



AAA Mediation.org™

**FN-12408 MN-12408 LN-12408, Esq.**

**New York, New York**



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| <b>Current Employer-Title</b> | De Barbieri & Associates – Full time Neutral, Arbitrator and Mediator and Fact-finder.<br><br>Available for matters in person nationally and internationally.  |
| <b>Profession</b>             | Full-time Commercial Arbitrator, Mediator; International Trade Consultant; Business and Real Estate Developer, Attorney at Law   |
| <b>Work History</b>           | Retired Partner, De Barbieri & Associates Attorneys and Counsellors at Law LLC; Of Counsel, Zangari, Cohn, Cuthbertson, Duhl and Grello PC, 2015 – Present; Adjunct Professor, Quinnipiac Law School, 2018 – Present; Private ADR Practice, 1988 – Present; Partner, Schine Julianelle & De Barbieri, 1989 – 1994; Partner, CO.GE.PA S.r.L (Turin, Italy), 1988 – 1994; President, Chevron Ties International, 1983 – 1984.  |
| <b>Experience</b>             | Fifty years of experience primarily engaged in a business law practice in, Connecticut, New York, and Massachusetts including, but not limited to bankruptcy, workers' compensation, real estate, foreclosure, consumer, franchise, probate and estates, creditor's rights, business law, real estate development, contract default disputes, foreclosures, employment disputes, contract enforcement, asset recovery, divorce and family law, landlord/tenant matters, leasing, zoning and land use, salvage and admiralty, and environmental compliance. Represented real estate developers in matters valued up to \$100 million. Represented city governments and is a legal consultant for European companies. Experience also includes representation of commercial and consumer clients before State and Federal Public Utility Control, Transportation, and various administrative agencies. As investor, experienced in real estate development, housing, and construction law matters. Former Connecticut worker' compensation commissioner at large. Small claims hearing judge in over 300 cases between 1977 and 1993. Member of the Governor's Housing Task Force. Designed and built State Plaza office building in New Haven Connecticut 1988. Adjunct Professor, Quinnipiac Law School. |
| <b>Mediator Experience</b>    | Mediation expertise includes: real estate, foreclosure, consumer, franchise, probate and estates, creditor's rights, business law, real estate development, contract default, asset recovery, divorce and family law, landlord tenant, leasing, zoning and land use, salvage and admiralty.<br><br>Mediated over a dozen Storm Sandy disputes concerning insurance claims of storm damage (2013).  |

Mediated disputes in the Small Claims Court in the State of Connecticut among consumers and businesses in over 300 cases (1985-1995).

Mediated Workers' Compensation claims as a Commissioner at large for the State of Connecticut (1992-1994).

Mediated National franchise company disputes with Franchisees, Partner disputes in Real Estate Developments, \$950,000.000 indoor Ski slope project. (2021)

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

Most recently mediated a dispute between an English company and a US company concerning franchise of indoor ski area, entertainment facility and technology licensing to the value of \$950,000,000.00.

Mediated \$10,000,000.00 limited partnership dispute involving real estate investment between a New York and Connecticut investor resulting in resolution.

Also, mediated a \$1,500,000.00 husband and wife property dispute, after divorce, wherein a court ordered arbitration to divide all jointly held assets.

Mediated to settlement a dispute among New York real estate brokerage partners in a major New York City wide company leading to a multi million dollar resolution among the partners.

## **Mediator Style & Process Preferences**

I believe that dispute resolution by mediation of business and property disputes is far and away the best process and the most advantageous for individuals and companies to resolve their differences. I believe parties need to move on to continued bottom line profit in the face of predictable events of disputes arising because of the failings of human nature. The process is best applied when mediators allow the parties to craft and design their own route to a settlement, within their abilities to adjust, concede, and seek business and personal homeostasis. The failure of mediation leads to a more expensive and destructive outcome presenting larger financial burdens and loss of profits to the parties. The time factor in resolving disputes in this current economy dictates that immediacy and certainty far exceeds correctness.

I am skilled at bringing parties together to understand their own contributions to the problem and to understand the opposing parties positions. Thereafter, I work to allow the parties to construct and be responsible for the outcome which they then can accept and comply with as owners of the final decision.

## **Education**

Cleveland State University, Cleveland Marshall College of Law (JD-1972); Mount St. Mary's University (BS-1969).

## **Professional Licenses**

Admitted to the Bar: Connecticut, 1973; U.S. District Court: District of Connecticut, 1973; U.S. Supreme Court, 1977.

Licensed Real Estate Agent: Connecticut, 1982.

## **Professional Associations**

The College of Commercial Arbitrators (Director and Fellow); Chartered Institute of Arbitrators; American Bar Association; Connecticut Bar Association (Section on ADR, Past Chair), Chartered Institute of Arbitrators, London, National Italian American Bar Association, AAA national panel of Mediators.

## **Recent Publications & Speaking Engagements**

Presenter, CT Bar Association Annual CLE "Exploring the Dispute Resolution Tool Box", June 13 2022; CT Lawyer Magazine, March 2020, "How Courtroom Attorneys Can Flourish In Arbitration". CT Lawyer Magazine, September 2018, "The New CT Revised Uniform Arbitration Act". Presenter, ADR Section CBA, "Advocacy in Pre Hearing Conferences, September 27, 2017; "Presenter, Ct Bar Institute, " Managing an Arbitration", June 12, 2017; Presenter, "Advocacy Skills in Arbitration", CT Bar Institute, June 11th 2016: Presenter, "Drafting Arbitration Clauses", Presenter, "Drafting Arbitration Clauses", Baker Hostetler, New York City, June 2013; Presenter, "CCA/Tenn Bar Assoc.CLE "Drafting the Arbitration process you want and Need", November 2012; Presenter, "Arbitration of Family Law Matters", CT Bar CLE program, May 2012; Presenter, "Drafting and Implementing Modern ADR Clauses: How Business Lawyers and

Litigators Together Can Get Better Results When a Deal Goes Bad", CT Bar CLE program, March, 2012; Presenter, "Mediation and Arbitration Advocacy for the Family Lawyer: The Basics", CT Bar CLE program, December 2011; Speaker, "Employing Dispute Resolution Clauses", at the NACVA CPE program, November 2011; Presenter, "Lower Cost Arbitration" CT Bar CLE program, Greenwich, CT., May 2011; Speaker, "The CCA Protocols: Making Arbitration less expensive and more effective," Connecticut Bar Association Annual Meeting, June 2010; Presenter, "ADR 101," CT Bar Association/CLE program, Sept. 2010; Presenter, "Managing Your First Arbitration," CCA/AAA/JAMS, Connecticut Bar Association CLE, May 2010; speaker, "Disclosure Practice," Connecticut Bar Association, Section on Dispute Resolution, 2009; Lead Presenter, "Ethics of Disclosure," ADR Center Advanced Arbitrator Training Seminar, 2008 and 2009; Lead Presenter, "Arbitrator Insight, 20-20 Case Management Interactive Seminar," ADR Center, New Britain, CT 2009; Faculty/trainer, General Commercial Arbitrator Training, ADR Center, 2007, 2008, 2009,2010 and 2011.

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| <b>Locations Where Parties Will Not be Charged for Travel Expenses</b> | New York City, NY<br>Boston, MA |
| <b>Mediation Rate</b>  | \$5,000 Per Day                 |
| <b>Languages</b>   | English, Italian                |
| <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.