



AAA Mediation.org™

**FN-1554861 MN-1554861 LN-1554861,
Esq.**

Chevy Chase, Maryland



Current Employer-Title LUX ADR, LLC - Founder and Principal
Georgetown University School of Medicine - Adjunct Assistant Professor - Biochemistry and Molecular & Cellular Biology – Intellectual Property

Professional Summary More than 40 years of arbitration and mediation experience in Large Complex and multi-million dollar disputes as AAA Panel Chair, Panel Member, Sole Arbitrator, and Mediator. General counsel of biotech R&D company for 14 years. Adjunct professor, Georgetown University School of Medicine -- intellectual property, licensing and business law. Practice covered complex US and international commercial transactions and business litigation for pharmaceutical, biotechnology and medical device companies, information technology providers, software and hardware developers, and chemical manufacturers. Clients included US and international commercial banks, insurance companies, and financial services firms.

Profession Arbitrator, Mediator; Educator

Work History Founder and Principal, LUX ADR, LLC, 2021-present; Assistant Professor, Georgetown University School of Medicine, 2002-present; Stockholder, Paley Rothman Goldstein Rosenberg Eig & Cooper Chartered, 2004-2021; Partner, Gardner Carton & Douglas LLP, 2000-2004; Partner, Ross & Hardies, 1998-2000; Partner, Hadley & House LLP, 1976-1998; Associate, Fly Schubruk Blume & Gaguine, 1972-1976.

Experience Over 40 years of US and international commercial transactions and commercial business litigation involving Fortune 100 companies, federal and state agencies, small businesses, and individuals. Practice includes pharmaceutical, biotechnology and medical devices, information technology, chemical manufacturing, commercial banking and financial services, software and hardware - both in the US and internationally. Former general counsel of biotech R&D partnership for 14 years, handling all licensing and business transactions including merger and acquisition and international transactions. Adjunct assistant professor, Georgetown University School of Medicine -- intellectual property, licensing and business law. Former outside general counsel of US subsidiary of major European insurance company. In the IT sector, has represented software, computer, video gaming and app developers, government contractors, systems developers and integrators, cable, telephony and Internet provider companies for more than 40 years. During that time, has negotiated and

prepared software development agreements, service level agreements, systems integration agreements and similar technology transactions for software development companies including government contractors, and US and international companies. Has written and negotiated numerous pharmaceutical/biotechnology/medical device licenses, development and manufacturing agreements, tolling and supply agreements for chemical manufactures, and other science and technology-driven agreements. As a litigator, mediator and arbitrator, has handled over 100 commercial litigation cases and briefed and argued numerous appellate cases on a wide variety of topics, including multi-million dollar disputes involving trade secrets, patent infringement, defense contractor performance, prime-subcontractor disputes, minority shareholder interests and hostile takeovers, merger disputes, purchase price adjustments, financing guarantees, non-competition and non-solicitation, franchisor-franchisee disputes, insurance coverage, and commercial contracts. Represented financial institutions and commercial claimants in workouts and litigation relating to loan agreements, real estate and lending transactions for construction and commercial projects, domestic and international letters of credit, UCC issues, asset backed securitization, and perfection of interests in collateral and lender liability claims. Drafted numerous employment and non-competition agreements, and litigated or arbitrated employment, member, and shareholder disputes.

Mediator Experience

Served as mediator in biopharmaceutical, biotechnology, and information technology contract and license disputes, confidentiality agreements and misappropriation of trade secrets, contract disputes involving breach of contract claims between businesses, claims involving government contractors, building contractors, and employment claims, disputes between owners over business breakups, trust fund disputes and divisions of real property. Cases involving loan agreements, franchise agreements, and insurance coverage.

Representative Issues Handled as a Mediator

Technology and biotechnology contract disputes related to failure of performance to specifications, claims involving failure of pharmaceutical drug development, scope of exclusive supply agreement, claims of fraud, faulty software design, and faulty design and construction of commercial real estate. Business valuation upon dissolution of company and disputes between business partners as to the division of assets upon dissolution, allegations of misappropriation of assets, and entitlement to payment for services rendered to company. Material adverse changes after merger. Contract claims for non-payment.

Mediator Style & Process Preferences

I rely on my 40+ years of experience practicing law in my role as a neutral mediator. I appreciate the value of litigation and arbitration as forms of conflict resolution, but mediation can be the least risky and most efficient way to resolve a dispute, because mediation allows the parties to determine their own outcome. That outcome may not be available in a win/lose court case or arbitration.

My approach to mediation tends to be pro-active. I emphasize identification and prioritizing of issues and I actively work with the parties to formulate proposals. I conduct mediation as a flexible process and combine both facilitative and evaluative approaches to mediation, depending on the parties and the nature of the dispute. I work consistently during the mediation to have the parties reassess their positions, to recognize the risks inherent in their positions, to search for shared goals between the competing sides, and to avoid personalizing the case in ways that impede settlement.

Mediation is a process that can take some time, and I will ask the parties to roll up their sleeves and commit to completing the process. I expect the parties to come to the mediation prepared to reasonably and intelligently discuss the case, their respective claims, and the applicable law. At the same time, I work to have the parties realistically face the risks and weaknesses inherent in their respective claims, in order to have the best chance for a mediated result.

Technology Proficiency

With party consent, regularly use online platforms like Zoom, LoopUp, and GoToMeeting to conduct hearings and conferences.

Comfortable with document management and control systems, secure portal applications, Word, Excel, Adobe, and AI assisted legal applications. Extensive experience in handling electronically stored information (ESI) issues and disputes, both as a litigator and as presented in arbitration cases. Completed the AAA's ACE course specifically relating to resolving ESI disputes.

Education

University of Virginia (JD-1972); Tufts University (AB, cum laude-1969).

Professional Licenses	Past Bar Admissions: Virginia (1972), Maryland (1973), District of Columbia (1973); U.S. District Courts: District of Maryland, Eastern District of Virginia, District of Columbia; U.S. Courts of Appeals: District of Columbia, Fourth, and Fifth Circuits; U.S. Supreme Court.
Professional Associations	Current and past associations include: Assistant Professor, Georgetown University School of Medicine. Fellow - American College of e-Neutrals (ACESIN); Board of Governors - Maryland State Bar Association; Center for American and International Law - International Association of Privacy Professionals; Advisory Board - Institute for Transnational Arbitration (ITA); Certified Mediator - International Mediation Institute (IMI); Inner Circle - Dingman Center for Entrepreneurship; Licensing Executives Society; Virginia State Bar; District of Columbia Bar; Montgomery County Bar Association (Technology Law Section, Chair; Judicial Selections Committee); American Bar Association (Section of Science & Technology Law - Biotech, Healthtech, and Medical Devices Committee; Information Security Committee); IEEE Computer Society (particular interest in web3, layer 2, NFTs and IOT).
Recent Publications & Speaking Engagements	"Due Diligence in E-Health Mergers and Acquisitions Transactions," E-HEALTH, PRIVACY, AND SECURITY LAW, Third Edition, American Bar Association, BNA; "Maximizing the Benefits of ADR for Your Client – Six ADR Pitfalls in Business Contracts," Presenter, Maryland State Bar Association Advanced Business Law Institute, Presenter, April 2017; "New Privacy Shield Pact Approved In EU – New Rules Provide Needed Clarity, But for How Long?," 2016; "US Businesses Face Continued Uncertainty Over Privacy Shield," 2016; "Terrorism Risk Insurance Expiration Threatens Commercial Property Loans"; "ICDR Enacts New International Arbitration Rules", 2014; "Controlling Cost and Outcome of Arbitration," Presenter, Maryland State Bar Association Advanced Business Law Institute, 2014; "Due Diligence in E-Health Mergers and Acquisitions Transactions," chapter, E-HEALTH, PRIVACY, AND SECURITY LAW, Second Edition, Health Law Section, American Bar Association, BNA, 2012-2015; "Gene Patent Protection Still A Work In Progress", 2013; Willem C. Vis International Arbitration Competition, Washington D.C. Vis Practice Arbitration, Arbitrator/Judge, February 2012; "Damages Waiver Clauses Often Problematic," September 2011; Frequent invited Lecturer on entrepreneurship, intellectual property, and business law, Virginia Commonwealth University, and University of Maryland, R. H. Smith Business School, 2003-2010; Panel Chair and Presenter - Virginia Venture Capital and Angel Investor Forum: "Emerging Technology Venture Investors and their Perspectives on Biotech; Nanotechnology and Information-based Technology" - Co-author, "Due Diligence in E-Health Transactions," chapter, E-HEALTH BUSINESS AND TRANSACTIONAL LAW, Health Law Section, American Bar Association, BNA, 2002-2005; "Licensing Your Nanotech, Little Things Can Make a Big Difference," EXPERT'S CORNER, Dingman Center for Entrepreneurship Newsletter, June 2004; "Biotech Forecast 2003: Stormy Weather or Sunny Skies," monograph, 2003; "The Battle Over Bioethics," BIO, 2002; "Changes in Statutory Regulation of Obscenity," 57 VIRGINIA LAW REVIEW 1636, co-author.
Locations Where Parties Will Not be Charged for Travel Expenses	The greater Washington, DC metropolitan area.
Mediation Rate	\$525 Per Hour
Languages	English
Citizenship	United States of America
Locale	Chevy Chase, MD

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.