enforcement & termination, and the legal & commercial issues underlying franchise disputes. This background supports informed claim evaluation, practical resolution & preservation of business relationships where appropriate.

Alternative Dispute Resolution Experience and Sampling of Cases

My experience as both a transactional lawyer and litigator provides a mediation style grounded in preparation, judgment, and the ability to simplify the complex. I approach each matter as unique, recognizing that effective mediation requires more than an understanding of the legal issues. It requires an appreciation of the people, relationships, interests, risks, and dynamics that shape the dispute.

I quickly assess the positions and personalities of the participants and tailor my approach to the circumstances of the case. I work to identify the issues that truly drive the dispute, distinguish those that can be resolved from those that require compromise, and create an environment in which parties and counsel can candidly evaluate their respective interests, rights, obligations, and alternatives.

I view mediation as an opportunity for parties, counsel, insurance representatives, and others with a direct interest in the outcome to have a confidential and meaningful discussion that a trial cannot provide. Whether conducted in person, by video conference, or by telephone, the process allows the participants to retain control of the outcome and make the difficult, informed decisions necessary to resolve their dispute.

My objective is not simply to move parties toward settlement, but to understand what is preventing resolution and address those barriers directly. This combination of experience, adaptability, and persistence has resulted in a 90+ resolution rate.

Representative Matters

Commercial, Contract & Franchise

- International arbitration between a U.S. aircraft manufacturer and a supplier of aircraft parts. (ARBITRATOR)
- Multi-party domestic arbitration involving claims arising from the termination of an exclusive distribution agreement in the financial software industry. (ARBITRATOR)

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- Franchise expiration dispute involving a national retail franchise. (MEDIATOR)
- Numerous franchisor-franchisee disputes across multiple industries, including franchise termination, contractual compliance, royalty obligations, and related business issues. (ARBITRATOR)
- Multi-owner disputes involving shareholders, partners, members, and joint venturers. (ARBITRATOR)
- Partnership and ownership disputes involving commercial real property. (MEDIATOR)
- Breach of property management agreement. (MEDIATOR)
- Breach of e-discovery provider agreement involving a biotechnology company. (ARBITRATOR)
- Multiple breach of contract disputes involving insurance companies as pivotal parties to the resolution. (ARBITRATOR/MEDIATOR)
- Commercial construction and renovation disputes. (MEDIATOR)
- Numerous restrictive covenant and non-compete disputes. (ARBITRATOR)

Healthcare

- Dispute between a hospital system and health insurer concerning alleged breaches of a Healthcare Services Agreement. (ARBITRATOR/MEDIATOR)
- Long-term care provider sale and insurance company participation agreement dispute. (ARBITRATOR)
- Surgical practice dissolution and partnership dispute. (ARBITRATOR)
- Termination disputes between physicians and physician groups. (MEDIATOR)
- Radiology practice and hospital system contract dispute. (MEDIATOR)
- Disputes between medical groups and Physician-Hospital Organizations (PHOs). (ARBITRATOR)
- Physician joint venture and governance disputes. (MEDIATOR)
- Disputes arising from the purchase and valuation of private physician practices. (ARBITRATOR/MEDIATOR)
- Healthcare disputes involving payors and providers, hospital staff privileges, physician recruitment, medical groups, physician joint ventures, hospital services vendors, hospital financing, and related healthcare issues. (ARBITRATOR)

Technology, Intellectual Property & E-Commerce

- Multiple software development and servicing agreement disputes. (ARBITRATOR/MEDIATOR)
- Dispute concerning the interpretation of a contract involving the sale of cryptocurrency and licensing requirements. (ARBITRATOR)
- Disputes between an internet/e-commerce web services company and national retailers. (ARBITRATOR/MEDIATOR)
- Disputes involving Internet Terms of Use and alleged misappropriation of customer funds between cryptocurrency businesses. (ARBITRATOR/MEDIATOR)
- Copyright infringement disputes involving music, video, film, and television copying among major industry associations and commercial hospitality venues. (ARBITRATOR/MEDIATOR)

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- Dispute between a software development firm and corporate client involving a customized software agreement and joint venture. (ARBITRATOR/MEDIATOR)
- Disputes involving alleged misappropriation of corporate assets and trade secrets. (MEDIATOR)
- Disputes concerning fees payable to ASCAP for music licensing by a bar/restaurant. (MEDIATOR)

Employment & Executive Disputes

- Executive employment disputes involving employment agreements, executive compensation, trade secrets, restrictive covenants, and fiduciary duties. (MEDIATOR)
- Employment discrimination, harassment, and wage-and-hour claims. (MEDIATOR)
- Dispute between a financial advisory firm and a withdrawing founding member concerning amounts payable under its Operating Agreement and compensation agreements. (ARBITRATOR)
- Multi-party employment disputes. (ARBITRATOR)
- Termination disputes between physicians and physician groups. (MEDIATOR)

Financial, Securities & Investment

- Multi-party disputes involving securities and investments. (ARBITRATOR)
- Financial services disputes involving ownership, compensation, contractual obligations, and governance. (ARBITRATOR/MEDIATOR)
- Financial software distribution and exclusive distribution agreement disputes. (ARBITRATOR)
- Disputes involving financial institutions, investment interests, corporate assets, and related contractual obligations. (ARBITRATOR/MEDIATOR)

Real Estate, Construction & Business Ownership

- Commercial construction and renovation disputes. (MEDIATOR)
- Property management agreement disputes. (MEDIATOR)
- Commercial property ownership and partnership disputes. (MEDIATOR)
- Shareholder, partnership, membership, and joint venture ownership disputes. (ARBITRATOR/MEDIATOR)
- Commercial lease and property-related contractual disputes. (MEDIATOR)
- Disputes involving family-owned businesses and professional practices. (MEDIATOR/ARBITRATOR)

Technology Proficiency

Familiar with and accustomed to conducting arbitration and mediations using online platforms such as Zoom, Microsoft Teams, GoToMeeting and Google Meets. In addition to videoconferencing, agreeable to conduct in person, teleconference and hybrid hearings and mediations. Fluent in standard Microsoft 365 and Clearbrief, familiar with software programs such as programs for timekeeping, project and human resource management, including Salesforce and Time Matters.

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Education

Duquesne University School of Law, (JD - 1988); The University of Pittsburgh, (BS, Life Sciences - Biology, Chemistry, Physics with Psychology Minor - 1977).

Professional Licenses

Admitted to the Bar: Pennsylvania (1988), North Carolina (2008 - inactive), New York (2012); US District Court: Western District of Pennsylvania, Eastern District of North Carolina; US Court of Appeals: Third Circuit; US Supreme Court.

Professional Associations

NATIONAL AND STATE: Pennsylvania Bar Association, New York Bar Association, and Allegheny County Bar Association, National Association of Distinguished Neutrals (NADN) as an invited member. Former American Bar Association, North Carolina Bar Association and Washington County Bar Association.

COURT: Western District of Pennsylvania; North Carolina Dispute Resolution Commission Panel Member Superior Court; US District Court for the Western District of Pennsylvania, Mediator, Arbitrator, and Early Neutral Evaluator.

MEMBER AND SERVE ON PANEL: International Institute for Conflict Prevention and Resolution, Panel of Distinguished Neutrals, Mass Employment Claims Panel, Banking and Financial Services Panel and MWI Franchise ADR Panel; American Health Law Association Panel Arbitrator and Mediator, Member of the American Health Law Dispute Resolution Service Council, former chair and member of the American Health Law Association Dispute Resolution Service Review Board; National Medical Reviews Inc Arbitrator.

Recent Publications and Speaking Engagements

My broad range of experience has enabled me to be a presenter and/or program developer for several CLE providers including the American Bar Association, National Business Institute, the Allegheny County Bar Association, Washington County Bar Association, Pennsylvania Bar Association and Federal Bar Association Western Pennsylvania Chapter. In recent years, most speaking engagements have been through podcasts and webinars averaging two or more a year. I have been a presenter for advanced mediation training and have taught at Duquesne University, Robert Morris University and Community College of Allegheny County. See <https://www.michlerlaw.com/copy-of-publications> for full listing.