



AAA Mediation.org™

## **FN-4717216 MN-4717216 LN-4717216, Esq.**

Scarsdale, New York

**Current Employer-Title** Kasowitz, Benson, Torres LLP - Partner

**Work History** Partner, Kasowitz Benson Torres LLP, 1995 - Present; Associate, Meyer & Kowalski, 1993 - 1995; Associate, Dreyer & Traub, 1990 - 1993.

**Experience** Over 25 years of experience as a litigator in a range of major commercial litigation matters, handling highly complex cases for a broad group of corporate and individual clients in federal and state courts throughout the United States. Proceedings encompassed virtually all types of business disputes spanning numerous industries and cover a broad spectrum of issues, including breach of contract, negligence, fraud, breach of fiduciary duty, insurance, intellectual property, business torts, valuation disputes, partnership and corporate shareholder disputes, real estate, banking, and securities.

Significant experience in bankruptcy representing debtors, creditors, statutory and ad hoc committees, indenture trustees, chapter 7 trustees, private equity funds and other investors throughout the capital structure in complex restructurings, reorganizations and liquidation proceedings. Extensive experience in litigation arising from distressed situations and leveraged buyouts, including fraudulent conveyances and preferential payments. The disputes involved, among other things, valuation, contested retention applications, DIP loans, disclosure statements, and plan confirmation, subordination and recharacterization of claims, cramdown and vote designation issues.

Notable litigation representations include: Adelphia Recovery Trust in a series of lawsuits, including a multi-billion dollar lawsuit against several hundred financial institutions, including the largest banks in the United States, for, among other things, intentional and constructive fraudulent conveyances, fraud, equitable subordination, equitable disallowance, and aiding and abetting fraud and breach of fiduciary duty; Chapter 7 Trustee of CEVA Investments in a lawsuit against the former directors of the company for fraud and breach of fiduciary duty in connection with the transfer of the company's equity to an affiliate of Apollo; Successful prosecution of more than \$300 million in fraudulent conveyance claims against several national banks and insurance companies arising out of the collapse of the FoxMeyer Corporation, one of the nation's largest drugstore distribution companies; and Successful recovery of nearly \$100 million from indenture trustees on behalf of secured debt holders in Continental Airlines arising out of the trustees' breaches of fiduciary duty in failing to protect the creditors' interests in the collateral securing their debt.

**Mediator Experience** Mediator for disputes between attorneys and clients as part of New York State's Attorney-Client Fee Dispute Resolution Program administered by the New York County Lawyers Association.

Acted as a mediator for the ABA Representation in Mediation Competition in 2018 and 2019.

**Representative Issues Handled as a Mediator** Breach of contract, breach of fiduciary duty, negligence, malpractice, bad faith, reasonableness of attorneys' fees.

**Mediator Style & Process Preferences** There are a variety of mediation styles, including facilitative, evaluative and transformative, but there is overlap and the lines between these methods are not clear. A mediator should use a mix of

these styles, depending on the nature of the case and the needs of the parties. A mediator should be well prepared, patient, open-minded, proactive and effective as a communicator so he or she can engender trust, ensure a fair process and act as a catalyst for creative solutions.

<b>Education</b>	UCLA School of Law (JD - 1990); Yeshiva University (BS, Accounting, magna cum laude - 1987).
<b>Professional Licenses</b>	Admitted to the Bar: New Jersey (1990), New York (1991); U.S. District: Southern and Eastern Districts of New York; U.S. Court of Appeals, Second Circuit.
<b>Professional Associations</b>	American Bar Association (Section of Dispute Resolution); New York State Bar Association (Dispute Resolution Section).
<b>Mediation Rate</b>	\$750 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Scarsdale, 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.