



AAA Mediation.org™

**FN-4545322 MN-4545322 LN-4545322,
Esq.**

Garden City, New York



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Current Employer-Title Moritt Hock & Hamroff LLP - Partner

Panelist Video <https://www.adr.org/videoresume?paramName=941705801>

Professional Summary Over 30 years of experience as a commercial litigator, who spends 60% of her practice working on commercial disputes and 40% negotiating and drafting contracts and developing business strategies for clients and working in the area of Dispute Resolution as both a mediator and arbitrator. Representative types of clients include commercial borrowers and national asset-based lenders, industrial vehicle and equipment lessors/financers, landlords/tenants, national suppliers to the automobile, farming, airline and healthcare related industries. Currently Chair of her firm's Dispute Resolution Practice Group and former Co-Chair of firm's Litigation and Restructuring Practice Group.

Profession Arbitrator, Attorney, Mediator

Work History Partner, Moritt Hock & Hamroff LLP, 1993-Present; Law Clerk to Hon. Jerome Feller, United States Bankruptcy Court - Eastern District of New York, 1991-1993; Law Clerk to Hon. Allyne Ross - Federal Magistrate, United States District Court - Eastern District of New York, 1990-1991; Summer Associate, Tarlow Levy Harding & Droney PC, 1989; Law Clerk to Hon. Reena Raggi, United States District Court - Eastern District of New York, 1988.

Experience Represents clients in commercial disputes, including breach of contract, contract interpretation, resolution of, or challenges to, validity of liens and lien priority, as well as the prosecution and defense of guarantor obligations including claims for misappropriation or diversion of assets or fraudulent conveyances claims. Handled commercial foreclosure and/or recovery and possession of underlying collateral, and defends these types of claims. Litigates cases for both lenders and borrowers regarding commercial reasonableness of sales and fixing of deficiency claims. Pursues and defends judgment enforcement actions. Participates in complex pretrial proceedings, including preparation and analysis of extensive discovery demands. Handles all types of discovery disputes,

including disputes over scope of electronic discovery and spoliation. Extensive experience conducting evidentiary hearings, and has served as trial counsel in both New York State and Federal Courts.

Representative matters:

Representing a lender to a series of skilled nursing facilities, including pursuing a default under multi-million-dollar loan package in State Court, securing the institution of a State Court receiver, and drafting and implementing the terms of a forbearance agreement.

Representing Integrated Vehicle Leasing Company, Putnam Leasing Company and Signature Financial LLC in disputes with their lessees and borrowers.

Defended and litigated as company counsel claims by lenders to collect on outstanding loans and asset foreclosures.

Handled a wide variety of disputes in bankruptcy related litigation. Some specific examples of experience in this area include representing General Electric Capital Corporation, as a senior secured lender in a series of chapter 11 filings by related nursing facilities, litigated multiple contract and collateral disputes and negotiated settlements with the DOH regarding Medicare and Medicaid receivables, offsets, recoupment rights and DSH payments, as well as negotiated and drafted the documents for the sale of the debtors' assets and litigated and negotiated settlements with various state and local taxing authorities the guarantors. Representing healthcare equipment suppliers and lessees, as well as ABL lenders and vendors in the healthcare industry in workouts, Chapter 11 and Chapter 7 cases around the country. Representing lenders in Chapter 15 recognition proceedings. On the borrower side has represented Dial-A-Mattress in its Chapter 11 Reorganization case and eventual sale of assets. Represented Innovative Stone and Marble Tile Company and its affiliated international companies in defending suits brought by various lenders and formulating a restructuring of the companies' debts and eventual sale of all of the companies' assets

Drafted initial contracts memorializing loan transactions, forbearance agreements, and settlement agreements arising out of litigations. Draft and review alternate dispute resolution provisions to be utilized in the initial corporate front-end documents. Some additional representative matters include representing lenders with loan portfolios secured by equipment, accounts receivable and real estate where borrower operated MRI imaging centers and related surgical facilities.

Mediator Experience

Served as a neutral and an advocate in alternative dispute resolution matters for over 25 years in a broad range of commercial and contractual settings. Has been appointed as a mediator in the Federal Bankruptcy Courts in New York, Delaware and Pennsylvania, Nassau County (NY) Commercial Division, Bronx County, Nassau Bar ADR Program and the Appellate Division NYS First and Second Department, and the Second Circuit. To date has handled well over a hundred cases.

As a mediator, has primarily handled general commercial disputes involving breach of contract claims, breach of fiduciary duty, fraud and fraud in the inducement, construction disputes, real estate and cooperative litigations, d & o insurance and malpractice claims, challenges to the validity of security interests and priority of liens, equitable subordination claims, valuation and quantification of claims and treatment of those claims, and claims against guarantors and co-obligors. Additional experience within the context of several large complex Chapter 11 cases, serving as one of a few dedicated panel mediators handling multiple claw back mediations involving preference and fraudulent conveyance claims, as well as, contract disputes and subordination claims.

In a large commercial real estate matter, served as a mediator to address competing plans between disparate factions and handled multiple related disputes including the fixing and allowance of attorneys' fees and other third-party claims. Has also handled a complex dispute between multiple parties involving insurance carrier, chapter 7 trustee and lender arising out of a lengthy litigation and contested plan process resulting in a multi-layered settlement, as well as a multi-party dispute involving a defective coop offering plan, insurance claims upon title and a secured finance trust of multiple loan portfolios.

Upon the request of several judges in the Eastern and Southern Districts of New York, has served as a pro bono mediator to assist Chapter 7 or 13 debtors and trustees to resolve disputes over discharge, dischargability, and claim allowance.

In the role of mediator, has also resolved discovery disputes, set discovery parameters, and reviewed and considered the validity of evidentiary issues within the context of the mediation how those might have impact upon future trials or hearings.

As an advocate in the mediation process, represented a Chapter 11 operating trustee in a coverage

dispute resolving a complicated Ponzi scheme lawsuit and related claims against the seller and buyer of assets, as well as certain individuals in the related litigation. Has also represented creditors defending clawback claims in various Ponzi scheme and fraud cases. Additional advocacy representations include serving as an advocate in a mediation involving a Chapter 11 debtor-in-possession involving a real estate property dispute with a large public lending institution and various trade creditors working to resolve competing lien rights and subordination claims. Has represented former officers and directors in various disputes arising both in and out of restructuring cases.

Representative Issues Handled as a Mediator

COMMERCIAL/BUSINESS DISPUTES - general commercial disputes involving breach of contract, such as loan agreements or lease, finance or sales agreement, other buy/sell, breaches of partnership/shareholder agreements, non-conforming goods, guaranty claims or employment agreements. Issues have involved contract interpretation, the assessment of damages and determination of claims for breach of such agreements, analysis of defenses to the claim, and corresponding claims against insurance carriers.

REAL ESTATE/INSURANCE – disputes involving cooperatives and condominiums, real property leases, loans, construction contracts, Article 3A claims, mechanics liens and other trust fund type claims, mediations have included not just primary and secondary obligors but also insurance carriers, lenders, title companies, governmental authorities (attorney general representatives in certain cases).

ACCOUNTING/MALPRACTICE – disputes involving claims of malpractice, accounting and attorney with both direct responsible parties as well as carriers and other key representatives.

FRAUD/CLAWBACK - clawback claims, including preferences, fraudulent conveyances, equitable subordination, as well as breach of fiduciary claims, fraud and fraud in the inducement, and concealment.

MISCELLANEOUS - current member of the American Bar Association's Advisory Dispute Resolution Council and a contributing editor on Dispute Resolution for the American Bar Association's publication Business Law Today. Vice Chair and Content Editor of the American Bar Association's Business Law Section's Dispute Resolution Committee. Former Co-Chair of the Mediation Committee of the Dispute Resolution Section of the New York State Bar Association and former Co-Chair of the Ethical Issues and Ethical Standards Committee. Active member of the New York City Bar Alternative Dispute Resolution Committee and the Nassau County Bar Alternative Dispute Resolution Committee. Current Chair of the Mediation Sub-Committee for the Lawyer's Advisory Committee to the Eastern District of New York Bankruptcy Court also serves as a frequent speaker on the topic for this Court. Former Co-Chair of the American Bankruptcy Institute's Mediation Committee and presently contributing editor to the organization's journal running an ongoing column entitled Mediation Matters column. Member of the AAA-ICDR Council.

Mediator Style & Process Preferences

No mediation is the same and therefore my approach will change based upon the issues and the parties involved. Generally, a facilitative approach is utilized but at times, if the parties are receptive, an evaluative approach will be adopted if it will aid in the overall resolution of the matter. Upon selection I conduct a counsel only call to review process, procedure and understand the general nature of the dispute. Also, this is a chance to ensure that if any critical information needs to be gathered and shared between the parties a voluntary exchange can be arranged. Parties are asked to provide shared mediation statements in advance and a confidential "my eyes only" submission prior to the mediation after receipt of the shared statements; this allows each party to share some additional confidential thoughts regarding the history of the matter, their client's positions and/or to respond to something in the shared statement received from the other side. After receiving these statements, private calls with each side are also arranged in advance of the mediation as they can also be useful in "setting the table" to ensure an effective session. While joint sessions can be a useful way to start a mediation, they are not always productive and in certain cases, after consultation with each side, may be dispensed with at least at the outset. Again, not every mediation is the same and each should be organized according to its own unique dynamics.

Technology Proficiency

Proficient in Zoom, LoopUp, Microsoft Teams, WebEx and GoToMeeting and will conduct mediations using those platforms (although Zoom is the preferred medium).

Education

Hofstra University School of Law (JD, cum laude-1990); State University of Albany (BA, cum laude-1987).

Professional Licenses

Admitted to the Bar: New York (1991), Connecticut (1990).

Professional Associations

American Bar Association, New York State Bar Association, Association of the Bar of the City of New York, Nassau County Bar Association, American Bankruptcy Institute, International Women's Insolvency & Restructuring Confederation, Commercial Real Estate Women Network (CREW), Commercial Law League of America; current member of the American Bar Association's Advisory Dispute Resolution Council and a contributing editor on Dispute Resolution for the American Bar Association's publication Business Law Today. Vice Chair and Content Editor of the American Bar Association's Business Law Section's Dispute Resolution Committee, former Co-Chair of the Healthcare and Not-for-Profit sub-committee. Former Co-Chair of the Mediation Committee of the Dispute Resolution Section of the New York State Bar Association and former Co-Chair of the Ethical Issues and Ethical Standards Committee. Active member of the New York City Bar Alternative Dispute Resolution Committee and the Nassau County Bar Alternative Dispute Resolution Committee. Current Chair of the Mediation Sub-Committee for the Lawyer's Advisory Committee to the Eastern District of New York Bankruptcy Court also serves as a frequent speaker on the topic for this Court. Former Co-Chair of the American Bankruptcy Institute's Mediation and Healthcare Committees and presently contributing editor to the organization's journal running an ongoing column entitled Mediation Matters column. Member of the AAA-ICDR Council.

Recent Publications & Speaking Engagements

Select Publications: Co-Editor-in-Chief and Contributing Author of ABI Health Care Insolvency Manual, Third Edition, American Bankruptcy Institute, (2012) and current author and Editor-in-Chief for the Fourth Edition; Supreme Court Finds Underlying District Court Action Is Automatically Stayed Pending Interlocutory Appeal of a Denial of a Motion to Compel Arbitration ABA Business Law Today (7/23); The Use of Mediation in Large Chapter 11 Cases: Useful, Voluntary and Mandatory (Part II) ABI Journal (11/23); The Use of Mediation in Large Chapter 11 Cases: Useful, Voluntary and Mandatory (Part I) ABI Journal (8/23); What Happens When Co-Defendants Hold Divergent Interests? ABI Journal (3/23); Mediation in International Cases to Advance Cross-Border Disputes ABI Journal (12/22); Supreme Court Restricts the Ability of Federal Courts to Confirm or Vacate Arbitral Awards ABA Business Law Today (4/22); Remedies for Refusing to Consummate a Settlement Agreement Reached at Mediation ABI Journal (4/22); Supreme Court Determines That Nonsignatories May Invoke International Arbitration in Certain Circumstances ABA Business Law Today (6/20); The Singapore Convention: A Viable Method to Enforce Settlement Agreements? New York Law Journal (5/20); Guide for In-House Counsel American Bar Association Editor-in-Chief and Contributing Author (3/19)

Select Speaking Engagements: Panelist Good Faith and Fair Dealing: Can the Covenant Really be Breached? American Bar Association Business Law Section Fall Conference (9/23); Annual Panelist Handling the Arbitration Financial Poise; Panelist Panel on Arbitrator Ethics NYSBA Commercial Arbitration Training; Annual Panelist Preparing for Mediation Financial Poise (22/23); Panelist Mediating Bankruptcy Disputes: A Ghost-Runner on Second or Need a New Game? CLLA 2023 129th National Convention (5/23); Annual Panelist Conducting the Mediation Financial Poise; Panelist Court-Appointed Neutrals - What Lawyers, Clients, and Judges Need to Know ABA Business Law Section Spring Conference (4/23); Annual Panelist Preparing for Mediation: From Selection to Presentation of Claims Financial Poise; Speaker What you need to know about Arbitrator Selection – From the Basic to the ‘Bet the Company’ Case ABA Business Law Section Webinar (3/23); Speaker A Tour of Canon Land ABA 2023 Arbitration Training Institute (3/23); Panelist Directors' Liabilities' Drilling Down Into Liability in Insolvency Asset Recovery International Conference Ireland (2/23); Panelist The Intersection of Bankruptcy and Arbitration in Domestic and International Restructuring New York City Bar Association (12/22); Panelist Comprehensive Commercial Arbitration Training for Arbitrators and Counsel New York State Bar Association (7/22); Understanding a Commercial Arbitration - From Preparing and Filing a Claim through Securing an Award-How to Effectively Manage the Process as an Advocate Lawline.com (11/21); Speaker Dispute Resolution in Bankruptcy Cases: Best Practices New York City Bar Association (10/21); Speaker Strategic Representation in Mediation ABA Dispute Resolution Section (10/21); Panelist Advising Clients in Wind-Downs, Separations and "Business Divorce": How to Use ADR and Other Tools to Steer Business Owners Through a Break-Up of a Closely-Held Business ABA Business Law Section Virtual Annual Meeting (9/21); Panelist Comprehensive Commercial Arbitration Training for Arbitrators and Counsel New York State Bar Association (7/21)

Mediation Rate

\$725 Per Hour

Languages	English
Citizenship	United States of America
Locale	Garden 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.