



AAA Mediation.org™

**FN-22505 MN-22505 LN-22505, Esq.**

**New York, New York**



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**Current Employer-Title**

Lankler Siffert & Wohl LLP - Founding Partner  
New York University Law - Adjunct Professor

Trained and experienced in conducting remote ADR proceedings, and available to conduct arbitrations remotely following secure and appropriate protocols.

**Panelist Video**

<https://www.adr.org/videoresume?paramName=769551191>

**Profession**

Arbitrator, Mediator, Lawyer, Professor, Author

**Work History**

Founding Partner, Lankler Siffert & Wohl LLP, 1983-Present; Adjunct Professor, New York University Law, 1979-Present; Partner & co-head of litigation, Barovick Konecky Braun Schwartz Kay & Schiff (Fulop & Hardee), 1979-1982; Assistant US Attorney, US Attorney's Office - Southern District of New York, 1974-1979; Law Clerk to Hon. Murray I. Gurfein, US District Judge - Southern District of New York, 1972-1974.

**Experience**

Over 40 years of litigation practice has included virtually every aspect of litigation, including ADR. Cases have been both civil and criminal tried to juries, bench and arbitral panels. Civil cases have been as both plaintiff and defendant.

The issues in the civil cases have included environmental cases involving impact statements under NEPA and ambient air standards under the Clean Air Act. Corporate governance cases include compliance with best practices and existing rules as well as allegations of breach of fiduciary duties in the context of both not-for-profit and corporate settings. Handled professional malpractice cases alleging legal and accountant malpractice under applicable Ethical Rules and GAAP. Cases involving securities law violations have arisen under sections 5, 11, and 17 of the Securities Act, and section 10b of the Exchange Act. Intellectual property cases have included copyright and trademark, photographers' and artists' rights, as well as defamation cases. Experience in handling executive employment contracts as well as labor disputes and Title VII cases. Experience includes real estate zoning disputes, in addition to other commercial and contract disputes. Education cases have included administration/faculty discipline and title IX sexual harassment.

Experienced representing clients and parties with differing cultural points of view, including from Brazil, Chile, France, Spain, Finland, Germany, Italy Israel, Bahrain, Japan, China, and Canada. Clients and parties have had diverse economic interests, including corporations, corporate boards, individual directors, and senior officers, employees, as well as major law firms and individual lawyers.

Experience in professional and regulated industries include SEC proceedings, securities regulatory broker dealer proceedings; professional, representation of medical doctors before the OPMC and lawyers before disciplinary and grievance committees. Role at attorney discipline cases includes as hearing officer and defense counsel.

Criminal cases were handled as both prosecutor and defense lawyer. The criminal cases included tax fraud, anti-trust, anti-kickback health care fraud, money laundering, securities and mail fraud, the first insider trading prosecution, art forgery, false designation of origin of artworks, theft of bitcoins, among others.

## **Mediator Experience**

In the past 10 years, appointed by district judges in the Southern District of New York to be Court Appointed Mediator and Special Master. As Court Appointed Mediator, handled an environmental dispute and a Title VII employment class action involving over 4,500 African American and Hispanic teachers who failed a discriminatory teacher certification test. Tasked with mediating and making individuals backpay and pension awards for each claimant.

Participate in the Second Circuit Pro Bono Mediation Panel and have served on the Southern District of New York Pro Bono Mediation Panel since its inception and has mediated dozens of cases. Previously served as Special Master in the First Department to mediate appeals. In addition, has been retained to facilitate numerous private mediations. The mediations have included complex disputes involving a myriad of claims such as securities violations, executive employment, labor and wage, employment discrimination, pensions and backpay damages, intellectual property disputes respecting copyright and trademark infringements, publishing contracts, royalty agreements, disputes involving franchise agreements, contract interpretation, allegations of professional malpractice by lawyers, law firms and accountants, partnership disputes and business dissolution, as well as issues respecting the health care industry, environmental and other complex commercial matters. Mediation of insurance coverage, subrogation and property claims involved more than three parties in three countries.

## **Mediator Style & Process Preferences**

Trained and subscribe to facilitative approach to mediate disputes that will achieve a resolution in the parties' interests. Will assist the parties to formulate and prioritize their respective goals and will help them realize those goals, without bias or favoritism. Unafraid to perform reality checks on their positions and able to coach parties on how to articulate solutions that may be acceptable to the other side. When called upon, comfortable and confident in giving evaluative insights if it will achieve resolution.

## **Education**

Columbia Law School (JD-1972); Amherst College (BA, cum laude-1969).

## **Professional Licenses**

Admitted to the Bar: New York (1973); US District Court: Eastern and Southern Districts of New York (1974); US Court of Appeals: 2nd Circuit; US Supreme Court (1979).  
CIArb Certified Mediator (2021), FCI Arb (2019).

## **Professional Associations**

Chartered Institute of Arbitrators, Fellow; CPR, Distinguished Neutral Panelist; LCIA, Member; CEDR, Member; New York City Bar Association, Arbitration Committee Member, Executive Committee former Member; American College of Trial Lawyers, Fellow, former Regent and former Trustee of its Foundation; Second Circuit Civic Education Program Committee, Advisory Attorney Group; Emeritus Board Member, Practising Law Institute, co-chair of the Pro Bono Committee; Historical Society of the New York Courts, Trustee, Vice Chair and Member of Executive Committee; Federal Bar Council Inn of Court, Executive Committee and former President; Citizens Crime Commission Lawyers Council, Member; New York Lawyers for the Public Interest, Emeritus Board and former Board Chair; Supreme Court Historical Society, Trustee; Appointed by Chief Justice Roberts to Judicial Conference Advisory Committee on Criminal Rules 2012-2018.

## **Recent Publications &**

PUBLICATIONS:

<b>Speaking Engagements</b>	<p>Books:</p> <p>Co-author Sand, Modern Federal Jury Instructions-Civil (3 volumes) and Co-author Sand, Modern Federal Jury Instructions-Criminal (2 Volumes), Matthew Bender (both updated semiannually since 1983).</p> <p>Articles:</p> <p>“Lawyer-Mediator’s Dilemma to Report Misconduct but Maintain Confidentiality,” New York Law Journal “Outside Counsel,” February 22, 2013 with Julia Green; “New Criminal Rule 5(f) Could Alter Brady Disclosure Timing,” Law360 (November 30, 2020) (co-author with Brice Jastrow); “New Federal Rule of Criminal Procedure 16.1 Will Initiate Sea Change in Pretrial Disclosures — If Judges, Prosecutors and Defense Bar Take It Seriously,” The Champion (NACDL) (November 1, 2019); “Insider Trading as Fraud: Economic Benefit as an Element,” New York Law Journal (June 22, 2016); “Understanding Insider Trading as Breach of Duty of Loyalty,” New York Law Journal (January 20, 2016).</p> <p>SPEAKING ENGAGEMENTS:</p> <p>Ninth Circuit Chief Judges' Conference panel on the Due Process Protections Act and Brady (February 23, 2021); Conference on 40th Anniversary of U.S. v. Chiarella (NYU) (November 5, 2020); Panelist at Pennsylvania and National criminal defense lawyer conferences in 2020 on new Rule 16.1 and new Rule 5(f) of the Criminal Rules; Conducting an Effective Direct Examination, PLI’s Annual Trial By Jury Program, Practising Law Institute (October 20, 2022, October 8, 2020, and November 1, 2019); Making a Compelling Closing Argument at PLI’s Annual Trial By Jury Program, Practising Law Institute (November 7, 2018, 2017, 2016); Interview Justice Sonia Sotomayor, Just the Beginning - A Pipeline Organization (September 15, 2016); French and US Criminal Law at the American Trial of College Lawyers Annual; Program, (January 1, 2014); Interview Justice Sonia Sotomayor at the American College of Trial Lawyers Annual Program, (September 24, 2009).</p>
<b>Mediation Rate</b>	\$650 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.