



AAA Mediation.org™

**FN-2815403 MN-2815403 LN-2815403,  
Esq.**

New York City, New York



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**Current Employer-Title** Reiman ADR – Principal

**Panelist Video** <https://www.adr.org/videoresume?paramName=268426798>

**Profession** Arbitrator and Mediator; Public and Private Company Board Director; Educator

**Work History** Arbitrator/Mediator, Reiman ADR (Principal), 2016 – Present; Negotiation Tutor, University of Oxford Saïd School of Business (Oxford, UK), 2016 – Present; Board Director, MLM Risk Retention Group Inc (St. Paul, MN) 2019 – Present; Member of International Negotiating and Education Teams, TCA Limited (London UK), 2016 – Present; Chairman/Director/Chief Executive Officer, EBT Digital Communications Retail Group (LSE: EBT) Shanghai China, 2001 – 2011; Controlling Member and Manager/CEO, Aeroefficient LLC, (Levonon MI), 2001 – 2015; Executive Vice President, Greg Manning Auctions (NASDAQ: GMAI) (West Caldwell, NJ), 1999 – 2002; Principal, TOB Consulting (Chicago, IL), 1996 – 1998; Of counsel/Partner (including Practice Section Chair) and Associate, Barnes & Thornburg/Siegel Lynn & Capitel/James Reiman & Associates/Griffen & Fadden/Epton Mullin & Druth and Siegel Barbakoff Gomberg & Gordon, 1980 – 1998.

**Experience** SUMMARY:

Arbitrator and mediator of complex domestic and international commercial disputes; public and private company board director; educator. Veteran of nearly two decades in private practice in Chicago, IL law firms as a commercial litigator and commercial transactions attorney, followed by 20+ years as a CEO, board director and chairman of the board of directors of public and private companies in the US, UK, China and Canada. Law firm roles included practice section chair, partner, member of the firm's management committee, and of-counsel. Understands business issues (and the economics and metrics of such) from the perspective of a senior manager, board director and owner, as well as the legal issues as a senior attorney representing domestic and international businesses. Started legal career as a commercial litigator trying cases in State and Federal Courts in

the US, and as such was a member of the Trial Bar of the US District Court for the Northern District of Illinois. Author of the award-winning book *Negotiation Simplified: A Framework and Process for Improving Negotiating Results* (Amplify Publishing, 2021).

#### LEGAL & ADR:

Arbitrator and mediator of complex domestic and international commercial disputes concerning vendor/supplier agreements, the performance of complex machinery, distribution and licensing claims, construction, real estate buy/sell/development and leasing agreements, securities issues, joint venture agreements, financing arrangements, and service agreements.

Deep experience negotiating, documenting and litigating agreements regarding the purchase/sale of goods (including complex computer, manufacturing, and other commercial and industrial equipment); real estate (including purchase/sale/leasing agreements, construction agreements and disputes, development and TIF projects, and financing or real estate projects via debt and equity transactions); unfair competition disputes; non-competition agreements and disputes; theft/misuse of trade secrets; work-outs and financing, and; partnership/joint venture agreements and disputes. Often serves as the Program Director for the Chartered Institute of Arbitrators' Fellow qualification program for international arbitration.

#### MATTERS OF NOTE:

- Successfully mediated the resolution of one of the 2020 voting machine libel lawsuits.
- Multiple multi-million dollar disputes regarding the purchase/sale of goods under the UCC and other laws, and the financing (secured and unsecured) of such
- Disputes regarding the merger, acquisition and divestiture of businesses
- Disputes regarding construction, including delay damages, breach of contract claims, third party liability issues, owner/architect/general contractor/sub-contractor disputes and bond claims
- Disputes regarding development agreements, easement agreements and land-use agreements
- Non-competition, confidentiality and NDA agreements of key employees; misappropriation of customer lists and interference with business relations disputes

#### BUSINESS:

- 20+ years as a public and private company CEO and board director.
- EBT Digital Products, Inc. (CEO, Chairman of the Board of Directors; Chairman of the Board's Compensation Committee): EBT was one of China's largest retailers of cell phones and related digital products. Based in Shanghai, China, EBT operated in multiple cities in the East China region of the PRC. During tenure as CEO and then Chairman, organized and executed the listing of EBT on the London Stock Exchange AIM Market (LSE:EBT). Grew the business from US\$2.25 million to US\$ 275+ million in 2012, from 35 to 250+ stores over five years, and subsequent growth to 400+ stores (2013).
- Aeroefficient LLC (Founder, CEO, Managing Member): Created/manufactured proprietary aerodynamic products that in combination gene

### Mediator Experience

As an independent neutral, have mediated multiple complex domestic and international business disputes ranging in value from tens of thousands of dollars to \$100+ million. Issues addressed include supplier/vendor agreements, joint venture agreements, construction disputes (commercial, industrial, high-rise office), financing agreements, international logistics and delivery agreements, and partnership disputes.

As a court sponsored mediator, have mediated dozens of tort and contract disputes (many involving real estate or construction) in the Circuit Court of The Twelfth Judicial Circuit, Will County, Illinois and the Circuit Court of The Nineteenth Judicial Circuit, Lake County, Illinois.

As a business executive, have successfully mediated and resolved numerous highly charged and bitter or complex business disputes. Of note, successfully unwound a public-private JV between a European majority owned US corporation and a large Chinese State Owned Enterprise, preserving government relations thereby permitting a successful re-launch of the business in China.

#### Recent Mediations of Note:

- \* Successfully mediated the resolution of one of the 2020 voting machine libel lawsuits
- \* A dispute between a cryptocurrency miner and the server farm host
- \* A dispute a medical device manufacturer and a distributor regarding the scope of each parties' marketing rights
- \* A dispute between a domestic packaging company and a foreign paper supplier regarding jurisdiction of US courts, the enforceability of an arbitration agreement, and claimed breaches of the supplier agreement.

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

Recent Matters of Note:

Dispute between an entity that out-sourced the management and operation of a multi-billion dollar enterprise and its service provider over unmet monetary and other benchmarks, reasons for the failure to achieve the benchmarks, and the rights of each party. Amount in dispute: \$100+ million

A dispute between an owner and general contractor of a high-rise commercial office building regarding claimed delay damages, faulty construction, and liability for a high-value casualty caused by a third-party, including potential bond and insurance claims related to the casualty. Amount in dispute: tens of millions.

A dispute regarding increased costs, delay damages and breach of contract claims involving wrongly labeled components for installation in a new office building. Amount in dispute: \$5+ million

A dispute between a US customs brokerage and logistics company and a middle eastern airfreight company regarding a multi-modal logistics contract pertaining to the delivery of US military supplies. Amount in dispute: long term contract rights valued in the tens of millions

A dispute between co-owners of a software development company regarding ownership and licensing rights of intellectual property created by the business. Amount in dispute: \$250,000 - \$1 million

A dispute between a seller who designs and fabricates industrial manufacturing systems and the purchaser of a high volume, commercial product manufacturing plant regarding claimed performance, quality and other defects in the manufacturing system to be delivered by the seller. Amount in dispute: \$2 - 5 million

A dispute between a building owner and general contractor regarding claimed faulty construction. Amount in dispute: \$100,000 - \$200,000.

## **Mediator Style & Process Preferences**

Like most, I am a creature of my experiences. Having served both as an attorney in private practice, a public and private company CEO, and a public and private company board director, my thinking about mediation and how best to serve as a neutral has been shaped in part by that which I admired and that which frustrated me in both my legal and business careers.

As a businessperson and board director, I made decisions based upon objective criteria. I demanded a detailed understanding of the economics of a decision and the impact of the options available to me upon company costs and profits. To the extent possible, I quantified "soft" issues such as marketing advantages, challenges working with "difficult" partners, etc. I identified options, and then strove to make rational decisions based upon data.

In the role of a neutral mediating business disputes, I strive to present the parties with the information I sought as a businessperson, and help them make rational business decisions. I question the parties to better understand their positions, the issues, and the parties' needs (as opposed to wants). Through questioning I endeavor to have the parties better understand their own positions and motivations, including the strengths/weaknesses of their own arguments.

I am both a facilitative and evaluative mediator. I am primarily facilitative, however when appropriate I voice my personal, neutral, assessment of a party's legal and factual arguments, and the challenges and costs (in time, energy, distraction and dollars) of successfully proving such if mediation fails.

I listen to what is said and to what is not said as I help the parties understand the essence of their dispute and find common ground. I initially work to facilitate the negotiation but as noted, when

appropriate will provide my opinion as an objective neutral to the strengths and weaknesses of the parties' positions. I keep in mind (and remind the parties) that a fast conclusion that is palatable may be better than the "best" solution sometime in the future. I strive to create options and to assist the parties in understanding the costs/benefits of each option so that they may make rational business decisions.

Importantly, when mediating disputes between sophisticated parties represented by sophisticated counsel, I do not push the parties to an agreement. I recognize that what I believe fair and reasonable may not be the thinking of the parties. Trust, belief in the parties' ability to perform, and other non-monetary factors often determine whether a proposed settlement is a fair and reasonable deal, or an unpalatable one. The parties themselves, with the counsel of their advisors, should decide such without pressure from the mediator.

I believe it is the mediator's job to assist the parties in understanding their dispute, their own needs and concerns, and to communicate in a non-inflammatory manner the thoughts and concerns of parties on the other side of the table. Additionally, the mediator should identify and create options, assist the parties in quantifying and evaluating their options, and then step back and permit the parties to make their own business decisions.

## **Technology Proficiency**

Conversant with most Microsoft Office applications and Adobe Acrobat, as well as both the Microsoft Windows and Apple IOS operating systems. Also conversant with Zoom, Teams and other video conferencing applications, and have experience conducting arbitration and mediation hearings remotely. To the extent possible, operate in a paperless environment and maintain industry standard security protocols (use of HIPAA compliant cloud storage and email servers; network firewalls; VPN when traveling).

## **Education**

Northwestern University, Kellogg School of Management, Advanced Executive Program (Certificate-1998); Northwestern University, School of Law (JD-1980); Columbia University, Columbia College (BA-1977).

## **Professional Licenses**

Admitted to the Bar: Illinois, 1980; U.S. District Court: Northern District of Illinois, 1980

## **Professional Associations**

LEGAL:

United States

- American Bar Association
  - o Chair - Dispute Resolution Committee, Tort Trial and Insurance Practice Section (2018 - 2019)
  - o Chair-Elect - Dispute Resolution Committee, Tort Trial and Insurance Practice Section (2017 - 2018)
  - o Vice-Chair - Dispute Resolution Committee, Tort Trial and Insurance Practice Section (2016 - 2017)
  - o Vice-Chair - International Litigation Committee, International Law Section (2016)
- Academy of Court-Appointed Neutrals
- American Health Law Association
  - o Roster of Arbitrators
- Association of Attorney Mediators
  - o Board of Directors (2022 - present)
  - o Executive Committee, Illinois Chapter (2019 - 2022)
- Chartered Institute of Arbitrators North America Branch
  - o Chairperson - North America Branch (2018)
  - o Vice Chair - Training (2019 -2021; 2016 - 2018)
  - o Board of Directors, North America Branch (2015 – 2023)
- International Institute For Conflict Prevention And Resolution (CPR)
  - o Roster of arbitrators and mediators
  - o Multiple committees, including Arbitration, Mediation, Construction and Insurance

Foreign

- ADR Institute of Canada
  - o Q.Arb
- ADR Institute of Alberta
- Asian International Arbitration Centre (AIAC):
  - o Roster of Commercial Arbitrators
- Philippine Arbitration Center in the Visayas (PACV)
  - o Fellow Member
- Centre for Effective Dispute Resolution (CEDR)
  - o Accredited Mediator

NON-LEGAL:

- National Association of Corporate Directors
  - o Board Leadership Fellow
- Private Directors Association

**Locations Where Parties Will Not be Charged for Travel Expenses** Based in Chicago, IL and New York, NY. Does not charge for travel for hearings in either city.

**Mediation Rate** \$550 Per Hour

**Languages** English

**Citizenship** United States of America

**Locale** New York City, 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.