



AAA Mediation.org™

**FN-224511 MN-224511 LN-224511,
Esq.**

Scottsdale, Arizona



Current Employer-Title Principal: Jerome Allan Landau, P.C. and Dispute Solutions, LLC

Profession Arbitrator, Mediator, large Group Facilitator, Attorney

Work History Principal, Jerome Allan Landau, P.C. (dba: The Landau Law Association), 1991 - Present;
Principal, Dispute Solutions, LLC, 2007 - Present;
Attorney, Mediator, Arbitrator, 1975 – Present;
Private Investigator, Security and Intelligence Specialist, 1975 – 1986;
Special Agent, Financial Investigator, U.S. Treasury Department Intelligence Division, 1968 – 1971.

Experience PRACTICAL BUSINESS EXPERIENCE: As above, ownership of four international business firms; three formerly with offices in Manhattan and London.
LEGAL SERVICES: CORPORATE & COMMERCIAL - U.S. and International Client Services (offshore include: Europe, Taiwan, Korea, Malaysia, India, Bhutan) have included the following industries and issues: AAA Commercial Arbitration – Mediation panels; establishment & oversight of national & international business structures as a business, commercial & transactional attorney & litigator. Ownership & transactional matters: oversight, acquisition, mergers, disputes & dissolutions; Operating & Shareholder Agreements; manufacturing, dealerships & distributorships; buyer, seller, lessor, lessee matters; restaurant (franchise & individual ownership, catering; complex projects and litigations; provisional remedies (restraining orders, injunctions, & receiverships), sophisticated banking and financial matters. CONTRACTS: domestic & international - breach of contract, collection matters; options, licensing & purchase issues; mergers & acquisitions; director, shareholder, member & partner disputes; derivative actions; non-compete & non-circumvent contracts & litigation for breaches, business torts including slander and libel; trade secret, & proprietary asset matters; escrow, trust & trustee fiduciary matters; family owned business issues & disputes; joint venture agreements & disputes; American With Disabilities Act claims; extensive trial and ADR experience. CONSTRUCTION, REAL ESTATE & DEVELOPMENT: AAA Construction Arbitration – Mediation panels; 35+ years professional & personal experience (commercial & residential) as legal counsel; General Contractors Business Management; licensed broker, agent & consultant, construction oversight, litigator & arbitrator on multiple construction &

developer matters (defects, contract, warranty, insurance & related issues), Brokerage (location, due diligence & analysis - real estate & business acquisitions, expansions & mergers), agency issues, Fair Housing issues; financing, lending; insurance & warranties; acquisitions, leasing & sales of offices, industrial, residential, hotels, resort, multi-family; legal representation of brokers, agents, sellers, & buyers & litigation against brokers, agents, sellers & buyers, real estate development, associations, co-ownership & foreclosure issues & disputes; Owner, Contractor, Subcontractor contracts, defect and related construction disputes, litigation and arbitration. Commercial concrete defect litigation; well construction and related drilling and hydrology issues; warranty & guarantee issues; Federal Land Trade. Construction Dispute Resolution Board (CDRB); legal & medical fee disputes. EDUCATION & SCHOOLS: Charter - private schools, childcare & daycare centers (represented 25 + centers); government interaction. ENTERTAINMENT & PUBLISHING: film-makers & documentarians; legitimate theater productions, artists, actors, international dance companies; NYT bestselling author, lyricists and composers. ELECTIONS: former Special Investigator New York State Attorney General Election Frauds Office; former principal of international security firm. EQUESTRIAN: establishments, owners/breeders, negligence actions, contracts. ESTATE & TRUST: Trustee malfeasance & fraud. FINANCE / SECURITIES: lender -borrower - guarantor, fraud & misrepresentation, letters of credit, securities disputes, collateralized debt obligations, large & complex financial investigations and trials, misappropriation, fraud & embezzlement, Rico matters. FRANCHISES: establishment, franchiser / franchisee disputes. HEALTHCARE - MEDICINE: AAA Healthcare Arbitration - Mediation panels; professional medical group - partnership disputes, health insurance claims, facilitations and mediations for medical (including three annual two-day national medical conferences with

Mediator Experience

Has served as a mediator/facilitator involving inter-business and inter-partnership disputes, including professional partnerships such as medical groups (some examples: a multi-state medical partnership involving multiple medical and business entities and in excess of eight partners; a multi-state practice with seven partners, multiple entities and annual earnings in excess of \$17,000,000; a business involving five partners and a \$4,000,000 facility; and the dissolution of a partnership involving approximately \$20,000,000 of which many were "hidden" by one partner); mediator/facilitator assisting larger groups of persons such as corporate Boards of Directors (i.e. 15 directors) with varying interests to find resolution of conflicting interests, commonality of interests and establish corporate direction that instills confidence amongst all working together.

Training through the Institute of Cultural Affairs has given preparation and ability to mediate/facilitate large groups of individuals (i.e. multi-organization/departmental groups that could include 50+ people; boards of directors; association memberships; employer-employee disputes and situations where disputes are anticipated, although not yet arisen, because important corporate decisions must be made.) Pre-construction facilitation of project owner, developer, contractor and sub-contractor relations and establishment of dispute resolution tools to be used during construction; contractor and sub-contractor disputes; contractor and home-owner disputes; real estate broker and agent disputes; landlord and tenant disputes (commercial and residential); franchise disputes regarding allegations of fraud in the sale of a franchise; pre-partnering facilitations (assisting individuals to prepare for their partnership, establishing communication and dispute resolution tools, etc.).

Representative Issues Handled as a Mediator

Mediation/facilitations have included issues involving hidden assets (for example approximately \$15,000,000 in hidden assets not initially revealed during partnership dissolution); valuation of assets; distribution of unequal assets; disputes about territories, infringement by a partner(s) into another partner's field or area of expertise; claims related to a partner's sabotage of another partner; claims related to Director malfeasance; real estate broker - agent commission disputes; disputes regarding alleged errors in a construction inspector's report; contractor / subcontractor issues.

Mediator Style & Process Preferences

I present educational programs for professional Mediators and Facilitators suggesting that a professional Mediator is one whose own life reflects that of a balanced, confident, sensible and "non-judgmental" presence. There is no "on/off" button to create this "mind-set" and "personal presence"; it is the actual fabric of many attracted to assisting others in solving their disputes. It is also often obvious to the disputants who are asked to place their trust in a "stranger" to assist them through a process that always involves far more than the "dollars" at stake.

I do not have the answers, the parties do; I guide them to that discovery.

A Mediator is a Facilitator, a guide who must be confident and humble, concurrently guiding and

assertive; one obviously comfortable with his/her own skills and presence who recognizes the privilege of being requested to serve as a chosen guide to parties in conflict and often experiencing a myriad of emotions such as distrust, anger, pain and fear (and yes, this includes high level corporate and government executives; we are all "human."

A Mediator must create a space and atmosphere where parties, often in serious distrust and conflict, can feel sufficiently comfortable to permit the Mediator to guide them through a process that, in and of itself, can be foreign and uncomfortable.

Multi-tasking as a skillful listener, energetic observer, confident leader and guide, capable of knowing when and how to make a party comfortable or uncomfortable. Able to intuitively "lead" with "tight or heavy reigns". The Mediator assists and guides the parties to examine their "agendas," suspend or release angers, "blow away the clouds of confusion or anger", shed light on all aspects of the matter and recognize that "there is a better way than protracted and expensive litigation."

While experience in the specific professional field in which the conflict has arisen is helpful, I believe that that a professional Mediator can be inserted into any dispute and skillfully maximize the potential for solution and resolution. In addition to conducting numerous mediations and facilitations, I have written and taught many interactive programs for professional Mediators and others interested in the resolution of conflict and disputes; and have been an invited workshop presenter at the United Nations. I endeavor to "practice as I teach."

The greatness of the mediation process is that it creates a space for the parties to create a mutual goal, "work together" to overcome their obstacles and agendas, and permit a party to take ultimate responsibility for "new" insights and decision making.

If I were to "pre-judge" and define "success" otherwise, my own ego would become an additional obstacle in the process. Success to me is having the parties present and actively participating in the process.

One highly successful surgeon, following my mediation of a commercial partnership dispute: stated: "Binding the partnership together saved us all great sums of money; yet I think the greatest gift was a level of personal growth I experienced during the mediation that I will carry forth in all aspects of my life, it will probably save my relationship with my wife and kids." We humans are multi-faceted; operating on many levels - so too is the process we call "mediation."

Education

Brooklyn Law School - J.D. (1967)
Baruch School of Business Administration, City University of New York - B.B.A. (1964)
National Association of Realtors - Graduate, Realtor Institute
Treasury Law Enforcement School (1967, 1968)

Professional Licenses

Admitted to the Bar: New York (1968); Arizona (1987); Colorado (1999).
U.S. District Courts: Southern District of New York (1968); Eastern District of New York (1969); Arizona (1988).

Real Estate Licenses:
Arizona Department of Real Estate Licensee (1986)
New York State Real Estate Broker (former)

New York State Private Investigator (former)

Professional Associations

Diplomate, National Academy of Distinguished Neutrals (NADN); American Arbitration Association (AAA - Arbitrator & Mediator - large complex cases, construction, commercial, healthcare); International Mediation Institute (IMI); Construction Dispute Resolution Services (CDRS - arbitrator, mediator, CDRB); Financial Industry Regulatory Authority ("FINRA" -arbitrator & mediator); State Bar of Arizona (ADR Section Leadership Council, former Chair & CLE Programs Co-Chair; Construction Section; Real Property Section); American Bar Association (ABA - ADR Section, Construction Industry Section; Real Property Section; Member of the ABA Advisory Panel); Association for Conflict Resolution (ACR - Commercial Section, former chair; former Chair- Real Estate, Construction and International Committees; Financial Institutions Regulatory Authority (FINRA- arbitrator - Panel Chair, mediator); Arizona Association for Conflict

Resolution (Founding Board Member, Past Co-Director); Advanced Commercial Mediation Institute (ACMI -- Co-founder and Presenter of six annual 2-day international Conferences in venues across the US (co-sponsored by AAA and Harvard Law School's HNII); Chair and Presenter of multiple ADR educational programs ("live", online and video); Panelist- US Arbitration & Mediation (former); Arizona Dispute Resolution Association (ADRA- former Co-Director); Maricopa County Association for Family Mediation (MCAFM- former President; Program Presenter); National, Arizona and Scottsdale Associations of Realtors - Member, Certified NAR/AAR Arbitrator - Mediator); International Association of Facilitators (former); Institute of Cultural Affairs (attended multiple Facilitation training programs); International and New York State Chiefs of Police Association (former).

Recent Publications & Speaking Engagements

Speaking Engagements: Firmly believing that one's experience and recognition in a field of specialization such as ADR must be shared with others, I have Chaired & or presented in excess of 100 hours of Arbitration and Mediation programs for other ADR professionals (including 70+ hours of international programs co-sponsored by AAA and Harvard Law School's HNII) and twice being an invited presenter at the United Nations. Presenter: ABA ADR Section Executive Council annual conference, Arizona Dispute Resolution Association - joint Annual Conference (Keynote Speaker and Program Presenter); numerous domestic and international Programs and Workshops for arbitrators and mediators in live and online venues throughout the United States; Six ACMI international Commercial Mediator 2 day conferences; Presenter - ACR Healthcare Section ADR program; Presenter - ACR Annual Conference Program (Hybrid forms of ADR); Presenter - "Aikido Principals and Conflict Resolution and numerous other programs for ADR professionals; presenter to European attorneys and business persons on such topics as American Business Law, conflict of laws, and conflict resolution; public speaker on dispute resolution topics; Presenter - ADR programs to Rotary Clubs.

Publications: "ACResolutions" - an international magazine serving dispute resolution professionals - former Commercial Editorial Board member, contributing author); sole legal contributor to McGraw-Hill Civil and Investigative Handbook (a major compendium presently in its second edition).

Previously was involved in the administration of programs which were certified for "Continuing Medical" credits and attended by medical doctors, osteopathic physicians and nurses. Has taught programs and guided clients in the establishment, organization, maintenance and financing of for-profit (business) and non-profit (e.g. tax exempt) entities in the healthcare, religious, cultural and other industries.

Locations Where Parties Will Not be Charged for Travel Expenses

No travel charge for Arbitration and Mediation hearings in Phoenix Metropolitan Area

Mediation Rate

\$350 Per Hour

Languages

English

Citizenship

United States of America

Locale

Scottsdale, AZ

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.