

Speaker Biographies



David J. Abeshouse is a **Business Mediator, Arbitrator, Dispute Resolution Lawyer, ADR Law Consultant, Trainer, Author, and Speaker** with over 35 years of business-to-business disputes law practice experience, and over 20 years of experience as a neutral. David initially practiced commercial litigation at a medium-sized law firm in New York City, but gradually morphed his practice to a mix between that and Alternative Dispute Resolution (ADR) as an equity partner in a mid-sized law firm on Long Island. For more than a decade and a half he has concentrated essentially exclusively in ADR, principally as a neutral arbitrator and mediator, as well as a sole practice lawyer.

A graduate of the Univ. of Pennsylvania in Philadelphia and the Vanderbilt Univ. School of Law in Nashville, David has broad and deep commercial experience as lawyer or neutral in thousands of cases involving small, medium, and large business enterprises and professional practices. David serves as a neutral Arbitrator on the Commercial Panel of Neutrals of the American Arbitration Assn., the International Centre for Dispute Resolution, and several other major ADR forums. He acts as a private commercial case judge, hearing evidence and rendering binding awards. He also is a forum-based and private Mediator, facilitating settlement negotiations leading to agreements resolving business disputes. David also serves as a “deal mediator,” an ADR consultant to corporate and litigation lawyers, and as a trainer of arbitrators and mediators for the NY State Bar Association. He now spends most of his time as a neutral, mediating and arbitrating a variety of commercial disputes, including breach of contract, entity dissolution, business torts, real estate, and other matters.

David has earned numerous honors over the years:

He was selected for charter membership in The New York Academy of Mediators & Arbitrators (NYAMA; Executive Committee Member), Chapter of The National Academy of Distinguished Neutrals (NADN). The NADN is an association of distinguished attorney-neutrals well-versed in Alternative Dispute Resolution. Membership is by invitation only, and limited to neutrals with proven experience in resolution of commercial disputes, recognized through a peer-nomination and client review process. The NYAMA has 31 top-tier ADR practitioners, only 4 of whom are on L.I. <http://www.nadn.org/david-abeshouse> and <http://www.nadn.org/index.php>

David was selected for membership as a Fellow of the College of Commercial Arbitrators (CCA). There are 50 CCA Fellows in NY State, and only 4 on Long Island. According to its

website: *The College of Commercial Arbitrators, an invitation-only organization, both defines and promotes the highest standards of arbitrator ethics, standards of conduct, and best practices in the field of commercial arbitration-- both nationally and internationally. The College of Commercial Arbitrators, comprised of nationally and internationally recognized commercial arbitrators, promotes the highest standards of integrity, professionalism and practice in the field of commercial arbitration.* <https://www.ccaarbitration.org/> and https://www.ccaarbitration.org/find-an-arbitrator/arbitrator-profile/?member_id=1

He has been selected to New York Metro Area SuperLawyers (ADR category), annually since 2007. He has received consistently perfect assessments from Martindale: AV-Preeminent (5.0 out of 5.0) rating for 20 years; and Avvo: 10 out of 10 rating since inception over a decade ago.

David is a Fellow of the American Bar Foundation (ABF), NY Chapter. According to its website, “The American Bar Foundation seeks to expand knowledge and advance justice through innovative, interdisciplinary, and rigorous empirical research on law, legal processes, and legal institutions.” Also: “The Fellows is a global honorary society of attorneys, judges, law faculty, and legal scholars whose public and private careers have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities. Membership in the Fellows is limited to one percent of lawyers licensed to practice in each jurisdiction. Members are nominated by their peers and elected by the Board of the American Bar Foundation.” <http://www.americanbarfoundation.org/about/index.html>

David co-founded in 2000 the Attorney Round Table (<http://www.AttorneyRT.com>), a unique networking group of about 30 niche practice lawyers who meet monthly, support each other’s practices, and refer business among members. He also is a long-time member of Gotham City Networking (www.GothamNetworking.com) and a member of the International Network of Boutique Law Firms (<http://www.INBLF.com>). He has used LinkedIn since 2004.

He served for 30 years as President, or *pro bono* General Counsel, or on the Boards of Directors of several not-for-profit corporations, and for nearly 20 years served as President of the NYC-based and Chicago-based real estate business of an Australian client. David also is a past Chair of the Nassau County Bar Assn. ADR Law Committee.

David presents at public speaking engagements on ADR and other legal topics, and publishes articles online and in print (periodicals and books) nationwide and regionally. He is a past Adjunct Law Professor at St. John's Univ. School of Law, teaching ADR Law. For information including testimonials, publications, & speaking engagements, please visit: <http://www.BizLawNY.com> or <http://www.mediate.com/mediator/details.cfm?id=25572&ac=516>



ALBERT M. APPEL

OF COUNSEL, NEW YORK

Contact Information

Tel: (212) 806-6625
Fax: (212) 806-6006
aappel@stroock.com

Practice Group

Litigation

Education

J.D., New York University
School of Law, 1969

B.S., The Wharton School of
Business, University of
Pennsylvania, 1966

Albert M. Appel serves as an arbitrator and mediator following a career in general commercial and complex litigation and health law.

Mr. Appel has substantial experience in commercial and health care disputes. Arbitrations have ranged from sole arbitrator of a one-day hearing to chairs of several three-member panels conducting preliminary injunction hearing and multi-week hearings on the merits; requests for relief have ranged from \$100,000 to \$50 million and also equitable relief. Matters have included breach of contract; corporate buy-sell and purchase price dispute; business torts, including breach of duty of loyalty and other fiduciary obligations, tortious interference, deceptive business practices, fraud, conversion and embezzlement; physician relationships and medical practice management; shareholder and partnership disputes; provider terminations from health insurer networks; managed care relationships; provider/payer relationships and contractual reimbursement disputes, including coverage, medical necessity, coding, billing, sequestration and other provider agreement compliance issues; indemnification, representation and warranty claims regarding plant and equipment and billing issues arising out of hospital acquisition; post-merger purchase price adjustments; corporate shareholder, employment, severance, compensation, profit sharing and pension disputes; interpretation of supply and pricing contract provisions; national residency program accreditation dispute with academic medical center; copyright infringement; request for an accounting; employment and discrimination claims; product liability and medical device recall; securities fraud; and defamation.

Mr. Appel also has counseled and litigated in courts and arbitrations throughout the country in a wide variety of matters, including health care; contracts; fraud and misrepresentation; interference with contractual and business relations, and other business torts; general business and commercial disputes; fiduciary obligations; government investigations; director and officer liability; employment disputes and discrimination law; wage and hour investigation; products liability; environmental law; partnership and shareholder disputes; corporate governance; health care payer-provider relationships, including contracting, liability, denial of claims, adequacy of reimbursement payments, and termination of network providers; hospitality law; antitrust; securities law; accountant's liability; bankruptcy and workout negotiations; insurance coverage; mergers, acquisitions and joint ventures; trademark and trade dress; unfair competition; misappropriation of trade secrets; and non-compete litigation.

As counsel to a prominent New York City medical center, large HMO and other providers and managed care organizations, Mr. Appel has provided advice regarding

compliance with health care laws and regulations; fraud and abuse and self-referral issues; government agency investigations regarding billing, performance of fiduciary obligations, patient care issues and other matters; physician and management employment agreements and related employment matters; managed care and other contractual arrangements, including development of provider delivery system and management services organizations; confidentiality of protected health information; corporate and commercial matters, including business arrangements among insurers, other third-party payers and providers and dissolution of entities; institutional affiliation agreements; physician and medical staff credentialing (granting and denying of privileges, including economic credentialing issues), and disciplinary proceedings (corrective action, suspension, curtailment and revocation/termination of privileges); institutional accreditation issues; corporate and medical staff governance; patient care advice and litigation and general litigation and dispute resolution.

Representative Matters

Some of Mr. Appel's notable representations include:

- Chair of three-arbitrator panel determining hospital's \$18 million reimbursement claims against insurance company involving multiple reasons for underpayment and denial of claims and statistical sampling, including numerous coding, coverage, medical necessity, timeliness and other contract compliance issues;
- Sole arbitrator of \$12 million claim by multi-hospital health system against insurance company for breach of contract and statutory violation;
- Chair of three-arbitrator panel determining corporate ownership, governance, operations, partnership dissolution, shareholder buy-out and interim and permanent injunctive issues;
- Sole arbitrator of claims for \$10 million regarding plant and equipment and billing issues arising out of hospital acquisition;
- Sole arbitrator of dispute involving claims and counterclaims for employment compensation, severance pay, pension and deferred compensation and breach of contract and fiduciary obligations;
- Member of three-arbitrator panel determining claims and counterclaims for damages and interim and permanent injunctive relief relating to corporate deadlock, conversion and embezzlement of \$5 million, breach of fiduciary duty and removal of corporate officers;
- Chair of three-arbitrator panel determining appropriateness of insurance company's recoupment from hospital based on statistical sampling and extrapolation;
- Sole arbitrator of physician claim for wrongful termination from health insurer network;
- Sole arbitrator of \$4 million reimbursement and breach of contract claims and counterclaims between hospital and health insurer;
- Sole arbitrator of closely-held corporation shareholder dispute regarding profit-sharing, compensation and dissolution;
- Member of three-arbitrator panel determining \$9 million claims of withdrawing member of excess insurance consortium;
- Sole arbitrator of dispute regarding insurance company's reduction of claims payments based on federal government sequestration as impacted by provider agreement provisions;
- Chair of three-arbitrator panel determining coverage claim for insurance recovery;
- Member of three-arbitrator panel addressing claims for breach of contract, defamation, tortious interference and deceptive business practices;
- Sole arbitrator of physician practice dissolution and compensation dispute;
- Hearing officer for hospital Fair Hearing;
- Sole arbitrator of dispute regarding termination of shareholder interest and request for corporate dissolution based on shareholder deadlock;
- Sole arbitrator of dispute involving accreditation of national residency training program;
- Mediation of \$50 million contract and reimbursement dispute between health insurer and national laboratory provider;

- Mediation of billing and reimbursement dispute between hospital system and insurer;
- Mediation of dispute involving marketing of nationally recognized sports figure;
- Mediation of product liability and product recall dispute;
- Mediation of numerous employment and discrimination disputes;
- Mediation of fraud and misrepresentation claims against broker-dealer;
- Represented a prominent medical center in providing the equivalent of in-house counsel services regarding all areas of operation;
- Represented a leading HMO in restructuring its relationships with large provider organizations, including bankruptcy litigation regarding same;
- Served as national coordinating counsel for manufacturer of dietary supplements and over-the-counter products in multidistrict proceedings consisting of more than one hundred federal and state product liability actions;
- Appointment as Liaison Counsel by numerous defendants and the court in parallel criminal and civil class action antitrust actions;
- Represented client in multiple lawsuits arising out of physician practice management relationships;
- Represented client in successfully defeating U.S. Department of Justice lawsuit to prevent hospital merger; and
- Represented client in successful resolution of New York Attorney General investigation of major not-for-profit institution.

Honors and Awards

Mr. Appel has been recognized by a number of industry publications, including Best Lawyers in America and Super Lawyers. He has also been featured in various editions of *Who's Who*, including "Who's Who in American Law," "Who's Who in Medicine and Health Care" and "Who's Who in Finance and Industry."

Selected Activities

- Member, American Bar Association
- Member, New York State Bar Association
- Member, Association of the Bar of the City of New York
- Member, American Health Lawyers Association
- Member of Commercial and Health Care Roster of Neutrals of the American Arbitration Association
- Member of Dispute Resolvers Panel of the American Health Lawyers Association
- Member of Commercial Panel of Neutrals of the International Institute for Conflict Prevention & Resolution ("CPR")
- Member of CPR's National Health Care Panel of Neutrals
- Accredited as MCIArb by the Chartered Institute of Arbitrators
- Court-appointed member of Mediation Panel of the U.S. District Court for the Southern District of New York
- Frequent lecturer on the Health Insurance Portability and Accountability Act ("HIPAA")
- Speaker, "Arbitration of Health Care Payor-Provider Disputes: What's Different? What's New?" Boston Bar Association, April 2017
- Author, "The Benefits of Mediation and Arbitration for Dispute Resolution in Health Law," *New York State Bar Association, Dispute Resolution Section*, January 2011
- Author, book review of "Legal and Ethical Aspects of Organ Transplantation," *New York Law Journal*, Vol. 225, No. 96, May 18, 2001

Admitted to Practice

New York; U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York; U.S. Court of Appeals, Second Circuit; U.S. Court of Appeals, Fourth Circuit; U.S. Court of Appeals, Eleventh Circuit



Hon. Ariel E. Belen (Ret.)

Case Manager

George Cuervos

T: 212-607-2789

F: 212-751-4099

620 Eighth Avenue , 34th Floor , New York , NY 10018

gcuervos@jamsadr.com

General Biography

Hon. Ariel E. Belen (Ret.) joined JAMS in 2012 and serves as an arbitrator and mediator in complex domestic and international disputes spanning a wide array of practice areas. During his nearly eighteen-year tenure on the bench he served as an Associate Justice of the Appellate Division, Second Department and as Administrative Judge of the Supreme Court, Kings County (Brooklyn). Judge Belen also helped create and presided over the Commercial Division in Brooklyn. Judge Belen has earned a reputation as a calm, intelligent, fair, and hardworking professional while facing the many complicated issues that may arise in a dispute.

Judge Belen is a highly experienced international mediator and arbitrator. He is fluent in Spanish and can effectively communicate with Spanish speaking litigants and clients. Judge Belen is a popular international speaker and trainer for ADR. He has presented at ADR training programs for judges, attorneys, and business leaders in Guatemala, Puerto Rico and Mexico. Judge Belen is a fellow of the Chartered Institute of Arbitrators, a member of the Advisory Council of the CPR International Institute for Conflict Prevention and Resolution, a Distinguished Fellow of the International Academy of Mediators, and a member of the International Mediation Institute. Judge Belen is a member of the Board of Advisors of the Scheinman Institute on Conflict Resolution of the Cornell University School of Industrial and Labor Relations.

Judge Belen is often retained as a special master in complex commercial and civil matters. He was appointed as the Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013). In this program, Judge Belen was charged with assisting the City of New York and its residents with developing sustainable reforms to the stop and frisk and trespass enforcement practices of the New York City Police Department through a community based civic engagement process.

Justice Belen is fluent in Spanish. He can effectively communicate with Spanish speaking litigants and clients in all matters. [Download Justice Belen's biography in Spanish.](#)

Representative Matters

International

- Chaired an international arbitration concerning a breach of contract between major international telecommunication conglomerates
- Mediated a matter involving a joint venture with a Taiwanese firm and the financial damages and partnership dissolution associated with the terminated venture
- Served as a Special Master in a matter involving agency and authority disputes in a business commercial case involving a Korean real estate contract breach
- Mediated a breach of contract and alleged fraud claims in a patent transaction between American and European parties
- Mediated a breach of contract and misrepresentation matter between American and Chinese parties engaged in a major joint venture concerning the purchase of a New York City landmark
- Mediated a dispute between a major Mexican chemicals manufacturing company and a North American based insulation manufacturer

Business/Commercial

- Mediated a class action lawsuit arising from Superstorm Sandy damages to waterfront property in lower Manhattan
- Arbitrated first party insurance claims resulting from Superstorm Sandy damages to graphics and printing plant
- Arbitrated a securities case arising from breach of fiduciary duty, negligent misrepresentation, negligent failure to supervise, and aiding and abetting fraud
- Arbitrated a dispute concerning ownership and operation of a medical facility
- Arbitrated a dispute over a broker commission on purchase of a property used to develop a major commercial mall
- Arbitrated a breach of contract case involving forensic expert consulting services
- Mediated a business commercial dispute involving a breach of contract between a major hotel conglomerate and a major supplier
- Mediated breach of contract dispute between business partners in an international joint venture in South America.
- Mediated several disputes concerning legal malpractice lawsuits
- Mediated several dissolutions of legal and medical practices
- Mediated case involving a multinational corporation in a misrepresentation and breach of contract dispute
- Mediated breach of contract case involving alleged fraud claims brought by international party against American company
- Mediated breach of contract dispute concerning marketing services agreement
- Mediated a consumer class action lawsuit brought against major Tobacco manufacturer for alleged fraudulent pricing scheme
- Mediated a dispute between master licensor and sub-licensee in the fashion industry
- Mediated a dispute between a bank managing an IRA, creditors, and heirs of the decedent

Construction

- Mediated construction defect case involving the installation of a HVAC system with an alleged faulty functionality
- Arbitrated construction defect matter involving damages resulting from burst plumbing in a New York landmark hotel converted into luxury condominiums
- Chaired breach of contract arbitration involving independent contractor providing business consulting services to a general contractor
- Mediated case involving claims arising from a freeze-up and water leakage of a pipe located in an apartment building
- Mediated construction defect case involving a dispute between a major hotel conglomerate and the manufacturers and installers of heat pump units in guest rooms
- Mediated breach of contract claims in a condominium conversion
- Mediated the collapse of a commercial building during construction of an adjacent luxury hotel in lower Manhattan
- Mediated dispute between luxury apartment developer, general contractor, and subcontractors relating to unfinished work, change orders, and claimed defects
- Med/Arb involving construction defects in a luxury Manhattan condominium building
- Mediated disputes between owner, construction manager, general contractor, subcontractors, and second tier subcontractors centered around the construction of a high rise luxury building
- Mediated dispute involving construction defects and zoning restrictions in a luxury condominium building converted from a commercial printing press building

Employment

- Arbitrated executive compensation and deferred compensation claims upon the termination of a high-level executive in a multinational corporation based in Europe
- Mediated breach of contract dispute between an employer and employee related to contractual bonus obligations

- Arbitrated age discrimination claim brought by an executive of a Fortune 100 company
- Mediated case arising from issues related to a separation agreement for law firm employees' retirement and termination
- Arbitrated civil rights matter involving alleged racial discrimination against party in a restaurant
- Mediated several FLSA disputes
- Chaired breach of contract arbitration involving termination of chief executive officer and minority shareholder in a closely held corporation
- Mediated cases involving discrimination, unlawful retaliation, and hostile work environment claims
- Mediated dispute involving employees' failure to repay company issued loan
- Mediated case involving employees' termination due to disability caused by alleged work-related injuries
- Mediated a breach of contract and sexual harassment claims involving high level executive in a venture capital firm
- Mediated executive compensation, deferred compensation claims and cross claims on a promissory note upon the termination of a high-level investment advisor in a Swiss bank

Personal Injury

- Mediated several medical and dental malpractice cases
- Mediated several cases involving auto accidents where parties negotiated settlement amounts ranging from two to twenty-eight million dollars
- Mediated personal injury and fatality cases in a 2008 crane collapse in New York City
- Mediated case involving plaintiff's catastrophic injuries due to a slip and fall into a New York City subway manhole
- Mediated personal injury case involving a bicyclist and a truck driver alleging catastrophic injuries that required multiple major surgeries
- Mediated personal injury/premises liability case involving injuries sustained allegedly from an attack on private property
- Mediated case involving injuries sustained for an allegedly faulty elevator
- Mediated several cases having to do with the results of knee, back, neck and shoulder surgeries
- Mediated several cases alleging violations of the New York Labor Law, scaffolding statutes, and regulations
- Mediated a wrongful death case involving food poisoning from contaminated fish
- Mediated a premise liability matter involving a national producer and shooting victims during a rap concert performance
- Mediated an eight figure settlement of claims of catastrophic injuries pursuant to the New York Labor Law

Special Master

- Serving as Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013)
- Serves as court appointed trustee to manage a multi-million-dollar trust estate that requires financial oversight of assets, investments, and property pending litigation in the New York Commercial Division
- Served as court appointed Special Referee for damages in a legal malpractice matter
- Served as Court Appointed Mediator in federal bankruptcy case related to the construction of a luxury skyscraper in midtown Manhattan
- Served as Special Discovery Master in a securities arbitration
- Serving as a Special Discovery Master in a New York Commercial Division real estate litigation
- Served as Court Appointed Special Referee to conduct forensic examination of computer spyware

Honors, Memberships, and Professional Activities

Select Honors

- New York State Bar Association Commercial and Federal Litigation Section, Tenth Anniversary Award, 2002
- William Goldstein Memorial Award, Association of Law Secretaries of the Supreme and Surrogate's Courts, 2007
- Hon. John Carro Award for Judicial Excellence, Association of Judges of Hispanic Heritage, 2010
- Puerto Rican Bar Association Award Recipient, 2007
- Saint Thomas More Award, Catholic Lawyers Guild of Kings County, 2007
- Jurist of the Year Award, Metropolitan Black Bar Association, 2005

Memberships

- Member, Judicial Task Force on the New York State Constitution, July 2016-Present

- Member, CPR Advisory Council: International Institute for Conflict Prevention & Resolution Panel of Distinguished Neutrals, 2013-Present
- Member, Board of Advisors, Scheinman Institute on Conflict Resolution at the Cornell University School of Industrial and Labor Relations, December 2015-Present
- Chair, ADR Committee, New York County Lawyers Association, 2013-2016
- Member, New York State Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts
- Member, Committee on Character and Fitness, Appellate Division, First Department, Supreme Court of the State of New York
- Member, Cornell University Committee on Alumni Trustee Nominations, 2013-2017
- Vice Chair, Cornell University Council, 1998-2010
- Member, Cornell University Council, 1996-Present
- Member, New York State Bar Association, Commercial and Federal Litigation Section, Executive Committee
- Member, Hispanic National Bar Association, Task Force on Judicial Selection
- **Professional Activities**
 - Member, Judicial Task Force on the New York State Constitution, July 2016-Present
 - Fellow, Advanced Science and Technology Adjudication Resource Center
 - Vice Chair, Franklin H. Williams Judicial Commission on Minorities, New York State Unified Court System, 1998-2015
 - Founding Member, The Cervantes Society, 1996-Present
 - Member, Task Force to Implement the New York State Unified Court System's Program on the Profession and the Courts Subcommittee on Mandatory Continuing Legal Education Subcommittee on Part 130 of the Rules of the Chief Administrator, 1996-1997
 - Member, Cornell Latino Alumni Association
- **Publication**
 - Co-author along with Edward Birnbaum and Carl Grasso, *New York Trial Notebook*, (James Publishing, 2008) (supplemented annually), an 850-page comprehensive practice treatise for the trial of a civil case in New York
- **Lectures and Teaching**
 - Panelist, Global Pound Conference, Guatemala City 2017
 - Presented to the Federal Bar Council at the Supreme Court of Puerto Rico, "Effective Techniques in Mediation Advocacy", March 2016
 - Presented to a delegation of attorneys from the Japanese Medical Malpractice Information Center, "Medical Malpractice Mediation in New York", JAMS, 2014
 - Moderator, Constructive Perspectives, "Are New York's Construction Safety and Insurance Laws Serving the Public?", New York City Bar Association, March 2014
 - Moderator, CLE Program, "Effective Techniques in Mediation Advocacy", JAMS, February 2013
 - Speaker, "2013 CPLR Update: 2012-2013 Major Appellate Decisions", Colombian Lawyers Association, April 2013
 - Moderator, "Effective Techniques in Mediation Advocacy", Asian American Bar Association of New York, April 2013
 - Moderator, "Bootcamp for Lawyers: The Ultimate Trial Clinic", New York State Trial Lawyers Institute, May 2013
 - Served as a member of the New York State Unified Court System Civil Law Curriculum Development Committee and taught for many years at the New York State Judicial Institute
 - Cornell Extern and Shadow Programs and the Brooklyn Law School Judicial Clerkship Clinical Program. Clinical programs at Hofstra Law School, Brooklyn Law School, and St. John's University Law School

Background and Education

- Associate Justice, Appellate Division, Second Department, Supreme Court of the State of New York, 2008-2012
- Justice of the Supreme Court of the State of New York, 1995-2012
 - Administrative Judge, Civil Term, Supreme Court, Kings County, 2007-2008
 - Associate Justice, Appellate Term, Supreme Court, Second and Eleventh Judicial Districts, 2005-2012
 - Justice of the Commercial Division, Supreme Court of the State of New York, 2002-2005
- Chief, Bronx Borough Office, City of New York Law Department, Office of the Corporation Counsel, Tort Division, 1994-1995
- Deputy Chief, Brooklyn Tort Division, City of New York Law Department, Office of the Corporation Counsel, 1993-1994
- Assistant Corporation Counsel, City of New York Law Department, Office of the Corporation Counsel, 1990-1993
- Supervising Attorney, Legal Aid Society of New York, Criminal Defense Division, 1986-1989
- Criminal Trial Attorney, Legal Aid Society of New York, Criminal Defense Division, 1981-1986

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- J.D., with Specialization in International Legal Affairs, Cornell Law School, 1981
 - B.A., *cum laude*, Brooklyn College, 1978
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STEVEN C. BENNETT

PARTNER

646.200.6345

sbennett@parkjensen.com

[DOWNLOAD VCARD](#)

EDUCATION

New York University School of Law, J.D., 1984

Special Issues Editor, *Fordham Law Review*

Editor, *N.Y.U. Law Review*

Macalester College, B.A., 1979

Summa cum laude

Phi Beta Kappa

BAR ADMISSIONS

New York State

U.S. District Court (Southern, Eastern and Western Districts of New York)

U.S. Court of Appeals (Second Circuit, Sixth Circuit, D.C. Circuit)

PRACTICE DESCRIPTION

Steven C. Bennett's practice focuses on complex domestic and international commercial litigation and arbitration, including bankruptcy, construction, corporate governance, data security, energy, privacy, real estate and other matters. Mr. Bennett gained extensive trial experience during six years at the Office of the United States Attorney for the Southern District of New York, where he served as Chief of the Tax and Bankruptcy Unit, and nearly twenty years as a partner in a major international law firm.

REPRESENTATIVE MATTERS

- Counsel to Asian company on appeal from restraint of assets
- Counsel to Asian investors in dispute with U.S. manager of a company
- Counsel to French company in dispute with investor
- Counsel investor in arbitration hearings, and on enforcement of award
- Counsel to Chapter 11 Trustee in bankruptcy proceedings involving alleged financial impropriety
- Counsel to hedge fund defendants in clawback litigation involving an alleged Ponzi scheme
- Counsel to major creditor (and unsecured creditors committee member), in bankruptcy proceedings involving two evidentiary hearings regarding approval of multi-lateral settlement terms
- Counsel to telecommunication company in defense of claims by terminated dealer, including week-long arbitration hearing
- Counsel to multinational company in U.S. and South American litigation involving indemnification provisions in an acquisition transaction
- Counsel to manufacturer on appeal from arbitration award involving former executives of the company
- Counsel to American company bringing claims against foreign software provider, including week-long arbitration hearing
- Special counsel to debtor in connection with claims against company based on foreign law, including two-day hearing on foreign law issues
- Counsel to major creditor in support of plan confirmation, over valuation objections, including multi-day hearings
- Counsel to company in defense of shareholder litigation focused on merger transaction
- Counsel to manufacturer in defense of product liability and contract breach claims
- Counsel to manufacturer in cost sharing and pricing dispute with co-venturer

- Counsel to manufacturer in connection with tax-sharing agreement attendant to merger transaction
- Counsel to debtor in connection with evidentiary hearings and expedited appeal on Section 363 sale of assets
- Counsel to major creditor in opposition to plan exclusivity, including two-day hearing
- Counsel to company on claims against service supplier for breach of contract
- Counsel to developer on claim for breach of architect agreement
- Counsel to American financial institution on claims of fraud against foreign financial institution
- Counsel to debtor, rejecting request for rescission of plan confirmation
- Counsel to real estate developer on claims by lender for rescission of lending/development agreement
- Counsel to debtor on environmental, tax and employment claims, including multi-day evidentiary hearings
- Counsel to power producer on claims against distributor, for breach of energy supply contract, including two-week trial, and appeal
- Counsel to foreign manufacturer in defense of claims by American company for alleged breach of machinery supply contract
- Counsel to entertainment company for alleged breach of buy-out agreement, including week-long trial, and appeal
- Counsel to committee on debtor's motion to modify wages and benefits, including multiday evidentiary hearing
- Counsel to entertainment company, on claims against seller of real estate, for breach of contract
- Counsel to foreign transportation company in defense of claims based on Alien Tort statute, including motion to dismiss and appeal
- Counsel to private equity fund in defense of claims by shareholders in company arising out of investment in company
- Counsel to interim receiver in cross-border insolvency proceedings
- Counsel to foreign financial institution in defense of securities law claims arising out of financing at American company
- Counsel to construction consortium on enforcement of arbitration award against foreign energy company
- Counsel to architectural firm in defense of claims arising out of alleged defects in construction at manufacturing facility
- Counsel to amicus in connection with Supreme Court proceedings on privacy claims

PROFESSIONAL AFFILIATIONS

- Founding Member, Sedona Conference Working Group on International Data Security and Disclosure Issues
- Co-Chair, E-Discovery Committee, New York State Bar Association
- Dispute Resolution Committee, New York State Bar Association
- Advisory Committee, Cardozo Data Law Initiative
- Editorial Advisory Committee, American Law Institute
- Qualified Arbitrator, American Arbitration Association
- Advisory Committee, CPR Institute for Dispute Resolution
- Adjunct Professor (Conflicts of Law), Hofstra Law School
- Adjunct Professor (Business Law), Manhattan College

PRIOR ACTIVITIES

- Assistant U.S. Attorney and Chief, Tax and Bankruptcy Unit, Office of the United States Attorney for the Southern District of New York
- Clerk, Hon. Carl McGowan, United States Court of Appeals for the District of Columbia Circuit
- Information Policy Committee, U.S. Council for International Business
- Hearing Officer, pursuant to consent decree, United States v. Local 14-14B IUOE (E.D.N.Y.)
- Election Monitor (two terms), pursuant to consent decree in United States v. District Council of Carpenters (S.D.N.Y.)
- Adjunct Professor (E-Discovery), New York Law School
- Adjunct Professor (E-Discovery), Rutgers Law School
- Adjunct Professor (Arbitration), Brooklyn Law School
- Adjunct Professor (Legal Writing), Fordham Law School

PUBLICATIONS

- Bennett & Lopata, Commercial Settlement Agreements: Line By Line (Aspatore/Thomson Reuters 2012)
- Bennett (ed.), A Privacy Primer For Corporate Counsel (Aspatore/Thomson Reuters 2009)
- Bennett, Arbitration: Essential Concepts (Am. Law. Media Pubs. 2002)
- Bennett, EU Privacy Shield: Practical Implications For U.S. Litigation, 4/16 Practical Lawyer (60-64) (2016)
- Bennett, Witness Preparation For Trial Testimony, 8/15 Practical Litigator 33-36 (2015)
- Bennett, Proportionality And Cooperation In E-Discovery, 10/14 Practical Lawyer 5-6 (2014)

- Bennett, How To Reduce The Risks Of U.S. Litigation: A Guide For Foreign Business, 6/14 Practical Lawyer 1-19 (2014)
- Bennett, E-Discovery: Reasonable Search, Proportionality, Cooperation And Advancing Technology, 30 John Marshall J. of Info Tech. & Priv. L. 227-57 (2014)
- Parver, Rakower, Boland & Cohen (eds.), New York State Bar Association Commercial And Federal Litigation Section Report On Proposed Amendments To Federal Rules Of Civil Procedure, 18 NYSBA New York Litigator 8-29 (2014) (contributor on discovery cooperation issues)
- Bennett & Dutton, Modern Distinctions Between The U.K. And U.S. Commercial Legal Systems, 28:12, Mealey's Int'l Arb. Report 50-57 (2013), reprinted in 11:10 Mealey's Int'l Arb. Liab. Report 1 (2013)
- Bennett, Confidentiality Issues In Arbitration, 68:2 Disp. Resol. J. 1-8 (2013)
- Bennett, International Issues In Privilege Protection: Practical Solutions, 82:18 U.S. Law Week 708-14 (2013)
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- Bennett, International Discovery Requests In Private Litigation Versus Government Investigation, 12 Dig. Discov. & E-Evid. 375 (Sept. 2012)
- Bennett, Is An Arbitration Panel A "Tribunal?", N.Y.L.J., Aug. 14, 2012

John F. Byrne

Offices of John F. Byrne, Esq.
Brooklyn, NY

For more than 30 years, Mr. Byrne has acted as a commercial and international arbitrator and litigator, ten with a multi-national law firm concentrating on complex commercial and financial transactions, including mergers and acquisitions, for Fortune 500 companies, significant shareholders, class actions and investment bankers.

He is a frequent speaker at seminars and CLE programs on ADR topics at Bar Associations, law schools and AAA forums.

Steven A. Certilman has represented emerging and established businesses, high-tech and low-tech, for more than twenty-five years. Mr. Certilman provides experienced counsel over a broad range of legal areas including corporate transactions and financings, contracting, real estate, intellectual property protection and commercial litigation. He has represented clients in more than one hundred fifty IT transactions and other matters since 1988, chaired the Technology Law Section of the Connecticut Bar Association for more than five years.

In representation of general corporate clients, Mr. Certilman employs a *Preventive Lawyering* philosophy, which encourages clients to be proactive in planning to minimize their legal entanglements and maximize their advantages when difficulties arise. Mr. Certilman focuses on the special needs of emerging businesses and helps them to protect their financial and intellectual property resources, maximize security in business dealings, protect the personal assets of the principals, deal with human resource issues, obtain access to investment capital and use available legal resources to avoid or minimize problems which might otherwise lead to the distraction of conflict.

A supporter of Alternative Dispute Resolution, Mr. Certilman serves as a member of the Roster of Neutrals of the American Arbitration Association on the large, complex case and technology panels, the commercial, trademark and technology panels of the International Institute for Conflict Prevention and Resolution, and the commercial and technology rosters of other major ADR providers worldwide. He has also been recognized in the field by being awarded fellowship in the College of Commercial Arbitrators and is also a member of numerous arbitration and mediation panels including the Roster of Neutrals of the American Arbitration Association and serves as a mediator in ad hoc cases and for the U.S. District Court (Southern District of New York). Mr. Certilman is a published author, speaker and educator in the field of ADR and serves as a Magistrate and Trial Referee for the Superior Court of the State of Connecticut.

Theodore K. Cheng



Arbitrator and Mediator

Commercial, Intellectual Property, Technology,
Entertainment, and Labor/Employment Disputes

ADR Office of Theo Cheng

tcheng@theocheng.com

www.theocheng.com

Theo Cheng is an independent, full-time arbitrator and mediator, focusing on commercial, intellectual property (IP), technology, entertainment, and labor/employment disputes. He has conducted over 500 arbitrations and mediations, including business disputes, breach of contract and negligence actions, trade secret theft, employment discrimination claims, wage-and-hour disputes, and IP infringement contentions. Mr. Cheng has been appointed to the rosters of the American Arbitration Association (AAA), the CPR Institute, Resolute Systems, and the Silicon Valley Arbitration & Mediation Center's List of the World's Leading Technology Neutrals. He serves on the AAA's Council and the Board of the New Jersey State Bar Association Dispute Resolute Section. He is also the President of the Justice Marie L. Garibaldi American Inn of Court for ADR, the Chair-Elect of the New York State Bar Association (NYSBA) Dispute Resolution Section, and the Secretary of the Copyright Society of the U.S.A. He was also recently inducted into the National Academy of Distinguished Neutrals. The *National Law Journal* named him a 2017 ADR Champion.

Mr. Cheng has over 20 years of experience as an IP and general commercial litigator with a focus on trademarks, copyrights, patents, and trade secrets. He has handled a broad array of business disputes and counseled high net-worth individuals and small to middle-market business entities in industries as varied as high-tech, telecommunications, entertainment, consumer products, fashion, food and hospitality, retail, and financial services. In 2007, the National Asian Pacific American Bar Association named him one of the Best Lawyers Under 40.

Mr. Cheng received his A.B. *cum laude* in Chemistry and Physics from Harvard University and his J.D. from New York University School of Law, where he served as the editor-in-chief of the Moot Court Board. He was a senior litigator at several prominent national law firms, including Paul, Weiss, Rifkind, Wharton & Garrison LLP, Proskauer Rose LLP, and Loeb & Loeb LLP. He was also a marketing consultant in the brokerage operations of MetLife Insurance Company, where he held Chartered Life Underwriter and Chartered Financial Consultant designations and a Series 7 General Securities Representative registration. Mr. Cheng began his legal career serving as a law clerk to the Honorable Julio M. Fuentes of the U.S. Court of Appeals for the Third Circuit and the Honorable Ronald L. Buckwalter of the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Cheng frequently writes and speaks on ADR and intellectual property issues. He has a regular column called *Resolution Alley* in the *NYSBA Entertainment, Arts and Sports Law Journal*, which addresses the use of ADR in those industries. He also writes the quarterly column *The ADR Mosaic* in the Minority Corporate Counsel Association's *Diversity & the Bar Magazine*, which addresses ADR and diversity issues.

Stephanie Cohen, Independent Arbitrator

www.cohenarbitration.com



Stephanie Cohen is a Canadian arbitrator based in New York City. She has arbitrated international and domestic commercial disputes under the ICC, ICDR, AAA Commercial, UNCITRAL, and Society of Maritime Arbitrators rules, sitting frequently as tribunal chair or sole arbitrator, but also as co-arbitrator. She has also served as emergency arbitrator for the ICDR and is among the first thirty emergency arbitrators appointed by the ICC. Stephanie is a member of the international and domestic arbitrator panels of the AAA/ICDR as well as a Fellow of the Chartered Institute of Arbitrators.

Previously, Stephanie was Counsel in the international arbitration and commercial litigation practice groups at White & Case LLP in New York where she represented clients in complex, high-value disputes before international arbitration tribunals and courts. She is dually qualified as a lawyer in New York and Ontario, Canada. *Who's Who Legal* (2018) recognizes Stephanie as one of the “most highly regarded” arbitration practitioners aged 45 or under and says she is “an entrepreneurial and courageous independent arbitrator’ who excels in international commercial disputes.”

Stephanie plays a leading role in promoting cybersecurity awareness in arbitration. In 2018, she received the CPR Institute Outstanding Professional Article Award for *A Call to Cyberarms: The International Arbitrator’s Duty to Avoid Digital Intrusion*. On behalf of the New York City Bar Association, she also joined forces with ICCA and the CPR Institute to form a Working Group on Cybersecurity in International Arbitration that won the 2018 GAR Award for Best Development.

Stephanie is Co-Chair of the International Dispute Resolution Committee of the Dispute Resolution Section of the New York State Bar Association and Treasurer of the New York Branch of the Chartered Institute of Arbitrators.

HON. BARRY A. COZIER (Ret.)

Barry A. Cozier maintains a litigation practice, where he represents institutions and individuals in complex business and commercial litigation, real estate litigation, estates litigation, partnership disputes, federal and state appeals, arbitration and mediation, and advisory litigation strategy. He is affiliated with Hubell & Associates LLC, of counsel. From 2016 to 2017, Mr. Cozier was Special Counsel at Fensterstock & Partners LLP, a litigation boutique; from 2012 to 2016, Mr. Cozier was a member of LeClairRyan in its litigation practice; and from 2006 to 2011, Mr. Cozier was a member of Epstein Becker & Green, P.C., in the firm's national litigation and labor and employment practice groups. He was formerly an Associate Justice of the Supreme Court, Appellate Division, Second Judicial Department (2001-2006), Justice of the New York Supreme Court (1993-2001), Deputy Chief Administrative Judge for the New York State Courts (1994-1998), and a Judge of the Family Court of the State of New York (1986-1992). Prior to his judicial service, Mr. Cozier was in private practice with a concentration in civil litigation, and served in various public sector legal positions.

Mr. Cozier currently is an Adjunct Professor at Fordham University School of Law, Vice-Chair of the Mayor's Advisory Committee on the Judiciary, an Examiner on the Committee on Character and Fitness for the Supreme Court, Appellate Division, First Department, a Mediator in the Civil Appeals Mediation Program ("CAMP") for the U.S. Court of Appeals for the Second Circuit, a member of the Board of Directors of New York University School of Law Alumni Association, a Fellow of the New York Bar Foundation, and a member of the Executive Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. Mr. Cozier was a contributing author to the Thomson West New York Practice publication entitled "Commercial Litigation in New York State Courts," where he authored the chapter on Summary Judgment. Mr. Cozier received his Bachelor of Arts, *magna cum laude*, from the State University of New York at Stony Brook in 1971 and his Juris Doctor from New York University School of Law in 1975.



Joseph V. DeMarco is a partner at DeVore & DeMarco LLP where he specializes in counseling clients on complex issues involving information privacy and security, theft of intellectual property, computer intrusions, on-line fraud, and the lawful use of new technology. His years of experience in private practice and in government handling the most difficult cybercrime investigations handled by the United States Attorney's Office have made him one of the nation's leading experts on Internet crime and the law relating to emerging technologies. In addition to his counsel practice, Mr. DeMarco serves as an Arbitrator, resolving complex commercial and high-technology disputes between businesses. He is on the National Panel of Neutrals of the *American Arbitration Association* (AAA) and *Federal Arbitration, Inc.* (FedArb).

From 1997 to 2007, Mr. DeMarco served an Assistant United States Attorney for the Southern District of New York, where he founded and headed the Computer Hacking and Intellectual Property (CHIPs) Program, a group of five prosecutors dedicated to investigating and prosecuting violations of federal cybercrime laws and intellectual property offenses. Under his leadership, CHIPs prosecutions grew from a trickle in 1997 to a top priority of the United States Attorney's Office, encompassing all forms of criminal activity affecting e-commerce and critical infrastructures including computer hacking crimes; transmission of Internet worms and viruses; electronic theft of trade secrets; illegal use of "spyware"; web-based frauds; unlawful Internet gambling; and criminal copyright and trademark infringement offenses. As a recognized expert in the field, Mr. DeMarco was frequently asked to counsel prosecutors and law enforcement agents regarding novel investigative and surveillance techniques and methodologies, and regularly provided advice to the United States Attorney concerning the Office's most sensitive computer-related investigations. In 2001, Mr. DeMarco also served as a visiting Trial Attorney at the

Department of Justice Computer Crimes and Intellectual Property Section in Washington, D.C., where he focused on Internet privacy, gaming, and theft of intellectual property.

Since 2002, Mr. DeMarco has served as an Adjunct Professor at Columbia Law School, where he teaches the upper-class *Internet and Computer Crimes* seminar. He has spoken throughout the world on cybercrime, e-commerce, and IP enforcement. He has lectured on the subject of cybercrime at Harvard Law School, the Practising Law Institute, the National Advocacy Center, and at the FBI Academy in Quantico, Virginia, and has served as an instructor on cybercrime to judges attending the New York State Judicial Institute. Prior to joining the United States Attorney's Office, Mr. DeMarco was a litigation associate at Cravath, Swaine & Moore in New York City, where he concentrated on intellectual property, antitrust, and securities law issues for various high-technology clients. Prior to that, Mr. DeMarco served as law clerk to the Honorable J. Daniel Mahoney, United States Circuit Judge for the Second Circuit Court of Appeals.

Mr. DeMarco holds a J.D. *magna cum laude* from New York University School of Law. At NYU he was a member of the *NYU Law Review*. He received his B.S.F.S. *summa cum laude* from the Edmund A. Walsh School of Foreign Service at Georgetown University. Mr. DeMarco is active in numerous professional associations including the:

- International Bar Association (Technology and Litigation Sections);
- American Bar Association, Criminal Justice Committee (Co-Chair, *Cybercrime Committee*, 2010-2011);
- New York State Bar Association, Commercial and Federal Litigation Section (Co-chair, *Internet and IP Committee*, 2009-present); and
- New York City Bar Association (Member, *Copyright Committee*; Past Member, *Information Technology Committee*).

Mr. DeMarco is a *Martindale-Hubbell* AV-rated lawyer for Computers and Software, Litigation and Internet Law, and is also listed in *Chambers USA: America's Leading Lawyers for Business* guide as a leading lawyer nationwide in Privacy and Data Security. He has also been named as a “*SuperLawyer*” for his expertise and work in the area of Intellectual Property Litigation. He has published numerous articles and appeared on major news programs in his practice areas; is a member of the Professional Editorial Board of the prestigious *Computer Law and Security Review* (Elsevier); and serves on the Board of Advisors of the *Center for Law and Information Policy at Fordham University School of Law*.

Mr. DeMarco has received numerous professional awards, including the U.S. Department of Justice *Director's Award for Superior Performance*, as well as the *Lawyer of Integrity Award* from the Institute for Jewish Humanities. In his spare time he enjoys parenting, golf, and listening to classical piano.

Eugene I. Farber

Location:

White Plains, New York

Phone:

914-761-9400

Fax:

914-761-0747

Email:

[E-mail Me](#)

Professional Recognition:

- President, College of Commercial Arbitrators, 2012-2013
- Chair, American Bar Association Arbitration Committee, 2013-Present
- Board of Directors, American Arbitration Association, 2014-Present
- Adjunct Professor of Law teaching Arbitration and Mediation, Pace Law School, 1985-Present

Work History:

- Partner, Farber, Pappalardo & Carbonari (and predecessor firms), 1982-present
- Associate Attorney, Weil Gotshal & Manges, 1974-1977
- Associate Attorney, Moses & Singer, 1978-1981

Experience:

Over 35 years experience as civil trial lawyer and advocate, negotiator, mediator and arbitrator in federal, state, administrative, arbitration, and mediation proceedings related to partnerships, energy (oil, gas, coal and solar including photovoltaic), malpractice (against accountants, attorneys, architects and engineers), franchise, construction, real estate investments and valuations, entertainment, bankruptcy, international, manufacturing, marketing, product development, financing, banking, securities, insurance and employee-employer disputes. Arbitrations involving dissolution of law, accounting, construction, architectural, and other professional firms, and regarding ownership, licensing and patents for intellectual property including genetic, agricultural and chemical technology and formulas; insurance coverage including subrogation, reinsurance, officers' and directors' errors and omissions, appraisals, property and casualty, health, title, and malpractice insurance; manufacture of foreign products for distribution in the United States and vice versa including jewelry, diamonds, medical equipment, food processing ingredients and machinery, underwear, women's clothing, shoes, gambling casinos, watches, musical instruments, cookies, corn, a tunnel, a jail, covenants not to compete, satellites, bats, perfume, flowers, barbeque grills, structured financial transactions including proprietary financial data, medicines, artificial hearts; weapons, comic books, fast food, movies, hotels, baseball cards, defense industry products and major franchises for food, chemicals, cabinets, beds, medical equipment, ice cream, and hotels; accounting disputes including application of complex GAAP and GAAS provisions; technology claims involving hardware, software, applications, web-sites and data storage and retrieval; disputes between landlords and tenants regarding amounts due, renewal rights, new rent rates, and exercise of options. Claim against brokers including churning, suitability, and Rule 10b-5 violations.



Hon. Helen E. Freedman (Ret.)

Case Manager

Melanie O'Harra

T: 212-607-2707

F: 212-751-4099

620 Eighth Avenue , 34th Floor , New York , NY 10018

moharra@jamsadr.com

General Biography

Hon. Helen E. Freedman (Ret.) joined JAMS in 2014 after serving 36 years on the New York State bench. She was an Associate Justice of the Appellate Division, First Department for six years and served for over eight years as a Justice in the Commercial Division. Justice Freedman was the Presiding Justice of the Litigation Coordinating Panel for Multi-district Litigation in New York State from 2002 to 2014.

Since joining JAMS she has conducted multiple mediations, arbitrations, and neutral evaluation matters varying in type and complexity. Widely renowned for her intellect and persistence in managing large and complex matters, Justice Freedman is well respected by both the bench and bar. Justice Freedman brings a distinct understanding and perspective to dispute resolution given her impressive tenure presiding over both commercial and appellate matters while on the bench. She has developed the same reputation at JAMS helping many parties find resolution despite intricate and contentious matters. Justice Freedman is regarded as knowledgeable, fair and well prepared. As a result of both her impressive experience at JAMS and her distinguished career on the bench, she is highly sought after for her skills as a special master, neutral in mock trials and as a court or party-appointed special master. Justice Freedman believes strongly in pro bono services and increasing the use of alternative dispute resolution (ADR); as such, she serves as a volunteer mediator at the Appellate Division First Department.

ADR Experience and Qualifications

- Employment
- Breach of Contract
- Business/Commercial
- Real Estate
- Insurance Coverage
- Disability
- Insurance Property Damage
- Construction
- Medical Malpractice
- Personal Injury
- Premises liability

- Jones Act/ Maritime
- Product Liability
- Wrongful Death
- Labor Law

Representative Matters

Arbitrations

- Arbitrated employment disputes involving discrimination, sexual harassment, and contract interpretation
- Arbitrated a consumer action involving a disability discrimination claim
- Arbitrated breach of contract dispute involving a breach of loan and lease agreement between owner and lessee

Mediations

- Mediated numerous commercial breach of contract matters involving insurance, energy, real estate, and employment
- Mediated insurance dispute between and among a manufacturer and its insurers over asbestos liability claims
- Mediated medical malpractice disputes
- Mediated numerous personal injury claims involving Labor Law 240(1) and 241(6), premise liability and automobile accidents
- Mediated a fee dispute and legal malpractice counterclaim
- Mediated multiple disputes among shareholders who were also lessees of a major urban shopping center in Queens, N
- Mediated product liability disputes involving a popular weight loss drug, a heart implant device, and an asbestos claim
- Mediated complex interpersonal relationship dispute

Neutral Evaluations

- Served as a neutral evaluator in a mock appellate hearing involving a family business dispute
- Served as a neutral evaluator in a mock oral hearing involving insurers' potential liability for a billion dollar settlement
- Served as a court appointed neutral appraiser involving insurance claims in a major property damage dispute arising out of Sandy claims
- Served in a mock hearing to analyze contract provisions and develop the best approach in a commercial securities dispute

Significant trials presided over by Justice Freedman include the following:

- *In re New York City Asbestos Litigation, (NYCAL)*, Index No. 40,000(1987-2008):
 - Managed entire litigation involving resolution of tens of thousands of cases by trial or settlement. Two of many published decisions include: Established "two injury rule" in *Fusaro v. Porter-Hayden Co.*, 145 Misc2d 911, 548 NYS2d 856 (1989), aff'd 170 AD2d 239, 565 NYS2d 357 (1st Dept 1991) and required bankrupt defendants to appear on verdict sheet for purposes of Article 16 offsets in *In re New York City Asbestos Litigation: Tancredi v. AC&S, et al.*, 194 Misc2d 214, 750 NYS2d 469 (2002), aff'd 6 AD3d 352, 775 NYS2d 520 (1st Dept.2004)
 - Case Management Order provided for extensive use of special masters for mediation and discover
 - Designated as Judge in charge of all New York City asbestos personal injury cases from 1987-2008
- *BT Triple Crown Merger Co., Inc. v. Citigroup Global Markets Inc., et al.*, 19 Misc3d 1129(A)(2008) (Matter involving anticipatory breach of contract by funders of leveraged buyout of Clear Channel Communications, Inc. by private equity firms, Bain Capital Partners, LLC and Thomas H. Lee Partners)
- *Loral Space Communications Holdings Corporation v. Rainbow DBS Holdings, Inc., et al.*, 48 AD3d 296, 852 NYS2d 77 (1st Dept2008) (Matter involving affirmance of jury verdict following trial where jury awarded lender damages of \$52 million dollars pursuant to a "make whole" provision of the letter agreement that was triggered by the sale of defendant's assets)
- *Sports Channel Associates v. Sterling Mets, L.P.*, 8 Misc3d 1027(A), 806 NYS2d 448 (2005) and 7 Misc3d 1007(A), 801 NYS2d 242 (Sup.Ct.NY Co 2005), aff'd 25 AD3d 314, 807 NYS2d 61 (1st Dept.2006) (Matter involving licensing agreement for broadcast television rights of baseball games played by the New York Mets. \$54 million payment pursuant to termination provision ended parties relationship and supported the right to immediately launch a Mets network)

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- *McCain et al. v. Koch, et al.*, 806 N.Y.S.2d 448 (Sup. Ct. N.Y. Co. 2005); *McCain v. Giuliani*, 226 AD3d 256, 653 NYS2d 556 (1st Dept 1997); *McCain v. Dinkins*, 84 NY2d 216, 616 NYS2d 335, aff'g 192 AD2d 217, 601 NYS2d 271 (1993); *Lamboy v. Gross*, 129 Misc 2d 564, 493 NYS2d 393 (Sup Ct. NY Co 1985), aff'd 126 AD2d 265, 513 NYS2d 393 (1st Dept 1987)
 - These are a few of many decisions rendered during Justice Freedman's 25 years of managing the homeless families with children litigation. To the extent that her decisions were appealed, all were affirmed. Justice Freedman made extensive use of mediation and of the services of Special Masters to resolve the many issues that arose during the course of these litigations.

Honors, Memberships, and Professional Activities

- Civil Practice Award, New York County's Lawyer's Association (NYCLA), 2015
- Louis J. Capozzoli Gavel Award, New York County Lawyer's Association (NYCLA), 2005
- Civil Court Distinguished Service Award for Accomplishments Enhancing the Status of Women in the Judiciary, New York County Lawyer's Association (NYCLA), 2004
- Smith College Medal, "Judicial Independence", 2000
- American Bar Association's Award of Judicial Excellence, State Trial Judges Conference, 1998
- Vice-Chair on the Pattern Jury Instructions Committee of the Association of Justices of the Supreme Court, New York
- Lectured and written extensively on the use of ADR in mass torts and public interest litigation
- New York County Lawyer's Association
 - Board of Directors, 2013-2016
 - Chair, Judicial Section, 2009-2012
 - Task Force on Judicial Selection, 2011-present
 - Task Force on Budget Cuts, 2011-present
- New York Objections; Author – 18th Revision
- Board of Trustees, Historical Society of the Courts of the State of New York, 2016
- Editor of Judicial Notice, semi-annual publication of the Historical Society, 2016

Background and Education

- Associate Justice, Appellate Division First Department, 2008-2014
- Presiding Judge of the Litigation Coordinating Panel for Multi-District Litigation in New York State, 2002-2014
- Justice of the Commercial Division of the New York County Supreme Court, 1999-2008
- Adjunct Professor at New York Law School, 1996-2007
- Associate Justice, Appellate Term Supreme Court, First Department, 1995-1999
- New York State Supreme Court Justice, 1989-2008
- Acting Supreme Court Justice, 1984-1989
- Civil Court Judge, New York County, 1979-1984
- Supervising Attorney, District Council 37 Legal Services Plan, 1976-1978
- Senior Attorney, New York Department of Housing Preservation and Development, 1976
- Law Clerk to Hon. Seymour Schwartz, 1974-1975
- Litigation Attorney, 1967-1974
- J.D., New York University School of Law
- B.A., Smith College

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WALTER GANS

Profession

Arbitrator & Mediator, Self-employed

Current Employer

Arbitrator & Mediator, Self-Employed, 2002 – present

Special Counsel, Kaye Scholer, LLP, 2000 – 2002

Vice President, General Counsel & Secretary, Siemens Corporation, 1979 – 1999

Senior Counsel, International / Counsel, Olin Corporation, 1967 – 1979

Attorney, International Latex Corporation, 1963 – 1967

Associate, Fried Frank Harris Shriver & Jacobson, 1961 – 1963

Area of Expertise

Work History

Over 40 years of experience in legal profession with emphasis on alternative dispute resolution, international business transactions, management, antitrust, corporate and commercial, legal compliance, and ethics.

ADR Experience: As general counsel, directed management and legal department in the use of ADR processes (including mediation, mini-trial, and arbitration) in a variety of business matters of a \$15 billion multinational enterprise. Conducted mediation sessions and directed institutionalized use of alternative dispute resolution. Fellow & former board member, College of Commercial Arbitrators. Member of the AAA

Cases

Court of Arbitration for Sport, Training Seminar, Lausanne, 11/01; North American Court of Arbitration for Sport, Technical Training Seminar, LA 1/01; AAA Commercial Arbitrator Training Workshops, New York, 12/01 and 5/99; Harvard University, Program on Negotiation; various other ADR training.

Training

Admitted to the Bar, New York, 1961.

Awards

CPR International Inst. for Conflict Prevention & Resolution

AAA / ICDR : Commercial, International & Complex Disputes

ICC Commission on Arbitration

Panels

American Bar Association (Antitrust Section; Business Law Section; Dispute Resolution Section; Litigation Section; International Law and Practice Section); International Bar Association; American Foreign Law Association; The Corporate Bar; The American Corporate Counsel Association (New York City Chapter, Board of Directors); Food and Drug Law Institute (Board of Trustees); The Conference Board (Council of Chief Legal Officers); CPR Institute for Dispute Resolution (Executive Committee); Forum for EU-US Legal-Economic Affairs (Mentor Group); ABA Committee of Corporate General Counsel.

Associations

Bowdoin College (BA, Comparative Government, with honors-1957); New York University (JD-1961; LLM, Comparative Law-1967).

Education

Saving Time and Money in Cross-Border Commercial Disputes

Publications

DISPUTE RESOLUTION JOURNAL, AAA, 1997; ADR: The Siemens' Experience

Miscellaneous

DISPUTE RESOLUTION JOURNAL, AAA, 1996; contributor, ANTITRUST LAW DEVELOPMENTS, second edition, American Bar Association, Antitrust Section, 1984; contributor, CORPORATE ACQUISITIONS AND MERGERS, Matthew Bender & Co.

Citlalli Grace

Citlalli Grace is an attorney admitted to practice in Mexico and in New York. She obtained her Bachelor of Laws with a specialization in International Law from the Universidad de las Américas Puebla (UDLAP) in Mexico in 2009 and studied a semester abroad in the Law School of the Université de Lausanne in Switzerland, where she also worked as an intern for the Permanent Mission of Mexico to the United Nations Office in Geneva. Upon graduation, Citlalli interned at the Inter-American Commission on Human Rights in Washington, D.C. where she later got a position as a legal consultant.

Citlalli returned to Mexico to work in the Federal Government, where she collaborated as a legal advisor to the Attorney for Tax Legislation and Consultation of the Ministry of Finance, and to the Deputy Minister of Legal Affairs and Human Rights at the Ministry of the Interior. She also worked at the Office of the Federal Attorney of Environmental Protection, supervising responses to environmental damage complaints.

In 2015, Citlalli obtained an LL.M. in International Legal Studies at New York University School of Law. While at NYU Law, she worked as a legal intern at the Permanent Mission of Mexico to the United Nations in New York and became the recipient of the Public Interest Law Prize for LL.Ms. Previously to coming to CPR, Citlalli was the recipient of an International Finance and Development Fellowship from NYU School of Law, with which she worked at the Codification Division of the Office of Legal Affairs of the United Nations analyzing international arbitration awards for a study to the International Law Commission. Citlalli is a native Spanish speaker, fluent in English and French, and has basic knowledge of German.

Partner, New York

International Litigation and Arbitration



T: 212.735.2978
F: 917.777.2978
lea.kuck@skadden.com

Education

J.D., New York University School of Law, 1990 (Senior Production Editor, *Annual Survey of American Law*)

A.B., Hamilton College, 1987
(*magna cum laude*)

Bar Admissions

New York

Experience

Law Clerk, Hon. Steven D. Pepe,
U.S. Magistrate Judge, U.S. District
Court for the Eastern District of
Michigan (1990-1992)

Lea Haber Kuck concentrates her practice on the resolution of complex disputes arising out of international business transactions. She represents clients in federal and state courts in the United States, as well as in international arbitrations conducted under UNCITRAL, ICC, ICDR, LCIA and other arbitration rules.

Ms. Kuck regularly advises clients on a variety of issues relating to international dispute resolution, including forum selection, jurisdiction, service of process, extraterritorial discovery and enforcement of judgments, as well as drafting of arbitration, dispute resolution and choice-of-court clauses. She has been selected for inclusion in Lawdragon 500 Leading Lawyers in America and is a member of the Skadden team that was named the 2013 Law Firm of the Year: Dispute Resolution by *Chambers Global*.

Notable representations include:

- Japanese telecommunications company NTT Docomo in an LCIA resulting in a \$1.2 billion award against Tata Sons Limited of India;
- a Brazilian insurance company in an expedited ICC arbitration and related litigation arising out of parallel litigation in Brazil;
- the trustees of CommonWealth REIT in a two-week arbitration arising out of efforts by an activist hedge fund to take control of the trust, which resulted in an award by the arbitration panel invalidating the hedge fund's consent solicitation;
- an international investment bank in connection with disputes involving proceedings in New York and London relating to several billion dollars of structured finance products;
- an Australian gaming and entertainment company in connection with litigation arising out of the failed Fontainebleau resort construction project in Las Vegas;
- a shareholder of a major telecommunications company with operations in the former Soviet Union in an UNCITRAL arbitration and related litigation concerning a shareholder dispute with a European telecommunications company;
- IRB-Brasil Resseguros, S.A., the largest reinsurer in South America, in multiple actions seeking to recover amounts due under certain global notes in which judgments in excess of \$100 million were obtained for IRB and affirmed in a seminal case by New York's highest court;
- a helicopter manufacturer in connection with a CPR arbitration relating to certain intellectual property rights;
- an individual in cross-border litigation arising out of the Icelandic banking crisis, including obtaining dismissal on *forum non conveniens* grounds of an action filed in New York;
- an international beverage company in connection with its successful defense against a multibillion-dollar claim in an UNCITRAL arbitration arising out of the terms of an investment agreement with a Mexican company and its stockholders;
- a Hong Kong shipping company as claimant in an ICDR arbitration in which preliminary relief in aid of arbitration was obtained in a New York court;

- a computer manufacturer as claimant in an ICC arbitration arising out of a share purchase agreement in which preliminary relief in aid of arbitration was obtained;
- DaimlerChrysler AG in connection with multiple litigations arising out of the merger of Daimler-Benz AG and Chrysler Corporation, one of which involved successfully defending at trial federal securities and state law fraud claims brought by a prominent Chrysler investor seeking more than \$1 billion in damages, a victory *The National Law Journal* dubbed the 2005 Top Defense Win of the Year;
- multiple international issuers in their defense of securities class actions filed in the United States, including several actions where the complaints were dismissed at the pleading stage;
- a Brazilian energy company in connection with an ICC arbitration against a subsidiary of a large U.S. energy company relating to an investment in an electrical power project in Brazil; and
- *pro bono* clients in several cases brought under the Hague Convention on International Child Abduction, including acting as lead counsel in the seminal case of *Croll v. Croll*.

Ms. Kuck frequently writes and speaks on international arbitration and cross-border litigation topics. In 2010, she received the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship.

Ms. Kuck is a former member of Skadden's Policy Committee, the firm's governing body, and was the firm's first global attorney development partner. She also serves on the board of trustees of Hamilton College.

Associations

American Bar Association,
International Law Section,
Liaison to the Litigation Section

International Institute for Conflict
Prevention and Resolution
(CPR), Arbitration Committee

Institute for Transnational
Arbitration, Advisory Board

Arbitral Women

Fellow, American
Bar Foundation

Selected Publications

"US Supreme Court to Decide
Whether Foreign Defendants
May Be Served by Mail,"
*Skadden, Arps, Slate, Meagher
& Flom, LLP*, (January 24, 2017)

"New D.C. Circuit
Ruling Impacts Inter-
national Arbitration,"
Law360, (October 13, 2016)

"'RJR Nabisco' and the
Future of Extraterritoriality,"
The National Law Journal,
(July 4, 2016)

"Standard Arbitration Clauses

for the AAA and ICDR,"
Thomson Reuters (October/
September 2015)

"Recent Cases Are Likely to
Reduce the Use of New York
Courts for 'Turnover' Actions,"
Co-Authored With Timothy G.
Nelson, *Banking Law Journal*
(July/August 2015)

"The Evolving Landscape for
Enforcement of International
Arbitration Awards in the
United States," Co-Authored
With Timothy G. Nelson, *The
International Comparative Legal
Guide to International Arbitra-
tion* (July 2015)

"Multijurisdictional Enforce-
ment of Foreign Judgements,"
Corporate Disputes (January/
March 2015)

"Class Arbitration Decisions
in 2013 Confirmed the Impor-
tance of Class Action Waivers,"
Co-Authored With Gregory A.
Litt, *NYSBA New York Dispute
Resolution Lawyer* (Spring 2014)

"US Supreme Court Further
Limits Jurisdictional Reach of
the US Courts Over Foreign
Torts," Co-Author, *Skadden's
2014 Insights* (January 2014)

"The New York Courts Are
Open for Business to Foreign
Litigants," *Corporate Disputes*
(April/June 2013)

"Inside *Mariana Islands v. Cana-
dian Imperial Bank*," *Law360*
(May 6, 2013)

"International Cases Court of
Appeals Decided in 2012, Look-
ing Ahead to 2013," *New York
Law Journal* (March 11, 2013)

"Debate Over Arbitral 'Compe-
tence/Competence' Heats Up in
US Courts," *Corporate Disputes*
(October/December 2012)

Chapter 30: International Class
Arbitration, Co-Authored With
Gregory A. Litt, *World Class
Actions: A Practitioners Guide
to Group and Representative
Actions Around the Globe*,
Oxford University Press (2012)

"Vacating an International Arbi-
tration Award Rendered in the
United States: Does the New York
Convention, the Federal Arbitra-
tion Act or State Law Apply?"
*Penn State Yearbook on Arbitra-
tion and Mediation* 1 (2011)

"Will Stolt-Nielsen Push
Consumer, Employment and
Franchise Disputes Back Into
Courts?" *NYSBA New York
Dispute Resolution Lawyer*
(Spring 2011)

"Standard Arbitration Clauses
for the AAA, ICDR and ICC,"
Practical Law The Journal (July/
August 2010)

Chapter 9: Discovery,
Co-Authored With John
Gardiner and Julie Bédard, *Inter-
national Commercial Arbitration
in New York*, Oxford University
Press (May 2010)

"Starting With the End, An
Overview of Strategies for
Litigating in the United States to
Obtain Judgments Enforceable
Abroad," *New Jersey Lawyer*
(February 2010)

Co-Author, "'Inexcusable'
Gamesmanship Sinks Arbitra-
tion Pact," *The National Law
Journal* (August 3, 2009)

JAMES HOSKING

Partner

james.hosking@chaffetzlindsey.com

DIRECT +1 212 257 6963

CELL +1 917 535 9923

FAX +1 212 257 6950

James Hosking has 20 years of international dispute resolution experience. Immediately prior to co-founding Chaffetz Lindsey, he was a partner in Clifford Chance's New York litigation department, focusing primarily on international arbitration.

James is a recognized expert in international arbitration, having handled disputes under the rules of all the leading institutions, including ICC, AAA/ICDR, SIAC, LCIA, WIPO, CRCICA and ICSID, as well as the UNCITRAL Rules. His recent cases have involved international commercial contracts, corporate acquisitions, construction/engineering, insurance and reinsurance, licensing, energy/power projects, JV/shareholder disputes, mining, and investment treaty claims. James also sits as an arbitrator, having been appointed in arbitrations under the ICC, ICDR, AAA and CRCICA Rules. He has experience as a sole arbitrator, chairperson, co-arbitrator and emergency arbitrator.

In addition to his arbitration practice, James also represents clients in US commercial litigation and has argued cases at all levels of the New York courts, as well as in federal court in New York and elsewhere. His cases often arise out of cross-border transactions and/or involve issues of sovereign immunity and public international law. James is admitted in New York and previously practiced in New Zealand.



Sherman W. Kahn, Esq.
Morrison & Foerster LLP
Of Counsel

Sherman W. Kahn has broad experience with all aspects of complex business litigation with a particular emphasis on international arbitration and intellectual property.

Mr. Kahn represents clients and acts as an arbitrator in international arbitration proceedings presenting complex technical and commercial issues and has arbitrated under the AAA, JCAA, ICC, and other arbitration and dispute resolution rules. The subject matter of these arbitrations has ranged from patent and trademark issues to construction and commercial issues. Mr. Kahn provides advice regarding clause drafting and pre-dispute issues in connection with major construction and infrastructure projects. He also provides advice to clients regarding structure of investments with respect to arbitration pursuant to bilateral investment treaties. Mr. Kahn is a member of the International Centre for Dispute Resolution (ICDR) Panel of Arbitrators and the American Arbitration Association Roster of Commercial Arbitrators.

Mr. Kahn has published many articles regarding arbitration and dispute resolution and is active in numerous bar associations and other arbitration-focused organizations. Mr. Kahn was elected Vice-Chair of the Dispute Resolution Section of the New York State Bar Association for the 2012-2013 year, has been nominated as Chair-Elect for the 2013-2014 year and formerly served as chair of the Section's Arbitration Committee. Mr. Kahn is Vice-Chair of the American Bar Association Dispute Resolution Section Arbitration Committee. He is a member of the New York International Arbitration Club and the CPR Institute Arbitration Committee. Mr. Kahn speaks frequently on arbitration at meetings and conferences.

In addition to arbitration, Mr. Kahn has litigated patent matters involving complex technologies, such as programmable logic devices, microprocessors and controllers, memory devices, construction equipment, medical devices, supercomputers, LCD & PDP display devices, LED Lighting, various computer software products, and networking technologies. Mr. Kahn also litigates trade secret, trademark, copyright, and antitrust matters. Mr. Kahn advises clients regarding information security and privacy issues for compliance and in privacy-related regulatory proceedings and litigation. Mr. Kahn represents clients in FTC and state attorney general investigations of privacy and information security practices.

Mr. Kahn practiced in Morrison & Foerster's Tokyo office for five years. During that time he was licensed as a *gaikokuho jimu bengoshi* and a member of the Dai-Ni Tokyo Bar Association

Contact information:

1290 Avenue of the Americas
 New York, NY 10104-0050

Direct Dial: (212) 468-8023

E-mail: Skahn@mofo.com

JISOOK LEE

Jisook Lee joined FINRA Office of Dispute Resolution in 2000 as a Staff Attorney in the Northeast Regional Office. In 2005, she joined the department of Neutral Management as an Associate Director. Jisook is responsible for developing and maintaining FINRA's arbitrator training programs and serves as the editor of *The Neutral Corner*. Additionally, she manages the arbitrator disclosure process.

Jisook earned her BA from the University of Colorado and JD from Tulane University. She is a member of the New York State Bar.



Jack P. Levin

Arbitrator and Mediator

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The New York Times Building
43rd Floor
620 Eighth Avenue
New York, NY 10018

Office: (212) 430-5430
Mobile: (917) 806-6736
E-mail: levin@levinadr.com
[Add Contact](#)

For nearly forty years, Jack Levin litigated in courts and arbitral forums throughout the United States, beginning his career with a federal clerkship and then with Davis Polk & Wardwell. In 1983 he was a founding partner of Howard, Darby & Levin and its successor firm, Howard, Smith & Levin LLP, which in 1999 merged with Covington & Burling LLP. Beginning in the late 1990's, he began to acquire training and experience in mediation and other alternatives to litigation, as clients increasingly sought conflict solutions with reduced cost and risk. For several months in 2001, while a Covington partner, he served as acting head of litigation (North America) for UBS Warburg. He took Retired Partner status from Covington in 2011 to work full-time as an independent, domestic and international mediator, arbitrator and creator of conflict solutions.

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Experience/Credentials

Experience

Accounting	Art/Auction	Aviation
Banking	Civil rights	Commercial
Contracts	Copyright	Corporate Raiding
Defense Contracting	Discrimination	Distributorships
Domestic Relationships	Employment	Entertainment
Family Business /Succession	Financial Institutions	Financial Instruments
High Conflict Disputes	ICC Arbitration Tribunal	Insider Trading
Insurance	Immigration	Information Technology
International Trade	Intellectual Property	Licensing
Mergers & Acquisitions	Investment Banking	Non-Competition
Non-Solicitation	Multi-Party Disputes	Professional Firms
Professional Malpractice	Partnership Disputes	Securities
Securities Clearing	Real Estate	Unfair Competition
	Trademark	

Panels

Commercial, Large Complex Case and Mediation Panels of the American Arbitration Association

Arbitration Panel of the International Centre for Dispute Resolution

Banking, Accounting and Financial Services, Cross-Border and Employment Panels of CPR: The International Institute for Conflict Prevention and Resolution

Mediator Roster of FINRA DR (Financial Industry Regulatory Authority Dispute Resolution)

Special Master of the Appellate Division, First Judicial Department (New York)

Mediation Panel of the Commercial Division of Supreme Court New York County

Mediation Panel of the United States District Court for the Southern District of New York

Licenses/Credentials/Affiliations

Admitted to the Bar: New York, 1972; New Jersey, 1972; U.S. District Court, Southern and Eastern Districts of New York, 1972; U.S. Court of Appeals, Second Circuit, 1972; U.S. Supreme Court, 1992; Fellow, Chartered Institute of Arbitrators (Executive Committee of New York Branch); CPR: The International Institute for Conflict Prevention and Resolution (Advisory Council, Arbitration Committee, Mediation Committee, Banking & Financial Services Committee); International Arbitration Club of New York; American Bar Association (Dispute Resolution Section); New York State Bar Association (Dispute Resolution Section).

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Presentations/Publications/Awards

CPR Brazil Business Mediation Congress, São Paulo, Panel Member on Banking and Financial Services, April 2015

"New York Super Lawyers" 2007 - 2014, (2009 - 2014 for Alternative Dispute Resolution)

New York State Bar Association Dispute Resolution Section Panel, "Nothing But the Truth? - Ethical Duties in ADR," January 2015

New York State Bar Association Dispute Resolution Section Panel, "Cross Cultural Mediation," September 2014

Chartered Institute of Arbitrators; Instructor, Accelerated Route to Fellowship in International Arbitration, May 2014

New York State Bar Association, Commercial Arbitration Training, Panel on Award Writing, June 2013, 2014

2013 American Bar Association International Law Section Spring Meeting, Panel Moderator, "Cross Cultural Mediation in Action: Exploring the Challenges of Using ADR in International Arbitration," April 2013

2013 American Bar Association Dispute Resolution Spring Conference, Panel Member, "Is the Demand for Mediation Declining?" April 2013

2013 Annual Meeting, CPR Institute for Conflict Prevention & Resolution, Panel Co-Moderator, "Planning for Cost-Effective Dispute Resolution" and "In-House Counsel Workshop: Mediating the Complex Case / Developing and Implementing a Mediation Based Resolution Strategy," January 2013

"What it Takes to Be An Effective International Mediator," presentation with Robert B. Davidson, International Arbitration Club of New York, May 2012

New York State Bar Association, Dispute Resolution Section, Panel, "Crisis in the Courts, Panel on How Can Advocates, Neutrals and Service Providers Help Break the Gridlock?" October 2011

New York State Bar Association, Commercial Arbitration Training, Panel, "Perspectives on Practice Development in the Arbitration World," June 2011

"[Mistakes Mediators Make](#)," *New Jersey Lawyer Magazine* (a publication of the New Jersey State Bar Association, reprinted here with permission) April 2011, Co-Author with Hon. William G. Bassler

"Podcast: Jack Levin - Using Mediation Skills Both in the Workplace and at Home:" Jane Gunn - "*The Corporate Peacemaker*" <http://www.corpeace.com>, September 2010

Tutor, Fast Track Program to Fellowship in International Arbitration, Chartered Institute of Arbitrators, New York 2010

"Settlement Counsel," New York American Inns of Court, May 2009

Congress Moderator, CPR European Congress, Vienna, Austria, May 2008

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Education and Training

Education

Rutgers College (BA, 1968); University of Pennsylvania (JD, 1971)

Training

AAA/ICDR Neutrals Conference, 2010 - 2012

AAA Advanced Mediator Training, 2010

AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2009

AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2008

Ackerman Institute for the Family, Basic and Advanced Mediation Training, 2008 - 2009

CPR Institute/Chartered Institute of Arbitrators, Advanced Arbitrator Training, 2007

Chartered Institute of Arbitrators, Fast Track Program to Fellowship in International Arbitration, 2006

CPR Institute, Excellence in Ethics, 2006

CPR Institute, Mediator Training, 2004

U.S. District Court for the Southern District of New York, Mediator Training, 1997

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Hui Liu, Attorney

212-529-2111

hliu@mkwllp.com

Hui Liu is a litigator with extensive experiences in all phases of litigation, both in federal and state courts in the United States and international arbitration conducted under ICC, ICDR or other rules. Ms. Liu's focus is on disputes involving complex technological issues. She has represented many international clients in patent infringement, patent licensing, and other contractual disputes before various U.S. federal and state courts and arbitration fora presenting complex technological and commercial issues. Ms. Liu has represented many foreign clients in arbitration proceedings in the United States involving cross-border transactions. Ms. Liu is also very experienced with matters involving cutting-edge technologies including pharmaceutical development, metabolomics, semiconductor manufacturing, and plasma and liquid crystal displays. She also has extensive experience in Hatch-Waxman litigation and "soft-IP," such as trademark and copyright, litigation and counseling.

Prior to becoming a lawyer, Ms. Liu was a research scientist in the biomedical field and authored several research articles in prominent scientific journals in connection with her graduate and post-graduate work in microbiology and human genetics.

Ms. Liu is a native Chinese speaker.

LUIS M. MARTINEZ

Vice President of the International Centre for Dispute Resolution, (ICDR) the international division of the American Arbitration Association, (AAA). Luis M. Martinez is also the President of the Inter-American Commercial Arbitration Commission, (IACAC).

Luis M. Martinez is the Vice President of the International Centre for Dispute Resolution located in New York. Mr. Martinez serves as an integral part of the ICDR's international strategy team and is responsible for international arbitration and mediation business development for the North-East (from Washington, D.C. to Maine, including New York City) and Central and South America.

Mr. Martinez in his capacity as President of the IACAC is responsible for the oversight of its network of arbitral centers throughout the Americas and as the only institution that is expressly included in the Inter-American Convention on International Commercial Arbitration conducts numerous arbitration and mediation initiatives throughout the hemisphere aimed at developing the ADR culture.

Mr. Martinez joined the AAA in 1996 as the first attorney hired to staff the newly created ICDR and later served as the ICDR's first director. For the last several years Mr. Martinez worked as the Vice President responsible for the ICDR's international administrative services and prior to that he held the position of a staff attorney for the AAA's Office of the General Counsel before assuming his current position.

Mr. Martinez received a Bachelor's Degree from Georgian Court College and a Juris Doctor degree from St. John's University School of Law. He has had numerous articles published on international arbitration and has appeared as a speaker in programs throughout the world. Mr. Martinez is admitted to practice law in the State of New York and the State of New Jersey. He is a dual citizen of Spain and the United States and is fluent in Spanish and has a functional understanding of Portuguese.

Deborah Masucci is a full-time mediator and arbitrator. She has been appointed as an arbitrator or mediator in matters covering employment, insurance coverage, business interruption, commercial business, and breach of contract. She is on the American Arbitration Association Commercial, Large and Complex, International, and Employment panels, the American Health Lawyers Association panels, a fellow of the Chartered Institute of Arbitrators, a member of the American College of Civil Trial Mediators and the International Arbitration Club of New York.

She is a global expert in alternative dispute resolution and dispute management with over thirty years' experience in promoting the effective use of ADR. She is a published author on ADR issues and frequently speaks on the topic.

She is the immediate past Chair of the NYSBA Dispute Resolution Section and Co-Chair and Board Member of the International Mediation Institute. She is a former Chair of the ABA Section for Dispute Resolution where she was a founding member of Women in Dispute Resolution and co founder of Minorities in Dispute Resolution. She was a delegate to UNCITRAL's Working Group II that developed the Singapore Convention.

Deborah is a member of the Board of Editors for the Securities Arbitration Commentator and serves on the Board of Advisors for "Arbitrator Intelligence". She is an adjunct professor at Fordham Law School.

She is co-author of a Chapter on ADR Providers for *ADR in Employment Law*, and author of a Chapter on Securities Dispute Resolution for the *Dispute Resolution Handbook*.

For more information go to www.debmasucciadr.com



Richard L. Mattiaccio

Partner

NEW YORK

T +1 212 872 9858

Richard Mattiaccio focuses his cross-border practice on the arbitration, litigation, mediation and service as settlement counsel in complex cases involving investor disputes, long-term supply relationships, intellectual property rights, patent and trademark licensing arrangements, manufacturing and distribution agreements, and compliance with manufacturing standards. He has served as lead counsel and as arbitrator in international disputes in a broad range of industries, including aerospace, automotive, banking and finance, energy supply and services, engineering, electronics, retailing, fashion brands, food and beverage, and commercial real estate. He is active in the firm's Settlement Counsel Program. He has represented a sovereign in obtaining the return of cultural patrimony (archaeological artifacts) found in the US.

RELATED SERVICES

Litigation | Commercial Litigation | Intellectual Property & Technology | Class Action & Multidistrict Litigation | Products Liability Litigation | Food & Beverage Litigation | Real Estate Litigation | Financial Services Litigation | Brand Protection, Trademark & Copyright | Cross-Border Litigation | Latin America | Anticounterfeiting

About

Richard has represented clients in connection with claims of breach of contract, unfair competition, breach of warranty, product defect, fraud, breach of fiduciary duty, IP (patent, trademark and copyright) infringement, and failure to comply with safety standards and regulations. Richard has also acted as US coordinating counsel for an importer of automotive vehicles and related products.

Richard has more than 30 years of experience in arbitration. He has represented parties in large complex cases administered under American Arbitration

Association (AAA), International Centre of Dispute Resolution (ICDR), ICC International Court of Arbitration (ICC), United Nations Commission on International Trade Law (UNCITRAL) and other rules.

Richard is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and a Fellow of the College of Commercial Arbitrators (CCA). He is the incoming chair (2016-19) of the International Commercial Disputes Committee (ICDC) of the New York City Bar Association, and is a member of the International Arbitration Club of New York. He serves as arbitrator under leading international and commercial rules, principally AAA, ICDR and CPR rules. He serves as a mediator for ICDR in cross-border disputes and for the Commercial Division of the New York State Supreme Court.

Richard's recent publications include: "In-House Counsel's Key Role in Arbitration: Ensuring the Process Meets Company Expectations," *Inside*, NYSBA Corporate Counsel Section vol. 33, no. 3, Winter 2015; "Expert Q&A on International Arbitration in New York," *Practical Law*, February 2015; "Arbitration Tips and Traps for Corporate Counsel," *Corporate Counsel*, October 16, 2014; "Arbitration Do's and Don'ts for the Trial Lawyer," *NY Litigator*, NYSBA CommFed Section vol. 19 no. 2, Fall 2014; and "Mediation in Italy: A Bridge Too Far," *Dispute Resolution Journal*, vol. 66, no. 3 (2011).

Richard is a founding director and member of the executive committee of the New York International Arbitration Center, Inc. (NYIAC). He serves on the executive committee of the Chartered Institute of Arbitrators (CIArb) New York Branch and as co-chair of the International Dispute Resolution (IDR) Committee of the New York State Bar Association (NYSBA) Dispute Resolution Section. Richard has served as co-chair of the New York City Bar's In House/Outside Litigation Counsel Group, as chair of its Products Liability Committee and as a member of City Bar committees related to arbitration and litigation, civil rights, judicial selection, professional and judicial ethics and professional discipline.

Richard is a co-founder and has served as co-chair of the Daniel M. Friedman Memorial Committee and Lecture on Appellate Advocacy of the Federal Circuit Bar Association.

Richard is a life-long New Yorker and a dual citizen of the United States and Italy.

Experience

- Representing plaintiffs and defendants in cases involving allegations of breach, wrongful termination or non-renewal of exclusive licensing, distribution or franchise, and long-term supply and manufacturing agreements in a variety of fields.
- Defense of product defect claims asserted in international arbitration against a manufacturer of solar panels.
- Representing a windfarm developer in connection with the wrongful

termination of long-term energy supply contracts.

- Acting as lead counsel in cross-border litigation and international arbitration on behalf of an aerospace manufacturer against a sub-tier supplier threatening to disrupt an aircraft assembly line over the supplier's demand for a price increase in a long-term, fixed price supply contract.
- Representing the Government of Italy in litigation resulting in US judicial compulsion, and in negotiations to obtain the voluntary return of Classical and Hellenistic period artefacts illegally removed from Sicily and southern Italy.
- Representing a high-fashion trademark owner and its licensee manufacturer in trademark anticounterfeiting cases brought against major discount retailers and their suppliers in litigation in the Southern District of New York (SDNY) resulting in permanent injunctions and multimillion dollar recoveries.
- Obtaining confirmation of international arbitral awards.
- Acting as lead counsel in a federal securities fraud case that proceeded to a jury trial in SDNY and verdict for the client.
- Defending an Italian bank in purported class actions brought against foreign bank defendants and their manufacturer-customers for alleged violations of US anti-terrorism laws.
- Defending Lanham Act, RICO and common law claims brought by New Jersey and Florida franchisees of a supplier of high-fashion leather goods, clothing and accessories.
- Representing the purchaser of an engineering firm in purchase price adjustment arbitration.
- Representing a minority shareholder/former CEO of a closely held corporation in arbitration to obtain fair value for his shares.
- Representing clients based in Italy, Japan, the People's Republic of China and the US in connection with challenges to the jurisdiction of local federal and state courts.
- Representing non-US based parties seeking federal discovery under 28 USC §1782 in aid of civil proceedings pending or threatened in courts located outside the US.
- Representing an energy services company in UNCITRAL arbitration to obtain payment from a multinational organization for services rendered to a peacekeeping mission.
- Representing an oppressed minority shareholder of a South Carolina textile manufacturer in litigation in Delaware and South Carolina resulting in the transfer of the majority shareholder's entire interest to the minority

shareholder.

- Representing executives or employers in contract disputes arising from termination of the employment of highly compensated executives.
- Representing investors, managers and tenants in Manhattan office, retail and hotel properties in contract disputes with investors, contractors, landlords and brokers.
- Defending automotive, machine tool, industrial equipment and medical device manufacturers in product defect litigation.
- Serving as New York trial counsel and as national coordinating counsel for major Italian automotive manufacturers in the defense of product liability cases.
- Serving as arbitrator in a dispute between a patent holder and a biopharmaceutical company regarding whether the filing of new patents violated the terms of a materials transfer agreement.
- Serving as arbitrator in a claim brought by a terminated patent agent for a declaratory judgment that it had earned contingent fees in connection with worldwide software patent litigation.
- Serving as arbitrator in numerous claims of wrongful termination of exclusive long-term supply or distribution agreements.
- Serving as arbitrator in disputes between Italian suppliers and their exclusive US importers.
- Serving as arbitrator in a complex contract dispute between a hedge fund manager and founders of the fund.
- Serving as arbitrator in a case between two competitors regarding alleged infringement of a famous service mark.
- Serving as arbitrator in a dispute between a real estate brokerage franchise system and its exclusive Manhattan franchisee.
- Serving as arbitrator in executive compensation (including investment banker bonus) cases.
- Successfully mediating in the Italian language a dispute between two Italian investors who participated in the mediation without benefit of counsel.

Credentials

Education

- Columbia University, J.D., articles editor, *Columbia Journal of Law and Social*

Problems

- Columbia University, B.A.

Admissions

- New York, 1979

Courts

- U.S. Ct. of App., District of Columbia Circuit
- U.S. Ct. of App., Federal Circuit
- U.S. Ct. of App., Second Circuit
- U.S. Dist. Ct., E. Dist. of New York
- U.S. Dist. Ct., S. Dist. of New York
- U.S. Supreme Court

Memberships and Affiliations

- Fellow, College of Commercial Arbitrators (CCA)
- Member, executive committee of the board of the New York International Arbitration Center, Inc. (NYIAC)
- Member, International Commercial Disputes Committee (ICDC) of the New York City Bar Association
- Member, International Arbitration Club of New York
- Executive committee member, NYSBA Dispute Resolution Section
- Co-chair, NYSBA Dispute Resolution Section International Dispute Resolution (IDR) Committee
- Founding member and former co-chair, New York City Bar's In House/Outside Litigation Counsel Group
- Former chair, New York City Bar's Product Liability Committee
- Member, NYSBA and New York City Bar committees related to arbitration, litigation, judicial selection, and professional and judicial ethics

Languages

-
- English
 - Italian
 - Spanish

About Squire Patton Boggs

Squire Patton Boggs is one of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. Our multidisciplinary team of over 1500 lawyers in 46 offices across 21 countries provides unrivaled access to expertise and invaluable connections on the ground. We give our clients a voice, support their ambitions and are committed to working alongside them to achieve successful outcomes. It is a seamlessly connected service that operates on any scale - locally or globally - and encompasses virtually every matter, jurisdiction and market. Our solutions are shaped by a clear, commercially-focused understanding of our clients' business goals, while our robust and open culture enables us to find the right answers quickly and effectively from lawyers who understand the geographic, sector or issue specific challenges they face.



Mark C. Morril

Independent Arbitrator and Mediator, MorrilADR, New York, United States

Mark C. Morril is an independent arbitrator and mediator based in New York City. He has served as sole arbitrator, co-arbitrator and chair in both domestic and international matters involving, among other subjects, complex commercial contracts, patents, copyrights, trademarks, oil and gas equipment, construction, mergers and acquisitions, commodities, partnerships, joint ventures, media and entertainment, Internet and Internet domain names and new technologies. He has served as an emergency arbitrator and has mediated numerous large commercial disputes.

Mr. Morril is a Fellow of the Chartered Institute of Arbitrators and certified by the International Mediation Institute (IMI). Previously, he served for ten years as General Counsel of Simon & Schuster, then the largest English language publisher in the world, and for thirteen years as Deputy General Counsel of the global media company Viacom. Viacom's businesses comprise Paramount Pictures and 170 cable TV channels and multiplatform properties (including MTV, VH1, Nickelodeon, COMEDY CENTRAL and BET) and formerly included CBS Broadcasting, CBS Radio, Viacom Outdoor, Showtime, Simon & Schuster and the discontinued industrial operations of Westinghouse, Gulf+Western and Charter Oil. He managed Viacom's large worldwide law department and was responsible for the enterprise-wide disputed matters docket.

Mr. Morril is on the roster of many of the leading dispute resolution institutions worldwide. He is involved in dispute resolution activities in the New York City and New York State Bar Associations. He is a United States Representative to the ICC Commission and Arbitration and ADR and the ICC's Task Force on Emergency Arbitrator Proceedings and its Task Force on the Role of In-House Counsel in Dispute Resolution. He has spoken on cybersecurity, case management techniques and effective collaboration between business clients and outside counsel, to audiences of law firm leaders, clients and judges.

Mr. Morril is co-author of [*A Call to Cyberarms: The International Arbitrator's Duty to Avoid Digital Intrusion*](#), which appeared in the *Fordham International Law Journal* in 2017. He is also a member of the Working Group on Cybersecurity in Arbitration set up by the New York City Bar Association, the International Council for Commercial Arbitration (ICCA), and the International Institute for Conflict Prevention and Resolution (CPR), which released a consultation draft Cybersecurity Protocol at the ICCA Congress in Sydney in April 2018.

Camille M. Ng

Deputy Counsel at the International Court of Arbitration of the International Chamber of Commerce

Summary

N/A

Experience

Deputy Counsel at International Chamber of Commerce
June 2015 - Present

Assistant Legal Counsel at Permanent Court of Arbitration
January 2013 - June 2015 (2 years 6 months)

Registered Foreign Lawyer
June 2012 - December 2012 (7 months)

Intern - Dispute Resolution at Norton Rose Fulbright
November 2011 - December 2011 (2 months)

Litigation Associate at Kirkland & Ellis LLP
September 2008 - December 2009 (1 year 4 months)

Public Interest Law Institute (PILI) Fellow
June 2008 - September 2008 (4 months)

Summer Associate at Kirkland & Ellis LLP
May 2007 - July 2007 (3 months)

Research Assistant
May 2006 - February 2007 (10 months)

Account Executive at Ace Saatchi & Saatchi
October 2004 - March 2005 (6 months)

Education

New York University
Master of Laws (LL.M.), Global Business Law, 2012 - 2013

National University of Singapore
Master of Laws (LL.M.), International and Comparative Law, 2012 - 2013
Notre Dame Law School

J.D., Law, 2005 - 2008

Activities and Societies: Journal of Law, Ethics and Public Policy
Ateneo de Manila University

B.S., Management, 2000 - 2004

Activities and Societies: Ateneo Debate Society



Michael S. Oberman

Counsel
New York

T 212.715.9294

F 212.715.8294

moberman@kramerlevin.com

Michael S. Oberman litigates a wide variety of complex civil cases at the trial and appellate levels and in arbitration. He also serves as an arbitrator and mediator. Michael joined Kramer Levin in 1973, served as a partner between 1980 and 2015, and became counsel on Jan. 1, 2016.

Michael served as lead counsel for Sirius XM Radio in an arbitration lasting 20 days in which the claimant sought more than \$130 million in damages for alleged breach of contract and tortious conduct. The arbitrators dismissed all the claims. Michael successfully handled the case through judicial review, ultimately securing a unanimous affirmance of the arbitration award from the New York Court of Appeals in a decision of first impression on the standard for "evident partiality" to be applied by New York state courts under the Federal Arbitration Act.

Michael heads Kramer Levin's Alternative Dispute Resolution practice group. He is a fellow of the College of Commercial Arbitrators and a member of the Large Complex Commercial Case Panel of the American Arbitration Association, as well as its Commercial Arbitration and Mediation Panels. Michael was one of the first lawyers chosen as a mediator for the Mandatory Mediation Program of the U.S. District Court for the Southern District of New York.

Michael has written extensively on arbitration law, copyright law and federal civil procedure, including as co-author of two chapters in The College of Commercial Arbitrators "Guide to Best Practices in Commercial Arbitration," 4th ed., 2017. He has also been active in efforts for court and ADR reform. He served as a member of New York Chief Judge Judith Kaye's Commercial Courts Task Force, which created the Commercial Division of the New York Supreme Court. Since 1989, he has served as a member of the Executive Committee of the Commercial and Federal Litigation Section of the New York Bar Association and was the section's delegate in the New York State Bar Association House of Delegates from 1989 to 1991.

Education

J.D., cum laude, Harvard Law School, 1972

- National First Prize, Nathan Burkan Memorial Competition, 1972

A.B., cum laude, Columbia College, 1969

Bar Admissions

District of Columbia, 1992

California, 1981

New York, 1973

Clerkships

Honorable Milton Pollack, U.S.D.C., Southern District of New York, 1972-1973

Professional Affiliations

- New York State Bar Association: delegate, House of Delegates (1989-1991); member, Committee on Federal Courts (1977-1989); member, Executive Committee, Commercial and Federal Litigation Section; member, Executive Committee, Intellectual Property Law Section (1993-1996); member, Dispute Resolution Section
- New York City Bar Association: member, Committee on Federal Legislation (1978-1981); Committee on Copyright and Literary Property (1981-1985, 1988-1991, 1997-2000, 2007-2009)
- American Bar Association, Litigation Section and Dispute Resolution Section
- The State Bar of California
- Federal Bar Council
- The New York Bar Foundation, fellow
- College of Commercial Arbitrators, fellow
- New York International Arbitration Center, director

Recognition

- Woodward White Inc.'s Best Lawyers in America, Arbitration (2018, 2019)
- Thomson Reuters' New York Super Lawyers (2006-2018)
- Marquis' Who's Who, Albert Nelson Marquis Lifetime Achievement Award (2017)
- Martindale-Hubbell AV Preeminent Peer Review Rating (2008-2019)

Abigail Pessen, Esq.
Dispute Resolution Services
pessenADR.com
(212) 961-0668

Abigail Pessen has her own dispute resolution firm. She is an arbitrator for the American Arbitration Association's Large, Complex Case and Employment Panels and for the ICDR. She is also a mediator, serving on the Master Mediator Roster for the American Arbitration Association.

Abigail was honored to be chosen NYC Best Lawyers' 2016 "Lawyer of the Year" for Arbitration. She is Chair of the NY State Bar Dispute Resolution Section.

Abigail was appointed by the Court to be Settlement Administrator for a major federal class action. She is a frequent speaker and author on ADR-related topics. Before becoming a full-time neutral, Abigail clerked for federal judge Whitman Knapp, was an assistant professor at New York Law School, and had a successful career as a commercial litigator. She is a graduate of Barnard College and the University of Chicago Law School. Abigail has earned U.S. News & World Report's top-tier ranking for both mediation and arbitration in 2016, has an AV rating from Martindale-Hubbell, and is regularly listed as a "Super Lawyer" for ADR. She can be reached at abigail@pessenADR.com.

Amy M. Pontillo, Esq.
New York State Unified Court System
25 Beaver Street, New York, N.Y. 10004
Email: asherida@nycourts.gov

Amy Pontillo is Senior Counsel for the Office of Alternative Dispute Resolution Programs for the New York State Unified Court System. Amy serves as Counsel to the Board of Governors for the Attorney-Client Fee Dispute Resolution Program, providing legal support to both the Board and the statewide system of local programs. She also works in the UCS Office of the Americans with Disabilities Act (ADA) Coordinator on ADA issues and provides training and guidance to court staff.

As a member of the ADR Office, Amy works on developing mediation programs with the courts. She also develops and presents trainings on ADR topics. She oversees the approval process for training programs for ADR neutrals serving on court rosters. She is responsible for handling confidentiality issues in mediation, in particular under Article 21-A of the Judiciary Law pertaining to New York's Community Dispute Resolution Centers' Program.

Amy has several years' experience in the field of alternative dispute resolution, with a focus on arbitration. She attended New York Law School and is admitted to practice law in New York and in New Jersey. Amy has a passion for animal welfare and has written articles on legal issues that relate to animals. She is the current Chair of the New York State Bar Association's Committee on Animals and the Law. She lives in New York with her family including two dogs, Lola and Rico.

Rekha Rangachari, Esq.

Rekha Rangachari is the second Executive Director of the New York International Arbitration Center (“NYIAC”). Founded in 2013, NYIAC is a non-profit organization that promotes and enhances the conduct of international arbitration in New York, offers educational programming, and operates world-class hearing facilities for rent in Midtown Manhattan.

Prior to joining NYIAC in October 2017, Ms. Rangachari was Director of ADR Services for the New York Commercial Division of the American Arbitration Association/International Centre for Dispute Resolution (AAA/ICDR). Therein, she led the New York Corporate Innovation Team, and served on the Diversity Committee – spearheading initiatives for greater cross-cultural representation and collaboration – and on the AAA/ICDR Foundation Committee. She is a 2017 Recipient of the AAA/ICDR President’s Award for Service. Ms. Rangachari also served as Case Counsel for the ICDR, focusing her efforts on the European and Sub-Saharan Africa Regions. Ms. Rangachari serves as Member of the New York State Bar Association (NYSBA) Dispute Resolution Section’s (DRS’) Executive and Diversity Committees, Co-Chair of the NYSBA DRS’ Arbitration Committee, Advisory Member of the NYSBA Planning Committee for the Judith Kaye Moot Court Competition, Member of the International Arbitration Club of New York, Member of the New York City Bar’s Standing Committee on Women in the Legal Profession, Board Member of the New York Coalition of Women’s Initiatives, Member of the American Bar Association (ABA) Section of International Law’s International Arbitration Committee, and Member of the ABA Section of Dispute Resolution’s Women in Dispute Resolution Committee, among other professional and personal affiliations. She is also a Contributor to Investment Claims. Ms. Rangachari was educated at New York University and the University of Miami School of Law, and is trilingual in English/Tamil/Spanish. She is admitted to practice law in the U.S. (New York).

STROOCK



SHIRA A. SCHEINDLIN

Of Counsel, New York



212-806-5660 (Office)



212-806-6006



sscheindlin@stroock.com

PRACTICE AREAS

Litigation

Former United States District Court Judge Shira A. Scheindlin serves as an arbitrator, mediator and special master. She also conducts neutral evaluations, mock trials and arguments as well as internal investigations and is a member of the firm's Litigation Practice. Since leaving the bench in May of 2016 she has conducted many mediations and arbitrations and has handled a number of mock trials and arguments. She is also a member of Stroock's Internal Investigations Unit, formed to help companies and organizations respond to suspected sexual misconduct.

Judge Scheindlin, who was appointed to the bench in 1994 by President Bill Clinton, has presided over numerous criminal and civil cases during her 22-year tenure with the Southern District of New York. Among many important cases, her opinions in electronic case management are recognized as case law landmarks, and she is the co-author of the first casebook on electronic discovery. Judge Scheindlin previously served as an Assistant United States Attorney for the Eastern District of New York, a Magistrate Judge in the Eastern District of New York and General Counsel for the New York City Department of Investigation. Earlier in her career she spent many years in private practice, including a stint as a litigation associate at Stroock.

Judge Scheindlin is a frequently published author and lecturer. She is currently an adjunct professor at NYU Law School and has also held that position at Cardozo and Brooklyn Law Schools. She is a member of the College of Commercial Arbitrators (CCA) and the CPR Panel, where she serves as Co-Chair of the Diversity Task Force. She is also a member of the American Arbitration Association (AAA) and the International Centre for Dispute Resolution (ICDR). She is the Chair of the Federal Courts Subcommittee of the ABA's Standing Committee on the American Judicial System, the former Chair of the Commercial and Federal Litigation Section of the New York State Bar Association and the Co-Chair of the Section's Task Force on Women's Initiatives. She is or has been a member of various committees of the American Law Institute, the New York City Bar Association, the New York County Lawyers' Association, the Federal Bar

Council and the New York Inn of Court. She also served for seven years on the Advisory Committee on Civil Rules of the Judicial Conference of the United States. She now serves on the Board of Directors of the Lawyers Committee for Civil Rights Under Law, the American Constitution Society, the Bronx Defenders and the Justice Resource Center.

HONORS & AWARDS

- David G. Trager Award, Eastern District U.S. Attorney's Office, 2016
 - Stanley Fuld Award for Contributions to Commercial Litigation, New York State Bar Association, 2014
 - Jurist of the Year, New York Criminal Bar Association, 2014
 - Judicial Recognition Award, National Association of Criminal Defense Lawyers, 2008
 - William Nelson Cromwell Award for Outstanding Public Service, New York County Lawyers' Association, 2007
 - Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice, New York County Lawyers' Association, 2005
 - William J. Brennan Award, New York State Bar Association, 2003
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MEMBERSHIPS

- Chair, Federal Courts Subcommittee of the Standing Committee on the American Judicial System, American Bar Association
- Member, Advisory Council, Cornell Law School
- Member, New York State Bar Association
- Member, Federal Bar Council
- Member, New York County Lawyers' Association
- Member, Council on Judicial Administration, Association of the Bar of the City of New York
- Board of Directors, Justice Resource Center (Mentor)
- President's Council, Good Shepherd Services
- Judicial Advisory Board, The Sedona Conference
- Board of Directors (Executive Committee), Lawyers Committee for Civil Rights Under Law
- Board of Directors, American Constitution Society

- Board of Directors, Bronx Defenders

SPEECHES & EVENTS

Judge Scheindlin is a frequent lecturer at law schools, bar associations and professional associations. Below is a select list of some presentations. She speaks on many topics including: complex civil litigation, class actions, discovery of electronic data, ADR, women in the law, the Sentencing Guidelines, impact litigation, race and policing and the War on Terrorism.

- American Bar Association
- Columbia University Law School
- Cornell Law School
- Federal Judicial Center
- Fordham Law School
- Georgetown Law School
- New York State Bar Association
- Practising Law Institute
- Princeton University
- Stanford Law School
- UCLA School of Law
- University of Chicago Law School
- University of Pennsylvania School of Law
- Yale Law School

PUBLICATIONS

- Co-author, "Electronic Discovery and Digital Evidence in a Nutshell," *West Academic Publishing*, 2009; Second Edition, 2016
- Co-author, "Electronic Discovery and Digital Evidence, Cases and Materials," American Casebook Series, *West Academic Publishing*, 2008; Second Edition, 2012; Third Edition, 2016
- "Random Thoughts of a Federal District Judge, Fourth Annual Institute for Investor Protection Conference: The New Landscape of Securities Fraud Class Actions," *Loyola University Chicago Law*

- "Big Data and Privacy: Finding the Balance," *New York Law Journal*, February 10, 2014
 - Co-author, "Criminal Law Catches Up: New ESI Guidelines Issued," *New York Law Journal*, February 29, 2012
 - "The Future of Litigation," *New York Law Journal*, February 5, 2010
 - Co-author, "Sanctions in Electronic Discovery Cases: Views from the Judges," *78 Fordham L. Rev.* (2009)
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ADMITTED TO PRACTICE

New York

U.S. Supreme Court

EDUCATION

J.D., *cum laude*, Cornell Law School, 1975

M.A., Columbia University, 1969

B.A., University of Michigan, 1967

Dani Schwartz is a litigator, arbitrator, and mediator noted for crafting creative strategies and solutions to challenging legal problems. His practice focuses on complex real estate and business disputes and appeals. Dani also arbitrates cases for the American Arbitration Association and FINRA, is the co-chair of the New York State Bar Association's Arbitration Committee, and is eligible for appointment as a receiver in New York state court actions.

Dani has recovered more than \$150 million for his clients, and is particularly skilled at transforming complex business disputes into clear, compelling stories to achieve his clients' objectives. He brings innovative thinking to every situation, and has litigated cutting edge cases and appeals and made new law favorable to his clients. For example, he obtained a court order directing a New York state agency to pay his client's legal fees, the first decision of its kind in the agency's 70+ year history. In defending a dispute over development plans between neighboring property owners, Dani's legal maneuvering drove the adverse owner to abandon its plans and sell its building. A skilled negotiator, Dani has also obtained many victories for his clients at the settlement table, without the need for lengthy litigation.

Dani handles the full range of real estate disputes, including commercial landlord/tenant matters; condominium and cooperative matters; commercial mortgage foreclosure (lender and borrower side); development disputes; access disputes (including RPAPL 881 proceedings); breach of contract, fraud, fiduciary duty claims and business disputes; and Yellowstone injunctions and Article 78 proceedings.

Teaching/Public Speaking Engagements

- American Arbitration Association
- New York City Bar Association

Publications

- "May a Tenant File a Notice of Pendency?" *New York Law Journal* (June 28, 2017)
- "RPAPL § 881: Litigating Access to Neighboring Property," *New York Law Journal* (May 16, 2016)
- "Open Issues in RPAPL § 881 Litigation: Accessing Neighboring Property," *New York Law Journal* (April 19, 2016)



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Richard H. Silberberg
Dorsey & Whitney LLP
51 West 52nd Street
New York, New York 10019
Tel.: 212-415-9231
Email: silberberg.richard@dorsey.com

Professional Experience

I have been a partner in the New York office of Dorsey & Whitney LLP since 1988. I recently completed a two-year term as Chair of the firm's Policy Committee, and currently serve as Co-Chair of the International Arbitration & Litigation Group and Co-Chair of the Class Action Litigation Group. I previously served as Partner-in-Charge of the firm's Global Advocacy practices, as a member of the Management Committee, and as New York Office Head.

Dispute Resolution Experience

I have represented clients in arbitration proceedings administered by dispute resolution providers throughout the world, including the International Chamber of Commerce, the Hong Kong International Arbitration Center, the London Court of International Arbitration and the International Center for Dispute Resolution. I also have more than 25 years of experience as an arbitrator and mediator of domestic and international commercial disputes. I have served as presiding arbitrator, co-arbitrator and sole arbitrator in approximately 250 arbitrations (including class arbitrations, other multi-party proceedings, and emergency arbitrations), and have authored dozens of reasoned awards. I have also mediated approximately 150 domestic and international commercial disputes.

I am the Immediate Past President of the College of Commercial Arbitrators, and I am a member of the Board of Directors of the New York International Arbitration Center. I am a member of the American Arbitration Association Large Complex Case Panel of Arbitrators, the International Center for Dispute Resolution Panel of Arbitrators, the American Arbitration Association Master Mediation Panel, the CPR Panel of Distinguished Neutrals (Cross Border and Franchise Panels), the National Academy of Distinguished Neutrals, the U.S. District Court for the Eastern District of New York Panel of Arbitrators, the U.S. District Court for the Southern District of New York Panel of Mediators, the Chartered Institute of Arbitrators, and the International Arbitration Club of New York. I have served as an instructor for many programs on arbitration best practices and mediation advocacy.

Selected Honors, Awards and Civic Involvement

Since 2018, I have been recognized by Chambers (International Arbitrators - USA). Since 2006, I have been listed in *Best Lawyers of America* for both Arbitration and Mediation and in *New York SuperLawyers* for Business Litigation. Since 2011, I have been listed in *Who's Who Legal-Commercial Mediation*.

I am a member of the Board of Directors of the Lawyers' Committee for Civil Rights Under Law, and I am Treasurer, as well as a Director, of The Fund for Modern Courts.

Education

B.A., University of Wisconsin-Madison, 1972; J.D., New York University School of Law, 1975.

David C. Singer has served for over 30 years as an independent arbitrator of complex commercial, employment and international disputes, including as chair and wing of three arbitrator panels and as sole arbitrator. He is Editor and Co-Author of *Arbitrating Commercial Disputes in the United States* (Practising Law Institute 2018). He has arbitrated hundreds of cases including matters focusing on business and commercial contracts, “business divorces,” M&A and other corporate transactions, executive employment agreements and distributor and dealer agreements in a variety of industries including financial services, real estate, fashion and apparel, medical and healthcare, technology, business equipment, hospitality, professional services and telecommunications. He has more than 25 years of experience as an independent mediator, and has mediated hundreds of cases including matters focusing on business and commercial contracts, partnership, LLC, corporate disputes, corporate transactions, executive employment agreements and distributor and dealer agreements.

As of January 1, 2018, David established his own practice as a dedicated independent neutral. For 37 years -- including 28 years as a partner at the law firm Dorsey & Whitney LLP -- David served as lead litigation and trial counsel on matters involving business contracts and torts, partnerships, executive employment agreements, restrictive covenants, unfair competition, fraud, misappropriation of trade secrets, employment termination and discrimination, real estate and other commercial, employment and international matters. He successfully tried and defended cases in federal and state courts before judges and juries, and represented clients before administrative agencies, arbitration panels, and in appeals, mediations and negotiations.

David is a Fellow of England’s Chartered Institute of Arbitrators and the College of Commercial Arbitrators, a certified mediator with the International Mediation Institute and a member of the National Academy of Distinguished Neutrals. He serves on the arbitration panels of the American Arbitration Association and International Center for Dispute Resolution, is a Distinguished Neutral of the International Institute for Conflict Prevention and Resolution, and serves on mediation panels of the AAA and state and federal courts.

David served as Chair of the Dispute Resolution Section of the New York State Bar Association, and previously co-chaired the NYSBA Mediation Committee. He serves as a member of the NYSBA House of Delegates. He has written extensively in the field of arbitration, mediation and dispute resolution and spoken on such topics to professional, bar association and other groups.

David graduated *magna cum laude* from the University of Pennsylvania and received his law degree from New York University School of Law. He has been named annually in *Best Lawyers in America*, *New York Super Lawyers* and received AV Preeminent peer rating by Martindale-Hubbell for more than 20 years. His website is: www.singeradr.com.



Michelle M. Skipper, MBA
American Arbitration Association
6000 Fairview Road, Suite 1200
Charlotte, NC 28210
(704) 643-8605
skipperm@adr.org

Michelle Skipper is Vice President for the Commercial Division at the American Arbitration Association in Charlotte, NC. She received her undergraduate degree in Finance from the University of Texas – San Antonio and her M.B.A. from the McColl Scholl of Business at Queens University in Charlotte, NC. At the AAA, Michelle is responsible for overseeing the case management of large, complex commercial arbitrations in NC, SC, TN, KY, IN, OH and WV. She also identifies and recruits arbitrators and mediators to join the AAA roster of neutrals, and provides training to both clients and attorneys on the appropriate and effective use of dispute resolution processes. Michelle is the AAA National Healthcare lead responsible for AAA healthcare initiatives and chairs the AAA Healthcare Dispute Resolution Advisory Council. A frequent speaker on ADR topics at legal and industry conferences and law schools

Steven Skulnik
Senior Legal Editor
Thomson Reuters

Steve Skulnik is a senior legal editor in the Litigation and Arbitration Services of Thomson Reuter's Practical Law division. In that capacity he writes and edits legal know-how resources that help law firm lawyers, in-house counsel and arbitrators perform more effectively and efficiently. He is also a commercial arbitrator and mediator with the AAA/ICDR, CPR, and other providers as well as a fellow of the Chartered Institute of Arbitrators (FCIArb).

Before joining Practical Law, his law practice focused on litigation and arbitration matters. He previously was counsel at Squire Patton Boggs (US) LLP and a partner at Pavia & Harcourt LLP. He has trial and appellate experience in many areas including commercial contracts, art and antiquities law, banking, employment law, real estate, shareholder and partnership disputes, trade secret, trademark, information technology and unfair competition. He has tried cases in federal and state courts and in international and US arbitrations.

He has chaired of the Arbitration Committee of the New York State Bar Association's Dispute Resolution Section and is the chair of the New York City Bar Association's Arbitration Committee. He also sits on the City Bar's International Commercial Disputes Committee. He is a member of or affiliated with: Silicon Valley Arbitration & Mediation Center, International Arbitration Club of New York, New York International Arbitration Center (NYIAC), and the National Academy of Distinguished Neutrals. He is a trustee of the Village Community School in New York City.

Mr. Skulnik received his BA from Brandeis University and JD from Benjamin N. Cardozo School of Law.

Dennis R. Suplee, Esq.

In 2013, Mr. Suplee, a graduate of St. Joseph's University and the University of Pennsylvania Law School, was named Philadelphia Lawyer of the Year for Intellectual Property Litigation by Best Lawyers in America. In 2009, he was named Philadelphia Lawyer of the Year for Bet-the-Company Litigation. He is a partner in the Philadelphia office of Schnader Harrison Segal & Lewis LLP, and served as chair of the firm from 1992 to 1998. Mr. Suplee has a general litigation practice and has handled a wide range of civil cases, including antitrust, securities and RICO cases; patent and trademark cases; commercial disputes of all kind; product liability claims; and insurance coverage litigation. He has accepted court appointments in criminal cases, including murder cases. Mr. Suplee is a fellow and past president of the International Academy of Trial Lawyers, a fellow and former regent of the American College of Trial Lawyers, a master and past president of the Inn of Court at Penn Law School, and past president of the Philadelphia Association of Defense Counsel. He is coauthor of *The Deposition Handbook: Strategies, Tactics and Mechanics* (revised 5th ed., Trial Guides), and coauthor of *The Expert Witness: Law and Practice* (PBI, 1993). He is listed in *Best Lawyers in America*, *The International Who's Who of Business Lawyers*, and *Chambers Americas Leading Business Lawyers*. Mr. Suplee has served on the boards of St. Joseph's University, the Foundation of the American College of Trial Lawyers and the Supreme Court Historical Society.

His most significant recent win was a \$72.5 million award in a suit alleging that defendant had breached its duty of good faith and fair dealing by purposely putting itself into a situation in which it was unable to perform its obligations under the terms of a very complicated settlement of a patent infringement case.

In January, 2018, in the NFL Concussion Litigation Mr. Suplee was appointed by Judge Anita B. Brody of the E.D. Pa. to represent certain members of the class who must overcome a statute of limitations defense in order to receive a monetary benefit.

In the last few years, Mr. Suplee's practice has shifted so that most of his time is spent as a mediator and arbitrator.



Edna Sussman, SussmanADR LLC, Mailing Address: 20 Oak Lane, Scarsdale New York 10583
New York City Address: Suite 3500, 10 East 40th Street, New York, NY 10016
E-mail: esussman@SussmanADR.com Tel: 212-213-2173

Edna Sussman is a full time independent arbitrator and mediator and is the Distinguished ADR Practitioner in Residence at Fordham University School of Law. She was formerly a litigation partner at the law firm of White & Case LLP. Ms. Sussman has served as the chair, sole and co-arbitrator in over 150 complex commercial disputes and over 150 complex commercial mediations, both international and domestic, under various institutional rules and ad hoc involving contract interpretation, financing and banking transactions, energy, environment, franchises/distributorships, partnership and joint venture, insurance, mergers/acquisitions, accounting, intellectual property, construction, securities, real estate, pharmaceuticals, hospitality, aviation and professional liability. Ms. Sussman is a member of the panel of many of the leading dispute resolution institutions including the AAA, ICDR, AAA/ICDR Energy Arbitrators list, CPR, Hong Kong, Singapore, South China, Shanghai, Swiss, Vienna, Korea, Kuala Lumpur, Vietnam, British Columbia, Dubai and Kigali Arbitration and Mediation Centres, U.S. Institute for Environmental Conflict Resolution, Financial Industry Regulatory Authority, and the National Futures Association and is listed by the ICC. Ms. Sussman serves on mediation panels of federal, state, bankruptcy courts in NYC.

Ms. Sussman serves on the Board and as President of the College of Commercial Arbitrators and sits on the Board and the Executive Committee of the American Arbitration Association. She is the chair of the AAA-ICDR Foundation and is the Vice-Chair of the New York International Arbitration Center. Ms. Sussman is a fellow of the Chartered Institute of Arbitrators and certified by the International Mediation Institute. She is a former Chair of the Dispute Resolution Section of the NYS Bar Association and serves as co-editor-in-chief of the NY Dispute Resolution Lawyer. She is a past co-chair of the Arbitration Committees of the ABA's International and Dispute Resolution Sections and served as the chair of the Renewable Energy Comm. and the Alternative Dispute Resolution Comm. of the ABA's Section of Environment Energy and Resources. Ms. Sussman served as the chair of the NYC Bar Association's Energy Comm. and the ADR Comm. of the Energy Bar Association. Ms. Sussman has been recognized by Chambers USA 2015 for International Arbitration and in the International Who's Who of Commercial Arbitration and Commercial Mediation and by SuperLawyers and Best Lawyers. She was named as one of the ten outstanding international mediators by Who's Who Legal 2013 and selected as Best Lawyer's "2012 New York City Mediation Lawyer of the Year." A graduate of Barnard College 1970, and Columbia Law School 1973, Ms. Sussman has lectured and published widely on arbitration, mediation, energy and environmental issues.

Dani Schwartz is a partner at Wachtel Missry LLP's Manhattan office. His practice focuses on commercial and real estate litigation and arbitration. He has been selected as a NYC Metro Super Lawyer or Super Lawyers Rising Star every year since 2013. He has served as chair, sole, and wing arbitrator in a variety of cases for AAA and FINRA, including several appellate arbitrations, and he wrote the first appellate arbitration award ever confirmed by a federal court. He is currently serving his second year as co-chair of the Domestic Arbitration Committee of the NY State Bar Association's Dispute Resolution Section.

Mr. Schwartz is the author of a number of articles on novel issues in commercial and real estate law published in the *New York Law Journal* and elsewhere, including "May a Tenant File a Notice of Pendency," "NY Decision Opens Door for Yellowstone Injunction Waivers," "RPAPL § 881: Litigating Access to Neighboring Property," "Open Issues in RPAPL § 881 Litigation: Accessing Neighboring Property," and "Understanding RPAPL § 881 and the Need to Access Adjoining Property: An Overview of the Statute and Case Law from Enactment to Date" (co-author). His articles have been cited in treatises including *Commercial Litigation in New York State Courts*, and McKinney's *Practice Commentaries*.

Robyn Weinstein is currently the ADR Administrator at the United States District Court for the Eastern District of New York. Prior to her current role, Ms. Weinstein served as a fellow at the Kukin Program for Conflict Resolution at Benjamin N. Cardozo School of Law, where she currently serves as an adjunct professor of mediation and negotiation. Previously, Ms. Weinstein served as the program director for the Los Angeles office of Arts Arbitration and Mediation Services at California Lawyers for the Arts and as an adjunct clinical professor of mediation at the Straus Institute for Dispute Resolution at Pepperdine School of Law. In 2015, Ms. Weinstein was the president of the Southern California Mediation Association. Throughout her career, Ms. Weinstein has mediated a wide range of state and federal matters including employment discrimination, wage and hour, commercial, real estate, and family disputes.

Nicholas R. Weiskopf is Professor of Law at St. John's University School of Law. He attended Columbia College and Columbia Law School, where he was an Editor of the Columbia Law Review before graduating *magna cum laude* in 1969. After remaining at Columbia for two years as an Associate at Law, Professor Weiskopf continued there for almost two decades as Lecturer in Law, an adjunct position.

Professor Weiskopf was a commercial litigator at two major firms. He came to St. John's in 1981, and was tenured as a full professor in 1985. Since that time, and consistently with his academic responsibilities, he has served both here and abroad as a consultant and expert witness on commercial law, served as a commercial arbitrator, and served as trial counsel in securities and other arbitral and court cases. He has also done extensive appellate work in both the federal and state courts.

Since coming to St. Johns, Professor Weiskopf has taught both semesters of Contracts, and has developed upper class legal writing and drafting courses specially designed to prepare students for larger law firm practice. For the past nine years, he has also taught Commercial Arbitration. It is the teaching materials he assembled for that course which are found, together with significant additional materials, in his book Commercial Arbitration: Theory and Practice (Vandeplas 2d Ed. 2012). That book is a teaching vehicle but also contains practitioner oriented materials designed both to enrich the classroom and to assist the rapidly growing number of lawyers who increasingly deal with commercial arbitrations. Professor Weiskopf has also been published in several leading legal journals, and has written in the areas of securities regulation, contract and commercial law and, of course, commercial arbitration.

Professor Weiskopf's new book traces the long-standing rejection of compulsory arbitration by the British and American common law courts and the adoption of state and federal statutes designed to overcome that hostility, starting in the 1920's. It sets forth the basic neutrality and other requirements for arbitration, discusses the use of designated arbitrators here and abroad, and focuses on whether, and under what circumstances, arbitrators are strictly obligated to apply "the law." That issue is readdressed in connection with materials dealing with the arbitration of so-called "public" statutory claims for workplace discrimination, securities fraud and antitrust. Indeed, the book discusses basic legal doctrine in each of these areas, and possible differences in case presentations in court as opposed to arbitration. Considerable emphasis is placed on the preemptive impact of the so-called federal law of arbitration on the states, and on the limited scope of judicial review of awards. There is also discussion of arbitral procedures at major tribunals, and Appendices containing extensive background materials.

The book also attempts to trace the United States Supreme Court's recent jurisprudence empowering parties to shift fundamental so-called "gateway" functions of the courts to the arbitrator, that Court's newer pronouncements concerning the scope of review of awards, and its newer decisions on the very important issue of the place of class action procedures in arbitration.

Daniel Weitz

Daniel M. Weitz, Esq. is the Director of the Division of Professional and Court Services and Statewide Coordinator of the Office of ADR Programs for the New York State Unified Court System. Dan oversees the statewide responsibilities of alternative dispute resolution, attorney for the child contracts, judiciary civil legal services contracts, office of language access, criminal disposition reporting, office of grants and contracts, guardianship and fiduciary services, legal information, office of the court record, parent education and awareness program, records management, the federally funded child welfare court improvement project, the court appointed special advocates assistance program, the children's centers program, and operational issues related to the Americans with Disabilities Act. As ADR Coordinator, Dan oversees a statewide program of court-annexed ADR initiatives involving mediation, arbitration, neutral evaluation, parenting coordination and collaborative law. He also directs the Community Dispute Resolution Centers Program.

Dan serves as Co-Counsel to the Board of Governors of the New York State Attorney-Client Fee Dispute Resolution Program. He is a past Chair of the New York City Bar Association ADR Committee and past Co-Chair of the ABA Dispute Resolution Section, Court ADR Committee. Dan has also served on the NYC Bar Domestic Violence Committee and Science and Law Committee. Dan was appointed by New York's Chief Judge to serve on the Unified Court System's Matrimonial Commission for which he Co-Chaired the Subcommittee on The Use of Experts. He also served as Counsel to the Technology and Case Management Subcommittee of the New York State Judicial Advisory Council.

Dan has over eighteen years of experience as a court administrator and twenty six years of experience in the field of ADR, serving as an administrator, professor, trainer and practitioner. He is an Adjunct Clinical Professor of Mediation at Cardozo School of Law, an Adjunct Professor of Clinical Law at NYU School of Law and has taught

ADR and conflict resolution related courses at Vermont Law School, Mitchell Hamline School of Law, John Jay College of Criminal Justice and Long Island University. Dan is an international ADR speaker having presented across the United States and beyond including Japan, China, Thailand and South Africa. He has also served as mediator in a wide range of matters including, general civil, family, employment, human rights, community, and police conduct cases.

Dan received his law degree from the Benjamin N. Cardozo School of Law, where he participated in the Mediation Clinic and was a Teaching Assistant in Legal Negotiation. He has worked at JAMS, the United States Court of Appeals for the Second Circuit (The Civil Appeals Management Plan), and served as an original member of FutureLinks Inc., working in South Africa with youth leaders from all backgrounds to conduct workshops in non-violent social change, conflict resolution, and community development.

JOHN H. WILKINSON, ESQ.

Fulton Vittoria, LLP—Of Counsel

Profession

Attorney

Work History

Of Counsel, Fulton Vittoria, LLP, 1998-present. Partner/Associate, Donovan Leisure Newton & Irvine, 1968-98; Clerk, Honorable Walter R. Mansfield, Southern District of New York, 1966-67.

Professional Background And Experience, General



As a trial attorney, litigator and partner at Donovan Leisure Newton for more than 25 years, he represented clients in numerous arbitrations, mediations, and trials of complex corporate disputes.

He serves on the panels of neutrals of the American Arbitration Association; the International Centre for Dispute Resolution; CPR Institute for Conflict Prevention and Resolution (National and International Panels of Distinguished Neutrals); Hong Kong International Arbitration Centre; and Kuala Lumpur Regional Centre for Arbitration.

Wilkinson has been recognized in a number of well known publications, including:

- **Best Lawyers in America, 2015.**
- **Super Lawyers, NY Times Magazine, 2015.**
- **New York Area's Best Lawyers, NY Magazine, 2015.**
- **Marquis, Who's Who in the World; Who's Who in America, 2015.**
- **Wall Street Journal, Best Lawyers in New York City, Nov. 15, 2015.**
- **American Registry, America's Most Honored Professionals, (Top 1%) 2015.**
- **American Lawyer, Top Lawyers, 2015.**
- **2016 Lifetime Achievement Award, American College of Civil Trial Mediators.**
- **American Arbitration Association, Master Mediator (1 of 9 in New York State).**

- ACQ Global Awards, U.S., Independent ADR Adviser of the Year, 2017.
- Albert Nelson Marquis Lifetime Achievement Award (Who's Who), 2017.

Specific Experience in Arbitration, Mediation, & Alternative Dispute Resolution

Professional Licenses Admitted to the Bar: New York, 1965; U.S. District Courts, Southern and Eastern Districts of New York (1968); U.S. Court of Appeals: Second (1981), Eleventh (1982), Third (1984), Fifth (1987) and Seventh (1990) Circuits.

Professional Associations Wilkinson is a member of the ABA, the NYC Bar Ass'n and the N.Y. State Bar Ass'n and, in addition, serves or has served as:

- Fellow, Board of Directors, College of Commercial Arbitrators (current).
- Vice Chair, ABA Arbitration Committee (2012-13).
- Chair of the Dispute Resolution Section of the NY State Bar Ass'n ("NYSB DRS") (2013-2014).
- Executive Committee of the NYSB DRS (2008 to present).
- Co-Chair, Arbitration Committee, NYSB DRS (2010-12).
- Co-Chair, Mediation Committee, NYSB DRS (2008-10 and current).
- Member, National Academy of Distinguished Neutrals (2012-13).
- Member of the Board of Directors of the NY International Arbitration Center (2013-15).
- Special Master, Appellate Division, First Department, NY.

Education Williams College (BA-1962); Fordham Law School (LLB-1965); Note Editor, Law Review; Awards for highest grades in eight separate law school courses.

Publications and Speaking Engagements Wilkinson is co-author and editor of the ADR Practice Book (John Wiley & Sons), which received an award and honorarium as the best dispute resolution book of the year. In addition, he has authored numerous publications on arbitration and mediation, including the following, among many others



Arbitration Discovery—Getting It Right, ABA Dispute Resolution Journal, Fall 2014

Lead article in the ABA Dispute Resolution Journal, Fall 2014 and was one of a few articles selected by the ABA for reprinting in GP Solo (best ABA articles of the year). The article cites liberally to the New York State Bar Association's Guidelines for the Arbitrator's Conduct of the Pre-Hearing Phase of Domestic, Commercial and International Arbitrations, of which I am a co-author. Click [HERE](#) to view the Guidelines.

Cover Story, *Raising the Bar*, Worldwide Law Review, Feb. 2017. Click [HERE](#).

- Co-Author, NYS Bar Ass'n, Guidelines for the Arbitrator's Conduct of the Pre-Hearing Phase of Domestic and International Commercial Arbitrations, Nov. 2011.
- Co-Author, College of Commercial Arbitrators, Guide to Best Practices in Commercial Arbitration (2d ed. 2010).
- Arbitration Tools, Increasing Efficiency Through Discovery Protocols, Alternatives to the High Cost of Litigation, March 2010.
- Arbitration Contract Clauses, a Potential Key to a Cost-Effective Process, ABA Dispute Resolution Magazine, Fall 2009.
- Arbitration Contract Clauses, GPSOLO (The Best Articles Published by the ABA),

March 2010.

- ***The Future of Arbitration, Striking a Balance Between Quick Justice and Fair Resolution of Complex Claims***, BNA, Inc., April 21, 2008.
- ***Streamlining Arbitration of the Complex Case***, Dispute Resolution Journal, August 2000.
- ***Book Review, Arbitration and the Constitution, ABA Dispute Resolution Magazine, Summer 2013.***

Wilkinson is a frequent speaker on arbitration and mediation to professional and bar organizations, corporate legal departments, and law school classes, as well as to groups such as the legal department of the Navy.

Citizenship United States of America.

Locale New York, NY

Jeffrey T. Zaino



**American Arbitration Association
New York, NY**

Vice President of the Labor, Employment and Elections Division of the American Arbitration Association in New York. He oversees the operations, business development and panel of arbitrators for the Labor and Employment Arbitration caseloads in New York. He joined the Association in 1990. Mr. Zaino is dedicated to promoting ADR methods and neutral election services for our nation's unions, associations, corporations, and colleges. His professional affiliations include the Connecticut Bar Association, District of Columbia Bar Association, New York State Bar Association, and New York City Bar Association. He has also written and published extensively on the topic of election reform and has appeared on CNN, MSNBC, and Bloomberg to discuss reform efforts and the Help America Vote Act.

Western New England University School of Law