



AAA Mediation.org™

**FN-1863036 MN-1863036 LN-1863036,  
Esq.**

**New York, New York**



**Current Employer-Title** Senior Legal Editor (Arbitration) at Practical Law. Adjunct Professor of Law at Cardozo School of Law.

**Profession** Arbitrator, Mediator, Attorney, Adjunct Professor of Law, Legal Editor

**Work History** Adjunct Professor of Law, Yeshiva University Cardozo School of Law, 1998 – 2022; Partner/Associate, Dickstein Shapiro LLP, 2001 – 2013; Associate, Baer Marks & Upham LLP, 1997 – 2001; Associate, Weil Gotshal & Manges LLP, 1992 – 1997; Production Supervisor, Lincoln Center Theatre on Film and Tape, 1984 – 1989.

**Experience** Practiced as a commercial litigator for over 20 years and served as a commercial arbitrator since 1998. Retired from law firm in June 2013 to focus full-time on the resolution of international and domestic disputes as an arbitrator and mediator. As an arbitrator, has presided over more than 150 domestic and international commercial disputes involving a wide range of industries, including aerospace technology licensing, healthcare, franchises, manufacturing and distribution agreements, financial services, consumer disputes with credit card companies and service providers.

As an attorney, litigated complex business/commercial disputes before courts and arbitral panels, including patent licenses, distributor/franchise agreements, government contracts, alcoholic beverage distribution regulations and agreements, trade secrets, executive employment/severance, and corporate and shareholder disputes.

In the arena of international arbitration, litigated various commercial disputes in ICDR and ICC arbitrations, including an international cable/DTH television content provider agreement and many technology distributorship agreements, in addition to appearing before the IOC in Lausanne, Switzerland on a matter arising out of the Salt Lake City Olympics bid.

Since 2022, has developed a general understanding of machine learning by working with the AI teams at Thomson Reuters/Practical Law to beta test and evaluate various AI products – curating data sets, running tests on them, and providing feedback on the results, as well as some work on prompt/query refining.

Prior to becoming an attorney, was a doctoral candidate in Dramaturgy at Cornell University, and ran the Lincoln Center Theater on Film and Tape Archive, a videotape archive of live stage productions from Broadway, off-Broadway and regional theaters, accessible to and utilized by theater professionals and academics.

## **Mediator Experience**

Has worked as a professional mediator since 2011. As a commercial mediator for the AAA/ICDR, has mediated numerous domestic and international business disputes involving a wide range of industries, including franchising, merchandise supply contracts, services contracts, video production, and various forms of commercial contracts. As a member of the AAA's "Storm Sandy" mediation team, mediated dozens of property damage and business interruption claims arising out of Superstorm Sandy in New York, with amounts in dispute typically exceeding several hundred thousand dollars. As a member of the SDNY Mediation Panel and the Second Circuit's mediation panel, has mediated numerous employment, civil rights, and multi-million dollar business claims.

Prior to retiring from the practice of law after more than 20 years as a business litigator, represented parties in mediations and arbitrations of general business/commercial disputes involving a wide range of industries. Recent representative mediations in which served as a party advocate include: a dispute between a coin-operated game manufacturer/distributor and a content provider, a dispute between national telephone companies over the licensing of switching equipment, a dispute among members of an LLC formed for the marketing of fine wines, and several employment cases involving claimed breaches of non-compete covenants and/or non-solicitation obligations.

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

Business disputes (both domestic and international) involving a wide variety of industries, including franchising, services contracts, and commercial contacts generally. With respect to business interruption claims, disputed issues primarily involve valuation matters (based on both projections and historical P&L data). Property damage cases have involved issues of general insurance law (e.g., reinsurance, subrogation, mitigation, concurrent causation clauses, carrier good faith and policy construction). Federal court civil mediations have involved primarily employment claims, civil rights issues, and occasionally business disputes.

## **Mediator Style & Process Preferences**

I firmly believe that, given sufficient time and earnest work by all parties, most cases can settle -- and therefore, no matter the issues presented, the overarching approach I take with every mediation is a drive to keep the parties talking. Because mediation is a cooperative endeavor, it works best when it is self-directed by parties that are fully engaged and given the opportunity to explore exhaustively all aspects of each other's positions. One size does not fit all, however, and therefore I do not conduct mediations in a single, uniform manner. Rather, by delving ever more deeply into the issues with each party, usually before the mediation begins and then in caucus, I allow the process to unfold in accordance with the parties' own desires and focus. If there is any single philosophy I bring into the mediation room, it can best be characterized as a relentlessness in working with the parties to flesh out every nuance of their respective positions and keeping the conversation going.

## **Education**

Yeshiva University, Cardozo School of Law (JD, magna cum laude, law review-1992); Cornell University (BA, English/Theatre-1980); Cornell University (ABD, doctoral program, Dramaturgy, 1980-1983).

## **Professional Licenses**

Admitted to the Bar: New York (1993); U.S. District Court: Southern (1993), Eastern (1993) and Northern (1996) Districts of New York; U.S. Court of Appeals, Second Circuit (1996); U.S. Supreme Court (1997).

## **Professional Associations**

New York State Bar Association (Litigation Section); Association of the Bar of the City of New York (Committee on Sex and Law, Past Secretary).

## **Recent Publications & Speaking Engagements**

PUBLICATIONS: "Drafting the Arbitration Clause: A Primer On The Opportunities And The Pitfalls," DISPUTE RESOLUTION JOURNAL, April 2012; "The Perils of Over-Zealous Advocacy," NEW YORK LAW JOURNAL, Sept. 12, 2011; "Ambac: An Investor's Lifeline," Law360 EXPERT ANALYSIS, August 15, 2011; "Is That Conversation Really Privileged?," NEW YORK LAW JOURNAL, June 9, 2011; "Is Your Arbitration Clause Helping Or Hurting You?," NEW YORK LAW JOURNAL, April 14, 2011; "Successor Corp's Continuing Duty to Warn," TOXIC TORTS REPORTER, BNA, 1995, and PRODUCT LIABILITY & SAFETY REPORTER, BNA, 1995; contributor, "How a Dispute Becomes a Case," ELEMENTS OF LAW (casebook), Anderson, 1994; "The Garner Exception to Attorney-Client Privilege: A New Approach to 'Good Cause'," 13 CARDOZO LAW REVIEW 2141, 1992.

SPEAKING ENGAGEMENTS: "Legal Ethics," Cardozo School of Law, 1998, 2000, 2003-Present; "Early Intervention Roundtable," Public Access TV (Long Island), 1998; "Coffee Talk - Sex Education," Court TV, 1997.

<b>Mediation Rate</b>	\$4,000 Per Day
<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.