



AAA Mediation.org™

**FN-2421813 MN-2421813 LN-2421813,  
Esq.**

New York, New York

**Current Employer-Title** AcumenADR LLC - Principal

**Profession** Arbitrator, Mediator, Solutions Consultant

**Work History** Principal, AcumenADR LLC, 2019-Present; President/Chief Executive Officer, International Institute for Conflict Prevention & Resolution (CPR Institute) 2014-2019; General Counsel/Chief Franchise Officer/Corporate Secretary, MasterCard Worldwide, 2001-2014; Deputy General Counsel, MasterCard Inc., 1998-2001; U.S. General Counsel, MasterCard Inc., 1993-2001; Senior Vice President/Assistant General Counsel, AT&T Universal Card Services, 1990-1993; Vice President/Intellectual Property Counsel, MasterCard Inc., 1984-1990; Trial Counsel, Legal Aid Society, 1977-1982.

**Experience** In July 2019, launched AcumenADR LLC, a platform for the provision of arbitration, mediation and advisory services in connection with dispute prevention, resolution and settlement strategies. Have received a large number of arbitrator assignments and been retained on a number of private mediations across the United States in addition to advising one of the world's largest chemical and pharmaceutical companies on settlement strategy.

Experience as former General Counsel and corporate executive of MasterCard managing a consolidated business unit ("Law and Franchise Integrity") with responsibility for, (in addition to law, governance, regulatory, and compliance), privacy, fraud prevention and detection, franchise rules, information and technology security, philanthropy and diversity. Legal work included many and varied transactions, including acquisitions, joint ventures, licensing agreements and management of multiple disputes in a wide array of areas, including, commercial, employment, trademark, copyright, patent, trade secrets, franchise, privacy, trade and insurance. Highlights included the following:

Negotiated hundreds of major contracts, joint ventures and acquisitions, including a merger with company's largest affiliate, including plan of merger and share exchange and integration agreement converting company from not-for-profit association to private share corporation.

Developed and implemented strategy to convert company from private share corporation to leading publicly traded S&P corporation, through successful IPO, after negotiating for and obtaining approval of Board of Directors, SEC and hundreds of financial institution shareholders.

Managed and resolved complex commercial, antitrust, employment, Intellectual property, and other arbitrations, litigations and disputes around the world.

Formulated legal strategy to address contractual dispute with major global sports association involving breach of right of first refusal; negotiated multi-million dollar settlement agreement following successful management of parallel proceedings in arbitration and litigation.

Managed MasterCard's Information Security function and worked with technology experts to

maintain highest level of security to avoid any form of penetration including withstanding DDOS attacks on website.

Led antitrust defense of Multidistrict Litigation antitrust class action involving challenges to pricing and industry practices.

As corporate secretary, developed and managed securities programs and handled challenging governance matters.

As Assistant General Counsel at AT&T, handled variety of consumer credit matters and prevailed in all litigations and regulatory challenges brought against this start-up subsidiary, including claims brought before the Federal Reserve Board, the FCC and Georgia Banking Commission.

At the Legal Aid Society, successfully and effectively managed a large portfolio of cases and won acquittals at many felony and misdemeanor trials.

## **Mediator Experience**

In 2019, co-founded AcumenADR LLC, dispute resolution platform. Serve as a mediator, arbitrator and dispute resolution advisor and have been mediating disputes since 2012, and have mediated well in excess of 200 cases encompassing a wide variety of matters. Many disputes involved either contract/commercial or employment-related matters, but others included, banking and finance, business dissolution, contract, partnerships, construction and real estate, securities, insurance, intellectual property, consumer credit, civil rights, maritime and shareholder disputes. Several representative matters are described below:

**BREACH OF CONTRACT-** Successfully mediated \$300+million dispute involving sale of renewable energy company and interpretation of accelerated earn-out provisions stemming from bankruptcy.

**REACH OF CONTRACT-** Successfully mediated appeal of a \$400mm judgement following trial involving real estate contract.

**TRADEMARK-** Crafted interest based creative resolution to trademark dispute between two real estate investment firms with similar names.

**SOFTWARE LICENSING/ BREACH OF CONTRACT-** Mediated dispute involving contention that licensed software was appropriated in contravention of contract between parties.

**NUCLEAR ENGINEERING-** Santee Cooper v. Westinghouse (Identified as mediator because of public nature of dispute)

Over a 10 month period, involving many face to face and virtual negotiations, drove a creative resolution of highly publicized, complex nuclear engineering dispute between public utility and large global engineering and manufacturing company involving disposition of massive quantity of nuclear-related equipment stemming from adversary proceeding in bankruptcy where title to the property was at issue. Designated as arbitrator to resolve future disputes/

**SECURITIES-** Resolution of litigations in both state and federal courts involving complex securities/commercial dispute brought by wealthy family fund against the principals of a failed hedge fund. Allegations included violations of Section 10(b) of the Securities Act, fraudulent inducement, negligent misrepresentation and unjust enrichment.

**PATENTS-TRADE SECRETS -**Mediated pre-litigation dispute between company and former employee (and his new company) concerning ownership of inventions and alleged theft of trade secrets.

**DEFAMATION-** Mediated commercial disparagement and defamation dispute stemming from multi-year dispute between competitors seeking government and private contracts.

**INSURANCE-** Mediated insurance dispute involving hotel and Covid-related issues concerning coverage.

**EMPLOYMENT/ SEXUAL HARASSMENT-** Resolved sexual harassment claims brought by

female construction worker against large construction corporation. Claim was for back and front pay and emotional distress.

EMPLOYMENT/ AGE DISCRIMINATION- Mediated age discrimination claim brought by teacher against major and highly regarded educational institution.

INSURANCE- Mediated insurance dispute between meat company and carrier arising from failure to honor policy and reimburse insured for damages caused by fire alleged to be arson.

CONSUMER CREDIT- Resolved eight different cases with claims against multiple credit bureaus and furnishers for Fair Credit Reporting violations, most involving mixed files

FINANCIAL- Resolved multi-million dollar dispute between investment bank and large on-line placement firm relating to entitlement for compensation under contract calling for assistance in exploring acquisition opportunities and other strategic options.

MARITIME- Obtained partial resolution of maritime insurance dispute between carriers stemming from grounding of oil barges. .

DISABILITY DISCRIMINATION/RETALIATION- Resolved disability discrimination and retaliation claim brought by teacher against Roman Catholic Archdiocese.

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

Employment dispute mediations generally involved whether granting of summary judgment to defendants would be upheld on appeal, which required an understanding not only of the facts of the case, but likelihood of success before the appellate court. In the age discrimination cases, the issues generally related to whether there was a sufficient pattern of misconduct as opposed to isolated incidents. The disability cases raised issues as to the extent of accommodations an institution must make to allow for a disabled employee to perform her or his required duties. In the securities cases, a key issue dealt with was what constitutes "puffery" versus negligent misrepresentation when considering statements made as to pipeline customers and whether reliance upon these statements gave rise to an investment that went bad. With respect to sexual harassment, the primary issue faced was what obligations a company has in addressing harassment from independent contractors. Most of the contract cases involved allegations of non-performance. In a recent mediation, which involved a defendant making payment to the wrong party as a result of a hacked email, the core issue was what level of security a party needs to maintain to avoid a finding of negligence.

## **Mediator Style & Process Preferences**

I believe that one of the most important benefits of a good mediation process is that it allows for the parties to explore different roads to a resolution. An essential component of my philosophy is working with the parties to settle on a process that gives maximum opportunity for exploration of potential resolutions. That process may well change over the course of the mediation. I am of the view that a mediator needs to be nimble and flexible and be able to quickly adapt as new information is absorbed.

I begin the process as an active listener, seeking to understand the interests and goals of the parties, the factual and legal issues and the dynamics of the relationship. Preparation is essential and I look not only to the written words in the mediation statements I seek from the parties, but also to conversations leading up to the initial mediation session. Over the course of the process, I become increasingly activist. Although I consider myself adept at evaluating a dispute and the strengths and weaknesses of each side's positions, I avoid using labels such as "evaluative" or "facilitative" because I can be both or either depending upon what will get all parties towards a resolution. Just as I see the role as far more than simply conveying offers and demands, I don't see it as beating up each side and telling them how problematic their position is. My approach is very much case specific and takes into account the nature of the dispute, the relationship of the parties and, simply put, what I think will be most productive in reaching a settlement.

Because I have many years of experience as a general counsel and secretary to a board of directors, I believe I have a good sense of how both individuals and companies make decisions and this insight has helped me be effective as a mediator.

## **Education**

New York University School of Law (LL.M.-1982); Brooklyn Law School (J.D.-1976); American University (B.A.-1973).

<b>Professional Licenses</b>	Admitted to the Bar: New York (1976); U.S. District Court: Southern and Eastern District; U.S. Court of Appeals: Second Circuit, Federal Circuit; U.S. Supreme Court.
<b>Professional Associations</b>	American Bar Association; New York State Bar Association, Chair Emeritus, Dispute Resolution Section, City Bar Association; CPR Institute, Member, CPR Advisory Council and Co-Chair Transactional Solutions Committee; Council on Foreign Relations.
<b>Recent Publications &amp; Speaking Engagements</b>	<p>Moderated and participated at many arbitration, mediation, legal and business forums and events, including many NYS Bar Association presentations on arbitration and mediation, including "How to Say 'No' to the CEO," Barker &amp; Gilmore webinar, July, 2020; "The Role of the NYS Courts in International Arbitration," New York International Arbitration Center, June, 2019; "Arbitration 2019- Perspectives on Best Practices in Arbitration," Fordham Law School, March, 2019; "The Balance Between Efficiency and Justice in Arbitration, AAA/ICDR Center, 2018; Faculty, "CPR Advanced Arbitration Training," at Baker &amp; McKenzie, December, 2018; "Driving Mediation in Arbitration," American University School of Law, October, 2018; "Setting the Stage for a Successful Arbitration", at Akerman, July, 2018; "Globalism and International Arbitration," Atlas Arbitration Conference, Atlanta, Georgia, October, 2017</p> <p>Authored many articles on arbitration and ADR. A more complete list available at website, <a href="https://www.acumenadr.com/noah-hanft">https://www.acumenadr.com/noah-hanft</a>.</p>
<b>Mediation Rate</b>	\$675 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.