



AAA Mediation.org™

**FN-4717200 MN-4717200 LN-4717200,
Esq.**

New York, New York

Current Employer-Title Stradley Ronon Stevens & Young, L.L.P.

Profession Attorney

Work History Counsel, Stradley Ronon Stevens & Young, L.L.P., 2017 - Present
Partner, Troutman Sanders, 2014 - 2016
General Counsel, Fairholme Capital Management LLC, 2010 - 2011
Senior Vice President & Chief Litigation Counsel, CIT Group Inc., 2006 - 2010
Partner, Reed Smith, 2000 - 2006
Counsel, Friedman Siegelbaum LLP., 1993 - 2000

Experience Commercial litigation experience includes: breach of contract; business torts; fraud; theft of trade secrets; piercing the corporate veil; violations of laws and regulatory provisions, including the Fair Credit Reporting Act, False Claims Act and wire tapping laws. Bankruptcy and workout experience encompasses all aspects of representation in bankruptcy cases, from pre-bankruptcy planning through plan consummation, including litigation involving lien priority disputes, valuation, appointments of examiners or trustees, venue challenges, confirmation objections, substantive consolidation, lender liability, disgorgement, preferences, fraud and fraudulent conveyances.

At CIT, a NYSE-listed company, established and chaired the Company's global litigation and government investigations legal team, including working with senior management to identify, prevent and mitigate litigation risk. Also assisted in CIT's financial and operational restructuring, through which it became a bank holding company.

As general counsel to Fairholme Capital Management LLC, a NASDAQ-listed investment adviser, and corporate secretary to The Fairholme Funds Inc., worked closely with executives and board of directors on issues integral to the business at a critical time in the companies' history.

Industry experience includes; financial services, manufacturing, healthcare, real estate, telecom, retail, and airplane.

Mediator Experience Mediated more than 90 commercial disputes, including breach of contract, allegations of accounting and legal malpractice, fraudulent transfer, turnover proceedings, and bankruptcy-related claims. One of three Court-appointed mediators in the Dewey & LeBoeuf bankruptcy case and the Madoff liquidations.

**Representative Issues
Handled as a Mediator** Breach of contract
Fraud, including Ponzi scheme issues
Business divorce
Accounting malpractice
Legal malpractice
Bankruptcy issues, including fraudulent transfer, preference actions, homestead exemption challenges

Mediator Style & Process Preferences	<p>Through Mediation parties utilize a neutral to assist them in resolving disputes in the simplest, least disruptive and most cost-effective manner. In order to be effective, a mediator must earn the respect and trust of the parties by being prepared, listening, maintaining an open mind and leading in a respectful and fair way. A mediator must be committed to the highest ethical standards and uphold the integrity of the process at all times.</p> <p>Mediation is a confidential process affording parties the opportunity to communicate openly, either directly or through the mediator, in order to identify the essence of their dispute, find common ground between them, eliminate risk and reach practical solutions that are tailored to fit their unique facts and situation. Mediators must be non-judgmental, flexible, creative and reasonably persistent and patient in their approach to each case, adjusting and adapting to assist the parties in reaching the best outcome for them. Each case and participant is different so a one-size-fits-all approach is not effective. While there are variations, mediators typically are categorized as facilitative, evaluative, or transformational. I employ each of these methods depending upon the unique personal character and interrelationship between and among the participants, the nature and status of the dispute and its possible resolution, the participants' style of negotiating and their ability to identify issues, synthesize information, make decisions, and propose and consider creative solutions that would not be achievable in litigation or arbitration. Throughout a mediation, I encourage each participant's engagement in the process, and I endeavor to keep the parties focused on the important issues and help them identify their own underlying needs and interests, clarify misunderstandings, and understand each other's perspectives and positions.</p>
Technology Proficiency	Proficient at conducting mediations on the Zoom platform.
Education	Seton Hall University, School of Law (JD-1985); New York University, School of Arts and Sciences (BA-1982).
Professional Licenses	Admitted to the Bar: New Jersey (1985), New York (1987); U.S. District Court: District of New Jersey (1985), Eastern (1986), Southern (1986) and Western (2017) Districts of New York.
Professional Associations	<p>New York State Bar Association (Co-chair Technology Committee of the Dispute Resolution Section, 2022-present; Treasurer of Dispute Resolution Section, 2020-present; Co-chair Commercial Lending Committee of the Dispute Resolution Section, 2021-2022);</p> <p>Turnaround Management Association, New York Chapter (President, 2017; Chairperson, 2018);</p> <p>American Bankruptcy Institute;</p> <p>Association Commercial Finance Attorneys.</p> <p>Ranked by Chambers USA for mediation, 2022-2023.</p>
Recent Publications & Speaking Engagements	<p>12/2021 - panelist, "Mediation: Nothing To Lose and So Much To Gain", sponsored by Celesq AttorneysEd Center</p> <p>8/2021 - author, "Lowering Litigation Risk & Redefining Wins Via Alternative Dispute Resolution", published by Bloomberg Law</p> <p>7/2021 - panelist, "The New Normal: Maintaining Your Network While Navigating the Future of Work", sponsored by the New York City Chapter of Turnaround Management Association</p> <p>6/2021 - author, "Mediation: Nothing to Lose and So Much to Gain", published in New York Law Journal</p> <p>Nov./Dec. 2020 - co-author, "Reshape Your Board for Company Restructuring", published in Corporate Board Magazine</p>

11/2020 - panelist, "Managing the Onslaught of COVID-Triggered Financial Services Disputes - Is Arbitration the Solution?", sponsored by the New York State Bar Association, Arbitration Committee

10/2020 - speaker, CPR International Institute for Conflict Prevention & Resolution, Banking and Financial Services Committee regarding use of mediation in mega bankruptcy cases and applicability of such processes in non-bankruptcy context

6/2020 - panelist, "We're All in This Together - Let's Mediate", Turnaround Management Association, New York City Chapter, webinar

2/20/2020 - Moderator and presenter, "Innovative Financing and DIP Substitutes", Turnaround Management Association Global Distressed Investing Conference

2/2019 - author, "Agreement to Arbitrate Arbitrability Cannot be Overridden by Courts", ADR Advisor Client Alert.

12/2018 - author, "Second Circuit Rules Arbitration Clauses not Enforceable in Bankruptcy Case", ADR Advisor Client Alert.

12/2016 - panelist, "Supreme Court Casts Wide Net for Actual Fraud Under Section 523: Huskey and its Potential Impact", Winter Leadership Conference Hosted by American Bankruptcy Institute

12/2013 - panelist, "Lender vs Lender: Let's Get Ready to Rumble", Winter Leadership Conference Hosted by American Bankruptcy Institute

2/2013 - panelist, "Cybersecurity: The Threats, The Issues, The Solutions", sponsored by the New York State Bar Association, Dispute Resolution Series.

Locations Where Parties Will Not be Charged for Travel Expenses Within 10 miles of New York City

Mediation Rate \$695 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.