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New York, New York



Current Employer-Title Law Offices of Charles Platto

Profession Attorney, Arbitrator, Mediator, Insurance Law Professor

Work History Law Offices of Charles Platto, 2009-Present; Adjunct Professor of Insurance Law, Fordham Law School, 2002-2020; Director, Benecare Insurance Conn. 2018; Partner, Wiggin and Dana LLP, 2007-2009; Partner, Salans Hertzfeld & Heilbronn, 1994-1997; Adjunct Professor of Insurance Law, Vermont Law School, 1993-2006; Law Offices of Charles Platto, 1991-2006; Partner, Brooks McNally Platto & Vitt, 1991-1999; Adjunct Associate Professor of Insurance Law, New York University School of Law, 1990-1994; Partner/Associate, Cahill Gordon & Reindel (New York and Paris), 1971-1991; Reginald Heber Smith Community Lawyer Fellow, 1969-1971.

Experience Experience is in domestic and international commercial and insurance litigation, arbitration and mediation as well as expert witness and case management work in a broad variety of subject matter and at all levels from basic to extremely complex. Areas of experience and expertise include: insurance, reinsurance, commercial, international, contract and business disputes, antitrust, licensing and distribution, environmental, financial, errors and omissions, professional liability.

Thirty years' experience as insurance and commercial litigator as partner in major law firms and head of own national boutique insurance firm.

Twenty-five consecutive years as adjunct professor of insurance law at NYU, Vermont and Fordham Law Schools.

Spent the first half of career as a litigation partner at Cahill Gordon & Reindel, with work ranging from arguing several cases at the trial level through the New York Court of Appeals for the insurance industry, representing The New York Times in years of antitrust and contract litigation in federal and state courts over changes in its distribution system, representing NYMEX over commodity trading issues in administrative and court proceedings all the way up to the US Supreme Court, a two month trial in London over North Sea oil exploration and construction, internal corporate investigations, a protracted software licensing dispute, and a broad range of insurance and reinsurance and commercial matters. During this period, and following, chaired the International

Litigation Committee of the International Bar Association and its Task Force on Economic Consequence of Litigation Worldwide, and became adjunct professor of Insurance Law at NYU Law School.

Afterward, and over a dozen years, established and ran a national boutique insurance and commercial practice. Provided service across the country on issues including challenges to claims handling in the Northridge California earthquake, environmental and professional liability insurance matters, accounting and contract issues, appeared in numerous state and federal courts arbitrations and mediations, provided advice and counsel, and wrote amicus briefs for the insurance industry to the New York Court of Appeals and the US Supreme Court. Also, served as adjunct professor of insurance law at Vermont Law School, and at the same time while with Vermont firm, also served for some years as partner in charge of the US practice of Salans, a Paris based international law firm. In 2007, returned to New York to head the national insurance practice of Wiggin and Dana, a Connecticut based firm and to teach at Fordham Law School. In 2009, after having conducted several arbitrations and mediations while in practice, became a full time independent arbitrator and mediator. See ADR experience below and experience statement and cv at www.plattolaw.com website for more information.

Mediator Experience

Trainer for all AAA Sandy NY and NJ mediators; mediated over 200 individual and commercial Sandy insurance claims; in 2020 appointed to train mediators for New York State/AAA civil commotion insurance mediation program; over last several years mediated dozens of business , commercial and individual claims, including as mediator in complex contract dispute following years of court litigation, business valuation claims, ICDR international distribution dispute, insurance coverage, shareholder dispute, commercial and individual real estate, consumer, franchise and many others; prior mediation experience was primarily as counsel for claimants or respondents in complex domestic and international commercial and insurance cases including representing foreign primary and excess general liability carriers in mediations with US and London primary and excess specialized carriers over coverage for 9/11 security breaches; representation of professional liability carrier in mediations with international insured involving coverage, liability and damages for multi-year/ multi-event/ multi-jurisdiction/ multi-policy claims which were subject of federal and state court litigation; reinsurance/excess/ carrier versus carrier mediations; commercial mediation for NYSE company in federal court litigation over breach of contract and leasing obligations.

Representative Issues Handled as a Mediator

Insurance coverage, causation, valuation, contract interpretation and application, real estate, franchise, international distribution, securities

Mediator Style & Process Preferences

My mediation philosophy is that it is my job to bring the parties together to reach a resolution. I do not act as a judge and do not make decisions. Rather, I am a facilitator. Unlike court proceedings, where the parties are always together and nothing is said in private, in a mediation, after an initial plenary session, the parties are not together, and everything is private (unless the parties authorize a communication or sharing of information or proposals). It is my job to go back and forth to reach a result. I am very proactive. I will tell the parties of my analysis of their position and of the opposing parties position, not to judge but to help the parties to reach a result that will make sense to both of them. In a typical mediation the parties go back and forth for the first several hours, and they stick to their positions and nothing happens, and then late in the day, perhaps progress is made. I tell the parties, we can skip the dancing and posturing at the outset, and get down to business to reach a resolution. I have an extraordinary mediation success record, and am repeatedly selected by opposing parties for additional mediations. I do not give up until we have a resolution, and follow up if we don't initially.

Education

New York University School of Law (LLM-1974); University of Michigan Law School (JD, cum laude-1969); University of Pennsylvania (BA-1966).

Professional Licenses

Admitted to the Bar: Vermont (1992), New Hampshire (1992), New York (1970); U.S. District Court: Southern and Eastern Districts of New York (1972), District of Vermont (1992), District of New Hampshire (1992); U.S. Court of Appeals, Second Circuit (1972); U.S. Supreme Court (1974).

Professional Associations

New York State Bar Association (Past House of Delegates; Dispute Resolution Section); New York City Bar (International Commercial Disputes Committee); International Bar Association (International Litigation Committee, Past Chair; Task Force on Economic Consequences of Litigation Worldwide); American Bar Association (Tort, Trial and Insurance Practice Section; Insurance Coverage Litigation Committee, Vice Chair; Academics Subcommittee, Chair; ABA

Litigation Section, ICLC Member); CPR Institute for Conflict Prevention and Resolution; International Chamber of Commerce (United States Council for International Business); ARIAS; REMEDI, FINRA, AAA.

Recent Publications & Speaking Engagements

Publications:

Editor of seven books on international and domestic litigation and arbitration (1989-1999) (Kluwer) plus ABA Handbook on Additional Insureds (2014-2018) chapter author NYSBA Products Liability text (1997; 2018); ABA Handbook on Commercial General Liability Insurance Policy (2010; 2014); numerous articles on insurance law topics in Insurance Litigation Reporter and other publications.

Speaking Engagements:

Multiple moderator and speaking roles at IBA and ABA annual and periodic meetings. 2020 ABA program on civil commotion insurance.

Appointed as AAA lecturer and trainer for all mediators in Sandy insurance mediation programs in New York and New Jersey and conducted over 100 mediations. Continued with more than 100 private and EDNY Sandy Wind and Flood Mediations. Repeatedly appointed by major policyholder firms and more than a dozen carriers.

Appointed by AAA to train mediators for New York State/AAA civil commotion insurance program.

Mediation Rate

\$4,900 Per Day

Languages

English

Citizenship

United States of America

Locale

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.