



AAA Mediation.org™

**FN-10895 MN-10895 LN-10895, Esq.**

**New York, New York**



**Current Employer-Title** SingerADR Neutral Services – Founder

**Professional Summary** Served as independent arbitrator and mediator for more than 30 years, handling a wide range of domestic and international cases arising from business partnerships and transactions, commercial disputes, executive employment contracts, healthcare matters, real estate transactions, and employment discrimination and breach of covenants -- similar to cases handled during 37-year career as a civil litigator, including 28 years as a trial partner at Dorsey & Whitney LLP. Recognized in the field by Best Lawyers in America for Arbitration, Mediation and International Commercial Arbitration, and SuperLawyers for Alternate Dispute Resolution. Treatise, *Arbitrating Commercial Disputes in the United States* (2d Edition), David C. Singer (2020 PLI).

**Profession** Independent Neutral, Arbitrator, Mediator, and Early Neutral Evaluator Attorney

**Work History** SingerADR Neutral Services, 2018 – Present; Partner (1990 – 2017)/Associate (1988 – 1989), Dorsey & Whitney LLP, 1988 – 2017; Associate, Delson & Gordon LLP, 1980 – 1987.

**Experience** For 37 years, practiced law as a civil trial attorney and trusted advisor to large and small businesses and individuals, specializing in commercial, business, employment, real estate and international matters before federal and state courts, government agencies, arbitration tribunals and mediation forums.

**Commercial/Business:**

Lead trial counsel for (a) major manufacturer and distributor defending breach of contract and unfair trade practices claims in Massachusetts federal court (jury verdict for client and award of counterclaims); (b) national tax services provider defending fraud and breach of contract claims in New Jersey State Court (jury verdict for client); (c) Liquidator of financial assets in Hong Kong defending breach of ISDA Master Agreement in New York federal court (favorably settled); (d) investment consultant defending breach of commodities contract, fiduciary duty, securities and commodities-related claims (partial summary judgment granted, affirmed on appeal, successful bench trial of remaining claims).

**International:**

Lead arbitration counsel for (a) Brazilian technology company in Stockholm Chamber of Commerce

arbitration, defending claims brought by Chinese entity of failure to produce high-tech sensors that conformed to specifications and asserting counterclaims for theft of computer software and related technology (following evidentiary hearing in London, favorable defense of claims and award of counterclaims); (b) British pension fund in ICC arbitration, defending claims of breach of stock purchase agreement involving sale of hotel and office complex (favorably settled); (c) professional Dutch photographer in AAA arbitration, defending claims brought by talent management company concerning contract termination and penalties (favorably settled). Lead trial counsel for owner of Argentinian jet aircraft distributor, defending claims brought by prior owner of interference with contract and related claims (following three-week trial in New Jersey State Court, decision in favor of client).

#### Real Estate & Construction:

Lead arbitration counsel for (a) United Nations Mission in AAA arbitration, defending claims brought by general contractor against sub-contractor, architect and client/owner in construction dispute (after 22 days of evidentiary hearing, settled for nominal amount); (b) real estate developers in AAA arbitration, defending claims of fraud and seeking constructive trust and valuation of real property (following evidentiary hearing, award in favor of client); (c) partners in real estate management and development partnership in AAA arbitration, involving valuation and buy-out of third partner (following evidentiary hearing, award in favor of client). Lead trial counsel for (a) real estate developer in partnership dissolution action (following trial involving valuation of real estate, decision in favor of clients); (b) tenant defending commercial eviction dispute (following trial, decision in favor of client).

#### Healthcare/Pharmaceutical:

Lead counsel for (a) pharmaceutical company conducting clinical drug trials; (b) medical practices.

#### Employment and Restrictive Covenants:

Lead trial counsel for major electronics manufacturer and distributor defending (a) employment discrimination, whistleblower, retaliation and unlawful termination claims in Michigan federal court (summary judgment in favor of client); (b) age discrimination claims before NYS Division of Human Rights (decision in favor of client); (c) employment discrimination cases involving age, race, national origin, gender, disability, sexual harassment, sexual orientation. Lead trial counsel for major reinsurance company, defending claims brought by competitor of breach of restrictive covenants, confidentiality agreements and fiduciary duty, tortious interference with contract (summary judgment in favor of client; affirmed on appeal).

## **Mediator Experience**

Served as mediator for 30 years in hundreds of business disputes involving business contracts, executive employment agreements, post-transaction obligations, non-payment and failure to provide services or conforming product. Disputes have arisen in financial services, manufacturing, distribution and retail sales, construction, business equipment and consumer products, and religious institutions. Able to analyze and assess strengths and weaknesses of parties' positions and establish rapport and credibility with the parties. Persistent in efforts to get matters resolved. Extremely high success rate.

## **Representative Issues Handled as a Mediator**

Representative mediations handled include:

Domestic:

Complex business contracts.

Breach of executive employment agreements among financial institutions/other businesses and former employees.

Supplier and purchaser of computer technology products for non-conformance and non-payment.

Religious institution and former catering and restaurant vendor.

Real estate owner/developer and consultant/broker concerning services rendered and entitlement to commissions.

Buyers and sellers of products for failure to provide conforming goods.

Law firm and former partners concerning money owed under partnership agreements.

Financial institution and individual investors regarding investment advice.

Buyers and sellers of businesses involving breach of reps and warranties, post-closing obligations.

Claims among EEOC, retail employer, former employees and ethnic based community rights organization.

Employment discrimination claims based on age, race, gender, disability, sexual harassment, whistleblower.

Violation of restrictive covenants and other post-employment termination obligations.  
Insurance claims arising from Superstorm Sandy.  
Multiple partnerships and individuals involving breach of contract, fraud and unfair competition.  
Claims among former employer, current employer and employee involving breach of restrictive covenants.  
Claims among investors, developers and owners of property concerning development of resort property.

**International:**

Claims among multiple family members based in United States, England and Israel involving breach of contract and fraud claims concerning extensive real estate holdings in each location.  
Claims among Canadian financial services partnership and US based partner and former CFO involving breach of contract, non-payment of partnership interest, faithless servant claims.  
Claims among Canadian airline and US based airplane leasing company involving contract interpretation and breach of contract claims.  
Claims among multi-national members of limited liability company in gaming industry involving breach of contract, tortious interference and violation of IP rights.

**Mediator Style & Process Preferences**

I approach each mediation fully prepared. I receive pre-mediation statements and critical documents in advance of the mediation session. I carefully review all documents and the pre-mediation statements to learn all I can about the dispute prior to the mediation session. I typically speak with all sides prior to the mediation session, to make certain that the parties have the documents and information that they need for a productive mediation session, and discuss the issues raised in the matter and ask questions based on my review of the documents and pre-mediation statements. That way, we avoid wasting time at the mediation session and, instead, we can hit the ground running.

With input from the parties, I customize the mediation session for each case. Each mediation begins with a joint session, in which I explain how the mediation generally will proceed, my neutrality, confidentiality, voluntariness of the process, good faith, and other issues. I then invite the parties, if they wish, to summarize the nature of the dispute from their perspectives. Then, if the parties are willing, I conduct a joint session that assists the parties move toward resolution. I always maintain a respectful and constructive mediation environment when the parties and counsel are together.

In virtually all mediations, the parties wish to separate into caucuses and meet with me privately. During caucus, I encourage a full airing of positions, issues, and interests. I respect party autonomy in mediation and share my views of the respective parties' positions when requested or when it appears that it will assist with resolution. I typically am asked to evaluate the strengths and weaknesses of the parties in private caucus, and I am prepared to do so. I strictly maintain party confidences when in caucus. I will only disclose information to the other side upon the express authorization of the party that discloses the information to me.

I have extensive management experience and promote economies and efficiencies throughout the mediation process. I am persistent and continue to follow up after the mediation session if the case does not resolve on the first day. My efforts have led over time to an extremely high settlement rate.

Finally, I have extensive experience handling mediation sessions remotely, primarily using the online Zoom platform, including caucuses with multiple parties.

**Technology Proficiency**

Proficient in the use of technology. Conducted numerous evidentiary hearings and mediations remotely using Zoom online platform. Comfortable running the Zoom function and conducting remote proceedings.

Experience with ESI and other technical matters that arise during arbitration and mediation.

**Education**

New York University School of Law (JD, Moot Court Advocacy Award, Moot Court Board-1980);  
University of Pennsylvania (BA, magna cum laude-1976).

**Professional Licenses**

Admitted to the Bar: New York (1981), New Jersey (1982); U.S. District Court: Southern (1982), Eastern (1982), Northern (2013), and Western (2016) Districts of New York, District of New Jersey (1982), Eastern District of Michigan (2004); U.S. Court of Appeals, Second Circuit (1989).

**Professional Associations**

Fellow, Chartered Institute of Arbitrators; Fellow, College of Commercial Arbitrators; Board

member, College of Commercial Arbitrators; Certified Mediator, International Mediation Institute (IMI); Charter Member, National Academy of Distinguished Neutrals (NADN); Fellow, American Bar Foundation (2017-Present); Board Member, The New York Bar Foundation (2019-Present); Fellow, The New York Bar Foundation (2017-Present); Board Member, New York International Arbitration Center (2018-2019); Chair, New York State Bar Association Dispute Resolution Section (1,500-2,000 members)(2015-2016), DRS Chair-Elect (2014-2015), DRS Vice Chair (2013-2014); Co-Chair, DRS Ethics Committee (2020-Present); Co-Chair, DRS Mediation Committee (2011-2014); Member, DRS Executive Committee (2011-Present); Member, NYSBA House of Delegates (2016-2020); Member, NYSBA Dispute Resolution, ComFed and L&E Sections; Member, New York City Bar Association Arbitration/alternative Dispute Resolution Committees (2020-Present); Member, International Arbitration Club of New York (2019-Present); Member, American Bar Association Dispute Resolution Section; Member, Arbitrator and Mediator Panels of American Arbitration Association (AAA); Member, Arbitrator and Mediator Panels of International Center for Dispute Resolution (ICDR); Member, Distinguished Panel of International Institute for Conflict Prevention & Resolution (CPR); Court Appointed Mediator, U.S. District Courts for Southern and Eastern Districts of New York; Court Appointed Mediator, Commercial Division of New York State Supreme Court; Court Appointed Arbitrator, New York City Civil Court.

## Recent Publications & Speaking Engagements

### Writings:

Editor and Co-Author, Treatise, Arbitrating Commercial Disputes in the United States, 2d Edition (Practicing Law Institute 2020)

Editor and Co-Author, Treatise, Arbitrating Commercial Disputes in the United States (Practicing Law Institute 2018)

Contributing Author, Treatise, ADR in Employment Law (BNA Bloomberg 2015, 2d Edition 2017)

"Sanctions in Commercial Arbitration" New York Law Journal, 2022

"Commercial Arbitration is Alive and Well in New York" New York Law Journal, 2021

"Arbitration's Advantages Make it a Superior Solution" Law360, 2021

"Conducting the Evidentiary Hearing Remotely" New York Dispute Resolution Lawyer, A Publication of the Dispute Resolution Section of the New York State Bar Association, 2020

"Arbitration Privacy and Confidentiality in the Age of (Coronavirus) Technology" Alternatives to the High Cost of Litigation, The Newsletter of the International Institute for Conflict Prevention and Resolution, 2020

"Arbitration in New Jersey: Is It Always Confidential" The New Jersey Lawyer, 2020

"Arbitration in New Jersey: Is It Always Confidential" New Jersey Law Journal, 2020

"Making it Final: The Elements of a Tribunal's Award" Alternatives to the High Cost of Litigation, The Newsletter of the International Institute for Conflict Prevention and Resolution, 2019

"Sorting it Out: Partial, Final, Interim and Consent Awards" Alternatives to the High Cost of Litigation, The Newsletter of the International Institute for Conflict Prevention and Resolution, 2019

"Arbitration in New York: Is It Always Confidential" New York Law Journal, 2019.

"First in the Nation Right to Counsel Law for Low-Income Tenants in NYC" New York Law Journal, 2017.

"NYC Human Rights Law Prohibits Inquiries About Past Pay" New York Law Journal, 2017.

"New Legal Rights for Freelancers" New York Law Journal, 2017.

"Task Force Develops Mediation Program Proposal" New York Law Journal, 2016.

"Rescission of Settlement Agreements: Rare but Possible" New York Law Journal, 2015.

"Exploring Duty of Good Faith in Mediation Proceedings" New York Law Journal, 2011.

"Arbitrator Impartiality and the Duty to Disclose" New York Law Journal, 2011.

"The Duty of Good Faith in Mediation Proceedings" New York Law Journal, 2010.

"Protected Activity under Title VII Retaliation Claims" New York Law Journal, 2004.

### Selected Speaking Engagements:

- Sanctions in Arbitration (NYSBA DRS 2023)
- The Preliminary Hearing (ABA DRS Arbitration Training Institute 2023)
- Ethics Issues in ADR (NYSBA DRS 2023, 2024)
- The Arbitration Award (PLI 2023)
- Ethics in Arbitration (MyLaw 2023)
- Cutting Edge Issues in Arbitration (Annual Symposium, New York Law School, 2019, 2020, 2021, 2022, 2023, 2024)
- Arbitration Training (Annual Cardozo Law School and NYSBA Arbitration Training, 2011, 2012, 2014, 2015, 2017, 2018, 2019, 2021, 2022, 2023)
- Arbitration Ethics (Arbitration Symposium, Fordham School of Law 2019, 2020, 2021)
- Expedited Processes in Dispute Resolution (International Institute for Conflict Prevention and

- Resolution, 2020)
- Arbitration Ethics (NYSBA DRS, 2020, 2021)
- ESI in Arbitration (NYSBA Arbitration Training 2020)
- Conducting a Virtual Evidentiary Hearing in Arbitration (NYSBA DRS 2020)
- Arbitration Ethics (PLI 2020)
- Privacy and Confidentiality in Arbitration (PLI 2020)
- Top 10 Tips for Arbitrating Commercial Disputes (PLI 2019)
- Setting the Stage for a Successful Arbitration (ABA DRS Arbitration Training Institute 2019)
- What do In-House Counsel Really Want from Mediators (ABA DRS Annual Meeting 2019)
- Cutting Edge Issues in Employment Arbitration (Dorsey & Whitney Symposium 2019)
- Comparisons of Commercial and Employment Law (CCA 2018)
- The Arbitration Hearing, Best Practices (ABA 2016)
- Best Practices in Arbitration and Mediation (NYS Chamber of Commerce 2015)
- Arbitration: The Preliminary Hearing (AAA Webinar 2014)

<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	New York City
<b>Mediation Rate</b>	\$750 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	New York, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.