



AAA Mediation.org™

**FN-5113211 MN-5113211 LN-5113211,
Esq.**

New York, New York



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Current Employer-Title Barclay Damon LLP - Partner

Panelist Video <https://www.adr.org/videoresume?paramName=941711623>

Professional Summary Highly experienced litigator with 45 years of experience representing clients in matters ranging from complex and multi-party litigations in diverse industries, to closely held companies and family-owned businesses, and individual plaintiffs and defendants in commercial matters.

Profession Attorney; Arbitrator, Mediator; Adjunct Professor, Licensed Real Estate broker

Work History Partner, Barclay Damon LLP, 2020-Present; Partner and Co-Chair Litigation Department, Phillips Nizer LLP, 2018-2020; Partner, Mitchell Silberberg & Knupp, 2008-2017; Partner, Montclare & Wachtler, 1992-2008; Associate/Partner Shea & Gould, 1985-1992; Associate, Mudge Rose Guthrie & Alexander, 1978-1985.

Experience More than 45 years of litigation and trial experience in complex commercial and business litigation, insurance defense, personal injury, real estate and employment litigation, including trial of hundreds of non-jury and jury trials, hearings, discovery disputes, motion practice of all types, briefings and appeals. Have litigated cases involving breaches of fiduciary duty, shareholder and partnership disputes, employment workplace claims, tortious interference with contract, construction claims, insurance coverage disputes, constitutional claims, and real estate claims involving personal and real property and brokerage agreements, illegal lockouts and holdover landlord-tenant matters, both residential and commercial. Representative matters include numerous cases venued in the Commercial Divisions of the Supreme Court throughout the State of New York, Civil Court, and Surrogates Court, Federal Courts in the Eastern, Southern, Northern and Western Districts of New York, Second Circuit and State and Federal Courts in New Jersey. Represented, among others, a large beer distributor, a graphic artist, a renowned record producer, several singer/songwriters, family members involved in business and real estate disputes, business and real estate developers, commercial tenants and landlords, employers and employees of large and small corporations, small

and multi-million dollar pharmaceutical companies involving licensing and accreditation in both New York and New Jersey, Health Care facilities, executors of wills in will contests and trustees of multi-million dollar trusts and estates, and an international content licensing company.

Significant experience in representing insureds on behalf of insurance companies in litigations, including representation of Markel Insurance Company, and its predecessor The Great Atlantic Insurance Company, during which representation tried multiple cases to verdict. Representations on behalf of the insureds of the insurance companies, which included sole proprietors, small businesses, subcontractors and contractors in common law claims and claims under the New York Labor Law Sections 240 and 241, among other statutory and common law claims, and under General Liability policies of insurance and Errors and Omissions policies.

Also represented claimants in both first and third party actions, including a Plaintiff enforcing a Government construction bond issued by a major insurance company, a number of first-party claims related to property loss and damage resulting from Super Storm Sandy, and more recently, several property damage claims involving residential real estate and property damage and damage and loss of personal property stemming from recent storms and natural weather and COVID-related events.

In addition to experience as a litigant regarding the issues set forth above, have litigated, as both a claimant as on behalf of insurance companies, disputes relating to interpretation of insurance policy clauses and coverage disputes, and acted as a mediator in determining issues of coverage, contract interpretation and COVID-related matters.

Recipient of the "Shira A. Scheindlin Award for Excellence in the Courtroom" (2021); Super Lawyer in General Litigation (2006-present); Best Lawyers in America (2017-present); Highest AV rating in Martindale-Hubbell (2006-present).

Adjunct professor of Law, Touro Law School, teaching: "Pretrial Litigation" (2022-present).

Mediator Experience

Successfully mediated and settled numerous cases involving issues of business, partnership, and family disputes, claims of breach of contract, brokerage commissions, closely-held corporations, real estate disputes, insurance coverage, unpaid commissions, property damage, interpretation of lease and insurance contract provisions, breach of fiduciary duty and tortious interference with contract.

Mediator Style & Process Preferences

I utilize a combination style of facilitative and evaluative. I find that my significant experience as a litigator brings to the table an ability to fairly evaluate the case being mediated and offer my experience in facilitating a settlement. My role as a mediator is to assist the parties in reaching a settlement after discussion and negotiation, and I remind the parties that the settlement and resolution remains theirs and I am there to help them get to "yes." Unless the parties decide otherwise, I use a caucus method where I spend time with each side, without the other side's presence on a purely confidential basis. I find this process fosters a more productive mediation. I also ask for a confidential mediation memorandum in advance of the mediation. I do not have any page restrictions, but ask that it include, from the party's perspective, a brief background of the case, their positions, any legal precedent they feel is important, what they might see as an impediment to a resolution of the case, and a realistic offer and demand. The memorandum for my eyes only. I also ask for any decisions in the case and briefs and exhibits the respective parties want me to see or think are important. I read everything provided to me with care. I find this process has led to many successful resolutions of cases I have mediated.

Education

St. Johns University School of Law (JD-1978); Mount Holyoke College (BA, Cum Laude-1976).

Professional Licenses

Admitted to the Bar: New York (1979); U.S. District Court: Southern (1979) Eastern (1979) Western (2011) Northern (2015) Districts of New York; U.S. Court of Appeals: Second Circuit (1987), Third Circuit (1988); Licensed Real Estate Broker.

Professional Associations

State Bar of New York (1979-present); Board member, New York Bar Foundation (2015-present) and Vice-Chair of the Fellows (2019-present); Board Member and Chair of the Nominating Committee; Judges and Lawyers Breast Cancer Alert (JALBCA) (2012-present); Ambassador and Counsel to the Same Sky Foundation, (2008-present); Chair of the Commercial & Federal Litigation Section of the NYSBA (2005) and member of the House of Delegates and Executive Committee of the NYSBA (2006-2010).

Recent Publications & Speaking Engagements

Co-author of “If Not Now When: Achieving Equality for Women Attorneys in the Courtroom and ADR (2017) and “If Not Now When” (2020); Creator, Chair and presenter of “Taking the Lead: Winning Strategies and Techniques for Commercial Cases” (2018-2023); NYSBA Trial Academy “Evidence Foundations and Objections;” “How to Give an Effective Opening Statement.” (2010-2012).

Panelist and presenter for numerous programs on ADR, including “Mediation and Effective Representation and Advocacy” “The Arbitration and Mediation Process: What works for you” and interviews on: “How to prepare yourself and your client for mediation” and “What A Mediator Wants to See From Participants in Mediation”

Mediation Rate

\$450 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.