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**FN-2730714 MN-2730714 LN-2730714,
Esq.**

New York, New York



Current Employer-Title Case Closure LLC – Founder and Managing Director

Profession Arbitrator, Mediator

Work History Founder/Managing Director, Case Closure LLC, 2005 – Present; Partner, Bryan Cave LLP (Co-Director of Risk Management Litigation), 2002 – 2005; Partner, Robinson Silverman Pearce Aronsohn & Berman (Head of Insurance Litigation), 1996 – 2002; Managing Partner, Ohrenstein & Brown, 1983 – 1996; Trial Attorney, O'Melveny & Myers; 1977 – 1979; Special Assistant Attorney General, Office of New York State Special Prosecutor, 1975 – 1977.

Experience Experience in domestic and international insurance litigation, arbitration and mediation of all insurance policy types including general liability, property, construction, Rep. and Warranty, employment practices, Cyber policies, supply-chain, business interruption, Directors and Officers, Trade Creditor insurance, Professional Liability, Life and Disability. Arbitrated and mediated many insurance industry business disputes between insurers and MGAs; brokers and agents. Have also arbitrated and mediated non-insurance general commercial cases, construction defect cases, computer software compliance disputes, partnership dissolution disputes and family business disputes.

Fellow, College of Commercial Arbitrators; Member of the A.A.A. Commercial Large Complex Case Panel; the commercial and mediation panels of FedArb; the Commercial Division of the Supreme Court of the State of New York mediation panel; the New York and the New Jersey Storm Sandy Mediation panels; and the panel of the National Academy of Distinguished Neutrals (NADN). Member of the Executive Committee the Dispute Resolution Section of the New York State Bar Association and its Mediation and its Arbitration Committees; Immediate Past Co-Chairman of the New York State Bar Association Insurance Dispute Resolution Committee of the Dispute Resolution Section. Also a member of the Arbitration Committee of the New York City Bar Association.

Mediator Experience Over 450 matters mediated including:
2014 – 2023 MEDIATIONS:
• Mediated fraud claims arising out of a failed Florida real property project

- Mediated insurance broker liability claim related to Residual Value insurance
- Mediated fourteen party construction defect litigation
- Mediated claims under subcontractor's default insurance policies
- Mediated insurer refusal to consent to settle a cyber-insurance claim
- Mediated disputes surrounding allocation of business value to estates following the passing of a principal shareholder
- Mediated multi-million dollar partnership dispute arising out of a buy-out agreement
- Mediated corporate dissolution dispute where issues involved EBITDA and allocation percentages
- Mediated multiple life insurance and disability insurance cases
- Mediated multiple family business disputes involving sibling and parent related issues
- Mediated legal malpractice matters involving issues of multi-state liability
- Mediated partnership disputes in the advertising industry and also in the restaurant industry
- Mediated condo owners dispute with commercial space owners
- Mediated directors and officers coverage dispute involving a Federal Grand Jury Investigation against a prominent company
- Mediated employment coverage disputes between insurer and brokerage company
- Mediated title insurance coverage dispute involving New York City commercial property
- Mediated legal malpractice claims involving land purchase agreement
- Mediated claim by former employee against pharmaceutical company regarding buyout/ownership of intellectual property
- Mediated environmental malpractice claim against engineering company
- Mediated disability coverage claims, involving attorney and also commodities trader
- Mediated partnership breakup in the technology industry
- Mediated partnership and joint venture disputes in real estate projects
- Mediated land contamination case against co-op building
- Mediated coverage dispute involving fire at industrial site
- Mediated Storm Sandy property disputes and business interruption at commercial sites
- Mediated Workers Comp insurance premium reimbursement disputes

2005- 2014:

- Mediated an insurance coverage dispute arising out of a property damage loss in lower Manhattan, to a significant commercial property, resulting from the collapse of the World Trade Center.
- Mediated a multi-million dollar dispute between a primary insurer and excess layers and reinsurers of excess layers, both domestic and foreign, as to percentage allocation of loss for foreign-based multiple explosions.
- Mediated numerous life insurance claim denials where the insurer was claiming misrepresentation in the application process.
- Mediated a dispute between many layers of competing insurers as to which policies were responsible for a large personal injury loss.
- Mediated life insurance benefit allocation coverage cases.
- Mediated environmental policy coverage dispute involving land and water pollution.
- Mediated coverage dispute on an advertising injury claim.
- Mediated dispute between one of the nation's largest internet service providers and a large business customer concerning alleged breach of contractual terms for the speed of internet service and private cloud storage capacity issues.
- Mediated claim by secured trade lender against former customer for misrepresentation of assets.
- Mediated claim by purchasers of a business against sellers/employees for misrepresentation and over-evaluation.
- Mediated claim by purchasers of an office complex against sellers, regarding the viability of tenant leases.
- Mediated a claim by a web-based program "reseller-licensee" against licensor regarding compliance with contractual terms involving quotas.
- Mediated financial sector contract dispute with web-provider
- Mediated international merchandise industry principal-agent dispute.

Representative Issues Handled as a Mediator

1. Insurance coverage for all types of insurance policies including directors and officers, professional liability (lawyers, accountants, engineers), environmental coverage, employment practices coverage, business interruption losses; both direct and contingent, property damage, life insurance, disability insurance, title insurance and school leaders policies.
2. Officers and Directors corporate disputes.
3. Partnership disputes.
4. Ownership of intellectual property disputes.

5. Intra-family business disputes (i.e. family owned business problems; care of elderly family members disputes).
6. Buy-out agreement disputes.
7. Trade lender claims against borrowers and accountants.
8. Licensor/Licensee disputes especially in the computer related area.
9. Employment disputes regarding termination or resignation.
10. Employment disputes involving sexual harassment or age discrimination or failure to promote.
11. Business acquisition related disputes.
12. Mass tort cases involving multiple injured parties.
13. Commercial real estate disputes involving title; valuation of property.
14. Construction defect matters.

Mediator Style & Process Preferences	I do both in-person and virtual mediations. I am Facilitative and Suggestive. Parties go to court to make a point; they come to mediation to make a deal. A good mediator will thoroughly review the material that has been supplied in the pre-mediation process, will listen closely to the parties during the course of the mediation day and based on where each is positioned, will encourage and facilitate their coming to an agreement. Over the course of the day it usually becomes clear how the dispute can be worked out, within a narrow range. I offer options and deal-making suggestions to the parties based on all the information that has been put forth. The focus should be on the fact that all the parties are at the mediation to achieve closure. A mediator's proposal is a last resort, if necessary, but it usually does result in a settlement.
Technology Proficiency	Available for in-person arbitrations in all 50 United States and in the United Kingdom or virtual hearings upon parties' request.
Education	Rutgers University School of Law (JD-1975); New York University, (BA, summa cum laude-1971).
Professional Licenses	Admitted to the Bar: New York (1976); U.S. District Court: Southern and Eastern Districts of New York (1976); U.S. Court of Appeals (1983); U.S. Supreme Court (1987).
Professional Associations	Fellow, College of Commercial Arbitrators; Immediate Past Co-Chair of the Insurance Dispute Resolution Committee of the NY State Bar Assn. Dispute Resolution Section, 2021-present; Executive Committee member of the NYS Bar Association, Dispute Resolution Section; Member, NYC Bar Association, Arbitration Committee; Diplomate Member, National Academy of Distinguished Neutrals; Member, A.A.A. Commercial Large Complex Case Panel.
Recent Publications & Speaking Engagements	<p>"When States Prohibit Dispute Resolution: The Use of Mandatory Arbitration Clauses in Insurance Policies" ; Dispute Resolution Journal of the American Arbitration Assn., Vol 71, 2016.</p> <p>"Solving the Insurance Allocation Dilemma," NY Law Journal, September 2105</p> <p>"The Second Circuit Curtails Manifest Disregard," NY Law Journal, February 2015</p> <p>"Insurance Broker Exposure; A New Day in New York"; NY Law Journal, Outside Counsel column, April 24, 2014.</p> <p>"The Ten Commandments for a Successful Mediation"; Litigation Management Magazine, Fall 2012.</p> <p>"A Twist in Standard Mediation: The Insurer is at the Table"; NY Law Journal July 29, 2010, Pg. 1.</p> <p>"Mediation of Estate and Commercial Family Disputes"; NY Law Journal, January 14, 2010, Pg. 1.</p> <p>Has spoken at meetings, conventions, and seminars around the country on ADR and insurance issues, i.e. The Claims and Litigation Management Annual Convention in New Orleans, La., March 2011; The New York State Bar Assn. Elder Law meeting, White Plains, N.Y., November 2010; The New York State Bar Assn. Dispute Resolution Section Annual Meeting, January 2009; the American Bar Assn. Insurance Coverage Section meeting in Tucson, AZ. 2007; and has appeared on radio, television and in the press, talking about risk management and insurance coverage and recovery and Structured Settlements. Has appeared on Ringler Radio on multiple occasions. Has authored articles on Insurance and Business Mediation in many publications, including the New York Law Journal and Litigation Management Magazine.</p>
Mediation Rate	\$700 Per Hour
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.