



AAA Mediation.org™

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Milwaukee, Wisconsin



Current Employer-Title Levit ADR LLC

Profession Arbitrator, Mediator

Work History Shareholder/Chair International Practice Group/Loss Prevention Partner and Claims Counsel/Board Member/Chair of Litigation Practice Group, Godfrey & Kahn S.C., 1983 – 2014; Secretary and General Counsel, Rexnord Inc., 1979 – 1983; Partner, Hughes Hubbard & Reed, 1973 – 1979; Associate, Davis Polk & Wardwell, 1967 – 1973; U.S. Foreign Service Officer, American Embassy (New Delhi), 1962 – 1964.

Experience Over 50 years as a lawyer in law firms and as a General Counsel and over 45 years as an arbitrator and mediator in all kinds of complex domestic and international disputes including the following:

PRODUCT MANUFACTURING, MARKETING, DISTRIBUTION AND SUPPLY: Product design, performance, recalls and liability; breach of warranty; take or pay contracts; dealer; franchise; antitrust and trade regulation disputes.

INTELLECTUAL PROPERTY: Patent and trademark licensing disputes; software disputes; royalty disputes, artificial intelligence and trade secrets.

GOVERNANCE: Corporate, joint venture and shareholder disputes including closely held corporations, breach of fiduciary duty and minority oppression; LLC and partnership disputes including compensation, benefits and termination.

HEALTH CARE: All manner of hospital and medical related issues including pharma, medical devices and IT.

INSURANCE: P & C, E & O, D & O, life, mortgage, self-insurance, reinsurance, captives, stop loss, health, workers comp, professional liability and bad faith.

CORPORATE: M & A including asset purchase and loan agreements; breach of reps and warranties, post-closing adjustments and earn-outs; joint ventures, accounting both GAAP and statutory; securities and broker-customer disputes.

BUSINESS TORTS AND REGULATORY: Fraud and misrepresentation; misappropriation of trade secrets; defamation and trade disparagement.

LABOR & EMPLOYMENT: Executive compensation, benefits and employee termination disputes; ERISA particularly asset diversification issues; Fair Labor Standards Act; all types of discrimination claims; restrictive covenants particularly non-competes.

CONSUMER DISPUTES: All manner of Federal and state statutory consumer claims.

ENVIRONMENTAL: Water pollution; RCRA and site clean-up issues.

PROFESSIONAL LIABILITY: Legal and accounting malpractice.

NATIVE AMERICAN LAW: Experience particularly with inter-jurisdictional disputes between tribes and state government.

Businesses involved in these matters have been diverse. They include software design and licensing, particularly for banking, financial services, insurance, employee benefits, health care and aerospace; pharma manufacturing and licensing; food and beverage production and distribution; professional service firms including law, accounting, consulting and private equity; paper manufacturing and sales; temporary help; retail; banking and financial services; insurance and reinsurance (particularly life, property and casualty, health, professional liability, and directors and officers); pensions and retirement plans; manufacture and supply of equipment and components for many industries including mining, aerospace, appliances, paper, agriculture, construction, food and automotive (both Tier 1 and Tier 2 suppliers); fracking and Indian Tribes.

Mediator Experience

Mediated a broad range of disputes over 35 years including shareholder, executive compensation, employment, restrictive covenant, intellectual property, including software, franchise and licensing, distribution contracts, a variety of corporate and commercial, condemnation, director's and officer's liability, insurance and reinsurance disputes, asbestos claims and Native American law disputes. These include:

Nine figure take or pay food industry supply contract dispute

Tier 2 automotive supplier dispute with Tier 1 supplier

Court-appointed to mediate long-festering litigation between family members in closely held extractive industry dispute

Scores of asbestos claims

Franchisor-franchisee disputes in a variety of business including manufacture and distribution of industrial products, alcoholic beverages, fast food restaurants and leisure products

Dispute between Major League Baseball team and licensee

Dispute between university and its terminated president

Disputes related to asset purchase agreement breaches of reps and warranties, post-closing adjustments, earn-outs and covenant compliance

Insurance and reinsurance disputes related principally to CGL, E & O and D & O policies

Corporate purchase of jet aircraft from foreign manufacturer

Indian country disputes between tribes and non-Native Americans

Dispute related to defective fire protection system for new hotel

Bluff subsistence dispute

Fantasy football software dispute

Cross border food contamination dispute

Listed in current edition of The Best Lawyers in America (Arbitration, International Arbitration, Mediation, Commercial Litigation and Intellectual Property Litigation) and Chambers & Partners Directory of America's Leading Business Lawyers through 2014 (most recently as General Commercial Litigation-Senior Statesman) and Who's Who in America. Chair of Board of Administrative Oversight of Supreme Court of Wisconsin Office of Lawyer Regulation (2000-2006). Appointed and reappointed by Governor of Wisconsin as Trustee of State of Wisconsin Investment Board, one of ten largest U.S. public pension plans (May 2003-September 2015).

Representative Issues Handled as a Mediator

The most complicated dispute mediated involved the parties' rights and obligations under a multi-hundred million-dollar take or pay contract. By court appointment, successfully mediated a long-festering close corporation shareholder dispute. Has mediated a number of insurance coverage disputes principally involving directors and officers insurance and have also mediated reinsurance disputes as well as numerous franchise, dealer, product distribution and employment disputes, asbestos cases and licensing and software disputes.

Mediator Style & Process Preferences

I am dogged in my approach to mediation. It is my practice to have one or more ex parte sessions with each party prior to the actual mediation after receipt of their mediation statements. I put a very high premium on maintaining communication with the parties, even if on the day(s) of the mediation, no settlement has been reached. I normally start out in a facilitative role but if the parties are not making significant progress I will become increasingly evaluative.

Technology Proficiency

Trained and experienced in using Zoom for virtual proceedings. Willing to conduct arbitrations and mediations via video conference and teleconference in addition to in-person and hybrid proceedings.

Education

Harvard University (LLB-1967); University of California at Berkeley (MA, International Relations-1962); Yale University (BA, magna cum laude, Phi Beta Kappa-1960).

Professional Licenses

Admitted to the Bar: New York (1968), California (1974), Wisconsin (1979); Tribal Court of the Forest County Wisconsin Potawatomi Community; U.S. District Court: Southern and Eastern Districts of New York, Central and Northern Districts of California, Eastern and Western Districts of Wisconsin; U.S. Court of Appeals: Second, Third, Sixth, Seventh, Ninth and Federal Circuits; Federal Court of Claims; U.S. Supreme Court (1971).

Professional Associations

College of Commercial Arbitrators (Fellow); International Mediation Institute (IMI) Certified Mediator; American Law Institute; Chartered Institute of Arbitrators, London (Fellow (FCI Arb) and Chartered Arbitrator); Association of the Bar of the City of New York; Seventh Circuit Bar Association (Past President); active member of the State Bar of California; State Bar of New York; State Bar of Wisconsin (Fee Arbitration Committee, Past Chair); Milwaukee Bar Association (Fee Arbitration Committee, Past Chair); American Society of Corporate Secretaries (Wisconsin Chapter, Past President); American Bar Foundation (Fellow); Wisconsin Law Foundation (Fellow).

Recent Publications & Speaking Engagements

Visiting Professor, International Arbitration, Faculty of Law and Administration, Jagiellonian University, 2014, Krakow, Poland; Lecturer, International Commercial Arbitration, African Centre for Legal Excellence 2013, Maseru, Lesotho; Visiting Professor, International Commercial Arbitration and Mediation, Vilnius University, 2013, Vilnius, Lithuania; and Baikal National University of Economics & Law, Irkutsk, Russia, 2012; Visiting Professor, International Commercial Arbitration, Vladivostok State University of Economics & Service, Law and Management Institute, 2011, Vladivostok, Russia; Contributor to L.W. Newman et al., INTERIM MEASURES IN THE UNITED STATES IN AID OF ARBITRATION (Juris Publishing Inc. 2022); Contributor to 4th ed., "COLLEGE OF COMMERCIAL ARBITRATORS GUIDE TO BEST PRACTICES IN COMMERCIAL ARBITRATION" (2017); Co-author, "Wisconsin's Experience in Allocating Jurisdiction Between State and Tribal Courts," 45 COURT REVIEW 20, 2009; co-author, "Surveying the Boundaries: Overlapping State and Tribal Court Jurisdiction," WISCONSIN LAWYER, June 2006; chapter author, "An Introduction to ADR," WINNING LEGAL STRATEGIES FOR ALTERNATIVE DISPUTE RESOLUTION, Aspatore Books, 2005; contributor, MERGERS AND THE PRIVATE ANTITRUST SUIT: PRIVATE ENFORCEMENT OF SECTION 7 OF THE CLAYTON ACT, American Bar Association, 1977; Editor-in-Chief,

HARVARD INTERNATIONAL LAW JOURNAL, 1966-67; speaker for American Bar Association, State Bar of California, Seventh Circuit Bar Association, Wisconsin Bar, Practising Law Institute, Corporate Practice Institute, International Institute for Conflict Prevention & Resolution, State of Wisconsin Investment Board, University of Wisconsin School of Business, University of Chicago Booth School of Business, Ernst & Young, World Pension Forum, American Corporate Counsel Association and Super Bowl of Indexing among others.

Mediation Rate	\$685 Per Hour
Languages	English
Citizenship	United States of America
Locale	Milwaukee, WI

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.