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**FN-5465967 MN-5465967 LN-5465967,  
Esq.**

**Rockville Centre, New York**



**Current Employer-Title**    ADR Office of Chris McDonald - Principal

**Profession**                      Attorney, Arbitrator, Mediator, Litigation Consultant

**Work History**                      Principal, ADR Office of Chris McDonald, 2020 – Present; Partner, Labaton Sucharow LLP, 2007 – 2020 (associate/of counsel, 2003 – 2006); Senior Attorney (Law & Public Policy Group), MCI WorldCom / WorldCom Inc., 1999 – 2002; Associate, Patterson Belknap Webb & Tyler LLP, 1992 – 1999 and Summer 1991.

**Experience**                      Over thirty years of combined private-practice, in-house, and ADR experience. In private practice, represented plaintiffs and defendants as a commercial / class action litigator for more than two decades. Matters involved a wide array of industries (e.g., chain restaurants, consumer products, financial services, life sciences, manufacturing, media / entertainment, tobacco products) and areas of practice (e.g., antitrust / consumer protection, commercial / contract, employment, false advertising, securities fraud, trademark / trade dress infringement). As in-house law-and-public-policy-group senior attorney, represented telecom company-client in proceedings before state government regulators. As an ADR practitioner, currently serving on multiple rosters, including AAA arbitration and mediation rosters and multiple federal and state court panels.

Private practice experience: Advised and represented corporate, creditors' committee, individual, institutional investor, and union clients. Specialized in complex matters involving life sciences industries. Worked extensively with biostatistical, damages / economic, medical, and regulatory experts. Representative matters include: Lead counsel in securities fraud action on behalf of state public pension fund client alleging defendant biotech manufacturer misled investors regarding the safety of its blockbuster biologic agent; in the same matter, successfully briefed and argued district court class certification motion that ultimately led to precedent-setting United States Supreme Court opinion establishing that proof of materiality is not a prerequisite to certification of a securities fraud class action seeking money damages for alleged violations of §10(b) and Rule 10b-5. Co-lead counsel in securities fraud action alleging defendant cardiovascular drug manufacturer delayed publication of negative clinical trial results. Co-lead counsel in Hatch-Waxman "product hopping" antitrust litigation brought on behalf of third-party payors against manufacturers of brand and generic cardiovascular medication. Defended separate breach of employment contract actions

brought against client electrical contracting company by former General Counsel and former Treasurer. Lanham Act false advertising litigation brought on behalf of client national pizza restaurant chain against rival chain. Trade dress infringement litigation brought on behalf of client OTC drug manufacturer against chain pharmacies with competing products. Defended creditor entertainment / media conglomerate client in adversary proceeding brought by a media company debtor's trustee. Represented multi-employer pension plan in "ERISA vs. FIRREA" litigation against federal agency (RTC) seeking to recover actuarially determined sum attributable to a failed thrift.

Other matters litigated or investigated include security / commodity market manipulation, company valuations, interpretation of insurance policies, fiduciary liability, products liability, defense of putative class actions brought against client consumer product manufacturers.

In-house experience: Represented telecom company client before state regulators on telecom policy and regulatory matters (adjudicatory and non-adjudicatory proceedings, technical sessions, industry collaboratives). Overarching strategic goal was to create conditions favorable for the company to engage in facilities-based competition following enactment the Telecommunications Act of 1996. Representative issues included tariffs / rates generally as well as particularized sub-issues such as cost of capital and depreciation, the timing and quality of services the incumbent carrier delivered to the company (which was both its customer and its competitor), and collocation security.

## **Mediator Experience**

Mediation Panels: AAA National Roster of Mediators; United States District Court for the Southern District of New York Mediation Panel; United States District Court for the Eastern District of New York Mediation Panel; New York State Supreme Court, New York County Commercial Division roster of mediators; NYS Supreme Court Commercial, General Civil/Tort and/or Personal Injury mediation panels for the four outer boroughs (Bronx, Kings (Brooklyn), Queens, Richmond (Staten Island) Counties), and the seven counties surrounding New York City (Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess, and Orange); New York Part 137 attorney-client fee dispute mediation panel; Nassau County Bar Association ADR Program mediation panel. Conducted 30+ mediations of commercial, construction, employment, personal injury, and other disputes. Representative matters resolved include: CBD product distribution agreement breach of contract claims; wage & hour; personal injury (slip and fall, MV, construction site); residential landlord/tenant; attorney-client fees. Mediation parties have included a music venue in Brooklyn, a New York City agency, trustees of a university based in New York City, a consumer product manufacturer, owners of residential, commercial, or retail properties in the Bronx, Brooklyn, Manhattan, and Staten Island, used car dealerships, a general contractor, and individuals alleging or accused of causing economic, bodily, emotional and/or psychological injuries in actions claiming, e.g., negligence/recklessness, breach of contract, unjust enrichment, violations of federal and/or state labor laws.

References include:

Linda H. Joseph, Esq., Schröder, Joseph & Associates, LLP, [ljoseph@sjalegal.com](mailto:ljoseph@sjalegal.com), (716) 881-4902;  
David M. Glanstein, Esq., Glanstein LLP, [david@glansteinllp.com](mailto:david@glansteinllp.com), (212) 370-5100;  
Brett L. Kuller, Esq., Joudeh & Kuller LLP, [bkuller@jkrlawgroup.com](mailto:bkuller@jkrlawgroup.com), (516) 540-2000;  
James R. Finn, Esq., Rivkin Radler LLP, [james.finn@rivkin.com](mailto:james.finn@rivkin.com), (516) 357-3544;  
Brian Sullivan, Esq., Sullivan & Sullivan LLP, [bsullivan@sullivantrial.com](mailto:bsullivan@sullivantrial.com), (212) 370-5100.

## **Mediator Style & Process Preferences**

Strong preference in favor a pragmatic, common sense approach rather than strict adherence to a single mediation formula, style, or school of thought. What course to take--whether, for instance, to be more facilitative or evaluative in approach--will depend on the participants involved, the circumstances of the case at hand, and the needs of the moment. That said, in all cases, all participants--parties, counsel, and carriers alike--should be engaged so that they are clear-eyed regarding the risks they would face were the matter to remain unresolved.

## **Technology Proficiency**

Conducting in-person and Zoom mediations and hearings. Hybrid mediations and hearings also an option if all participants consent.

## **Education**

Fordham University School of Law (JD, Fordham Law Review – 1992); Manhattan College (BS, cum laude – 1986).

## **Professional Licenses**

Admitted to the Bar: New York (1993); U.S. District Courts: Southern and Eastern Districts of New York (1994), Western District of Michigan (1998); U.S. Courts of Appeals: Second (2006), Third

(2005), Fourth (2017), Ninth (2009), and Federal (2007) Circuits; U.S. Supreme Court (2012).

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| <b>Professional Associations</b>                      | New York City Bar Association (ADR Committee); New York State Bar Association (Commercial and Federal Litigation Section (ADR Committee), Dispute Resolution Section (ADR in the Courts Committee, Domestic Arbitration Committee, Mediation Committee & Co-Chair of the Professional Development and Mediation Tournament Subcommittees, Securities Arbitration Committee), Entertainment, Arts & Sports Law Section; Nassau County Bar Association (ADR and Commercial Litigation Committees; Member of the NCBA ADR Panel Advisory Council (two-year term began January 2023)); Association for Conflict Resolution, Greater New York Chapter.  |
| <b>Recent Publications &amp; Speaking Engagements</b> | Moderator, "Arbitration 'War Stories': Cautionary Tales from Panel Members and Counsel," NYSBA DR Section Domestic Arbitration Committee, December 14, 2023<br>Panelist, "Dean's Hour: Comparison of Seeking Emergency Relief in New York State Courts and the American Arbitration Association," Nassau County Bar Association, October 19, 2023<br>The AAA's Amended "Modification of Award" Rule, New York Dispute Resolution Lawyer, Fall 2023   Volume 16   No. 2<br>Panelist, "Court-Annexed Mediation and Presumptive ADR," NYSBA, May 6, 2023<br>Moderator, "Dean's Hour: Mediating A Personal Injury Case—A Roundtable Discussion," Nassau County Bar Association, June 15, 2022<br>Panelist, "The Habits of Highly Effective Dispute Resolvers," NYSBA DR Section Program, March 1, 2022<br>Post-Pandemic 'Hybrid' Meetings and Mediations: Paving the Way with Technology and Technique, Inside, 2021   Vol. 39   No. 2 |
| <b>Mediation Rate</b>                                 | \$500 Per Hour   |
| <b>Languages</b>                                      | English  |
| <b>Citizenship</b>                                    | United States of America   |
| <b>Locale</b>   | Rockville Centre, 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.