



AAA Mediation.org™

**FN-14033 MN-14033 LN-14033, Esq.**

**New York, New York**



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**Current Employer-Title** Michael Walsh ADR - Principal

**Panelist Video** <https://www.adr.org/videoresume?paramName=272767958>

**Professional Summary** Have been AV (Highest) Rated by Martindale Hubbell since 1995 and designated as a New York "Super Lawyer" in Alternative Dispute Resolution.

As a former advocate in arbitration and litigation have developed an appreciation of the amount of work necessary to properly prepare for and present a case in arbitration as well as the importance of the outcome to the Parties; a knowledgeable and prepared arbitrator is therefore a requirement.

Also have a strong belief in the advantages of arbitration and/or mediation over litigation as well as a commitment to helping the Parties agree on procedures that best fit their case in order for the process to run as fairly and efficiently as possible.

**Profession** Attorney, Arbitrator, Mediator

**Work History** Principal, Michael Walsh ADR, 2014-Present; Founder and Principal, Boundas, Skarzynski, Walsh & Black, 2003-2014; Partner and Member of Executive Committee, Peterson & Ross, 2000-2003; Founder and Partner, Walsh & Sheehan, LLP, 1996-2000; Heidell, Pittoni, Partner, 1989-1996; Assistant General Counsel and Officer of Skandia American Reinsurance Corporation, 1984-1988; Associate, Martin, Clearwater & Bell, 1979-1984.

**Experience** Over 40 years of experience as either a litigator, arbitrator or mediator in a wide range of domestic and international disputes involving: insurance and reinsurance commercial; corporate; employment; professional liability; partnerships; claims of malpractice against attorneys, accountants (including public company and SEC Issues), insurance brokers and agents, real estate professionals, actuaries, hospitals and physicians, as well as directors and officers.

Litigated and arbitrated attorney and accountant malpractice cases based upon multiple underlying issues including: real estate transactions, Labor Union representation, retirement issues, securities

law, commercial litigation, insurance coverage, tax and IRS issues, zoning, labor law, ERISA, RICO, personal injury, escrow conversion, and labor union disability claims.

Experienced in evaluating personal injury damages and exposure as a result of medical malpractice defense of NYC Hospitals and physicians

Also experienced in:

Clergy sexual misconduct cases and recoveries First Amendment issues including published defamation, personal injury and premises liability, employment discrimination, RICO Claims;

Privileged to successfully represent the Estate (and grandchildren and 13 great grandchildren) of Martin Ramirez, a recognized art world master in a high profile action to recover compensation and other rights related to the artist's work from museums, auction houses, art galleries, and other art collectors; over 200 pieces recovered, with some selling for over \$400,000; Mr. Ramirez was a self taught Mexican artist whose work was created while confined to California state institutions from 1930-1963. He has been described by the New York Times as one of the greatest artists of the 20th century.

Product liability cases involving elevators, computer keyboards, medical devices, HVAC, fire helmets, asbestos;

Professional sports related issues including National Hockey League concussion litigation, representation of the Ladies Professional Golf Association, golf product manufacturers and distributors as well as season ticket and Luxury Box Disputes;

Litigation involving furriers, warehousing issues, maritime, trademark infringement and arson; Insurance agency/brokerage issues, claims management practices, MGAs, TPAs, SIR issues, property/casualty (CGL), accident, life/health, disability, ERISA, Errors and Omissions, Directors and Officers, Fidelity and Surety, workers compensation, title, fire and water damage, claims arising out of 9/11 attacks, excess and reinsurance contract and treaty disputes.

## **Mediator Experience**

Served as mediator in over 80 mediations involving: commercial disputes, professional liability (malpractice) matters involving attorneys, accountants and insurance brokers, insurance coverage disputes in both property and casualty and healthcare, sports arena luxury box leasing, payment for architecture plans on large scale ( \$300 million) commercial development, issues regarding search firm representation and fee responsibility, Healthcare Billing Disputes between hospital networks and medical insurance providers, Accounting malpractice claims including business valuation, public offering issues and audits.

Also served as mediator in numerous legal malpractice matters including contract drafting, representation on pension and retirement rights, effects upon partnership dissolutions, personal injury claims as well as trusts and estates issues.

Served as advocate in mediations involving law firm partnership issues, insurance and reinsurance coverage disputes, personal injury claims as well as real estate ownership/leasing involving shopping malls.

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

Commercial contract issues involving leasing of sports arena suites including claims in excess of \$1 million for failure to fulfill lease obligation.

Legal malpractice matters involving commercial representation on contract drafting of airport lounge agreement with claimed damages over \$2 million.

ERISA Matters

Litigation over the Ownership of Artwork of Yoko Ono.

Personal Injury Claims ranging in value from \$25,000 to \$5 million.

Dispute over payment for architecture plans on large scale commercial development and issues regarding search firm representation and merger of the parties involved in the initial search. Plaintiff search firm sought in excess of \$40 million based upon quantum meruit theories.

Healthcare Billing Disputes

Joint Venture and contract termination issues resulting from takeovers

Legal malpractice matters based upon claims of mishandling of pension and disability benefits of public officials as well as Real Estate Title issues.

Accounting malpractice action based upon improper valuation of acquired Corporation.

Workers Compensation rating and contract interpretation

Action for dissolution of a well known NYC Bar/Restaurant and ownership of Trademark of Bar Name; action resulted from conflict between owners of LLC, including "Celebrity Bartender."

Disputes over Property and Business Interruption Coverage as a result of Superstorm Sandy.

**Mediator Style & Process Preferences** Strong belief in convincing the parties that the mediation experience is not one of "competition" in attempting to work out a reasonable solution and avoiding costs of further litigation. While aware that some cases cannot be successfully mediated, I am extremely persistent and will attempt to facilitate a solution until all reasonable avenues have been explored. I have had success in mediation as a party advocate and mediator and firmly believe the process can work if both sides are in relatively good faith in approaching the process.

**Technology Proficiency** Have conducted numerous arbitrations and mediations while hosting on Zoom platform.

**Education** St. John's University (JD); University of Notre Dame (AB)

**Professional Licenses** Admitted to the Bar: New York (1980); U.S. District Court: Southern and Eastern Districts of New York (1980).

**Professional Associations** New York State Bar Association (Alternative Dispute Resolution Section); Professional Liability Underwriting Society; American Bar Association (Litigation Section, Alternative Dispute Resolution Section); ARIAS US (Law Committee Member); National Institute for Trial Advocacy; Yale University Panel of Judges for National Advocacy Competition; Westchester County Bar Association (Co-Chair ADR Section).

**Recent Publications & Speaking Engagements** Faculty Member, Cardozo/State Bar 2023 Commercial Arbitration Training; Panelist, AAA Program "Tough Calls and Recurrent Issues in Arbitration: Solutions From Experts 2022; Faculty, New York State Bar Association Commercial Arbitration Training, 2021; Judge, ABA /Fordham Law School Negotiation Competition 2020, Judge William C. Vis International Arbitration Competition, Fordham Law School, 2017/18, Guest Professor, New York Law School Arbitration Training Program 2017/18/19, Panelist, NYSBA "Advantages of Mediation in Resolving Wills, Trusts Estates and Adult Guardianship Matters 2018; Judge, Joint NY State Bar Association and AAA Judith S Kaye Arbitration Competition 2017/18; Judge, Yale University National Trial Competition 2014/15/16, Judge/Umpire- Fordham Law School - American Bar Association National Law School Arbitration Competition, 2014; Moderator, "Reinsurance Claims and Loss Management," RAA, 2009; Summary of ALS v. AGM Marine Constructors, ARIAS-US, 2008; Summary of Reliance v. Raybestos, ARIAS-US, 2008; Special Editor, Commutations, AIRROC Matters, Summer 2007; Moderator, "A Roundtable Discussion: The Dynamics of the Commutation Process Examined through Multiple Lenses," AIRROC Matters, Summer 2007; moderator, "Reinsurance Claims and Collections," American Conference Institute, 2003; "How Far is the Reinsurer Required to Follow the Fortunes of its Reinsured?," American Conference Institute, 2002; "Non-Profit Directors and Officers Liability Issues," Professional Liability Underwriting Society National Convention, 1995; "Why Not Arbitrate Coverage Disputes, The Review," 1987; Co-author, "Reinsurance Aspects of the Model Holding Company Act," American Bar Association Tort and Insurance Practice Session, 1987; "Under the Volcano - 1987 NAII Issues."

**Mediation Rate** \$575 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.