



AAA Mediation.org™

**FN-4816942 MN-4816942 LN-4816942,
Esq.**

New York, New York

Current Employer-Title Vista Arbitration & Mediation LLC - Member/Principal

Professional Summary Experienced mediator and arbitrator with over 30 years of prior experience as a commercial litigator, representing plaintiffs and defendants, individuals and corporations, in state and federal courts across the country. Private practice focused on complex commercial and securities litigation, corporate governance disputes, and internal and governmental investigations.

Profession Arbitrator, Mediator, Attorney, Educator

Work History Member/Principal, Vista Arbitration & Mediation LLC, 2024-present; Partner/Counsel, Boies Schiller Flexner LLP, 2001-2023; Associate, Schulte Roth & Zabel LLP, 1996-2001; Associate, Davis Polk & Wardwell LLP, 1990-1996; Law Clerk to Hon. Robert R. Beezer, U.S. Court of Appeals for the Ninth Circuit, 1989-1990.

Experience Extensive experience litigating a wide variety of commercial matters in state and federal courts, representing both plaintiffs and defendants. Experience includes litigation concerning the financial markets, securities regulations, shareholder derivative suits, corporate governance, business disputes, bankruptcy matters, SEC and other governmental investigations, as well as internal investigations. Types of clients include financial institutions, corporations, boards of directors, private equity investors, hedge funds, pharmaceutical companies, accounting firms, start-ups and individuals.

Issues involved include securities laws and regulations; U.S. and international auditing standards; anti-money-laundering and counter-terrorism-financing laws; breach of contract; breach of fiduciary duty; business torts, including fraud; attorney-client privilege and work product issues applicable to U.S. and foreign corporations.

Representative matters include:

- Representing outside directors of major media company in class actions alleging breaches of fiduciary duty by others;
- Representing individual in dispute related to a technology start-up;
- Representing a multibillion dollar investment company in securities fraud claims against promoters, auditors, and principals of a failed reverse merger with a Chinese operating company;
- Representing one of the world's largest publicly traded hedge funds, settling potential billion dollar securities class action for under \$35 million;
- Representing victims of terrorist attack in claims alleging violations of anti-money-laundering and counter-terrorism financing laws;
- Representing bond fund in defending class action claims brought under the Commodity Exchange Act;
- Representing hedge fund in action against a fund-of-funds for misrepresentations under New York's Martin Act and common law;
- Representing pharmaceutical start-up asserting claims for breach of a collaboration agreement to develop an important new drug;

- Representing multi-billion dollar corporation in multidistrict securities litigation and directing significant portions of worldwide internal investigation.

Mediator Experience	Served as a mediator in contract disputes, shareholder disputes, federal employment discrimination cases, and wage and hour cases. As an advocate, represented both corporations and individuals in mediation of commercial disputes including securities and accounting fraud claims; shareholder disputes; breach of contract claims; business torts; attorneys' fees; and disputes concerning technology start-ups.
Representative Issues Handled as a Mediator	Breach of contract, entitlement to shares of corporation, employment discrimination, harassment claims, wrongful termination, wage and hour claims.
Mediator Style & Process Preferences	<p>I approach each mediation by first gaining a thorough understanding of each party's point of view. I believe it is essential that each party be heard. I listen carefully and with empathy to gain the trust of all sides, recognizing that even in business disputes, an element of emotion is often present. Drawing on my own experience as a commercial litigator, I work with the parties to identify and narrow the key issues. I help each party to evaluate the strengths and weaknesses of their positions, ask probing questions, challenge assumptions as appropriate, and encourage the parties to consider creative alternatives. I require that the entire process be conducted with courtesy and respect by all participants.</p> <p>Before the mediation, I communicate with counsel for both sides in a joint preliminary planning call. I request written submissions, including key documents that may be useful. I review these carefully to become familiar with the details underlying the issues as the parties see them. I then communicate with counsel for each side separately in advance of the mediation. I may ask for additional information regarding particular issues of fact or law to focus and narrow further the areas in dispute. At the mediation itself, I expect the parties, as well as counsel, to come prepared. Mediation is a matter of self-determination. My goal is to assist the parties to find a resolution that will allow them to move forward and put the dispute behind them.</p>
Technology Proficiency	Proficient with remote proceedings via Zoom.
Education	Columbia University School of Law (Columbia Law Review, Harlan Fiske Stone Scholar - JD 1989); University of Washington (MA; BA, with distinction in English).
Professional Licenses	Admitted to the Bar: New York (1992); U.S. District Courts: Southern and Eastern Districts of New York (1992); U.S. Court of Appeals: Second, Third, Seventh Circuits; U.S. Supreme Court (2000).
Professional Associations	New York State Bar Association (Alternative Dispute Resolution Section); New York City Bar Association (Chair, Federal Courts Committee, 2010-2013); New York State-Federal Judicial Council, Advisory Group (Founding member, Co-Chair, 2000-2007); New York Women's Bar Association Foundation, Inc. (Board of Directors); American Bar Association.
Recent Publications & Speaking Engagements	<p>"Which Court? State or Federal and Why?" New York State-Federal Judicial Council, Planning Committee (2024)</p> <p>Technology and Law, Columbia University, Co-Lecturer, Technology Management Program, School of Professional Studies (2016-2023)</p> <p>Specialized Court Programs in Federal and State Court, New York State-Federal Judicial Council, Program Chair (2021)</p> <p>Publication, "Complex Litigation Just Got More Complex: Adapting to a Virtual New Reality," New York Law Journal (2020)</p> <p>New York State and Federal Courts: Adapting to Covid and Beyond, New York State-Federal Judicial Council, Panelist (2020)</p> <p>"Is Corporate Law Dead?" Columbia Law School Symposium, Panelist (2019)</p> <p>Admissibility of Expert Testimony in State and Federal Courts, New York State-Federal Judicial Council, Moderator, Program Chair (2018)</p> <p>Crisis Management and Internal Investigations, Columbia Law School, Guest Lecturer (2015)</p> <p>E-Discovery 2015: Best Practices and Ethical Implications, New York City Bar Association, Panelist (2105)</p> <p>2014 Litigation Summit: In-House Counsel, Outside Counsel, Judges and Academics Examine the Changing Practice of Litigation, New York City Bar Association, Panelist (2014)</p>

“Bet the Company” Litigation 2012: Best Practices for Complex Cases, PLI Seminar, Panelist (2012)
Publication, “Protecting Directors Against Liability in Light of the In Re Citigroup Shareholder Derivative Litigation Decision,” Bloomberg Law Reports (2009)

Locations Where Parties Will Not be Charged for Travel Expenses New York City metropolitan area

Mediation Rate \$550 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.