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**FN-5654285 MN-5654285 LN-5654285,  
Esq.**

**New York, New York**



**Current Employer-Title** Bierman ADR LLC - Arbitrator and Mediator

**Professional Summary** Founder of Bierman ADR LLC, serving as an independent arbitrator, mediator, and dispute resolution advisor based in New York and Connecticut. Previously was a partner at Sidley Austin LLP, serving as head or co-head of the New York Litigation Group for 25 years and co-leader of the firm's global Complex Commercial Litigation practice. As an arbitrator and mediator, writes and speaks extensively on dispute resolution and brings more than 45 years' practical experience in helping parties achieve creative and lasting resolution of a wide range of business and other disputes.

**Profession** Arbitrator and Mediator, Attorney

**Work History** Arbitrator/Mediator, Bierman ADR LLC, 2022-Present; Partner, Sidley Austin LLP, 1986-2021; Associate, Sidley Austin LLP, 1983-1985; Associate, Dewey Ballantine Bushby Palmer & Wood, 1976-1983.

**Experience** Before becoming a full-time neutral, previously was a partner at Sidley Austin LLP, where he headed or co-headed the firm's New York Litigation Group for 25 years, was a leader of its global Complex Commercial Litigation practice and served on the firm's Executive Committee. Recognized by Benchmark Litigation as a New York and U.S. Litigation Star, Best Lawyers in America, and The Legal 500 in Commercial Litigation.

Represented a diverse roster of corporate and individual clients in high-stakes commercial and corporate disputes (including claims of breach of contract, breach of express and implied representations and warranties, fraud, tortious interference with contract, breach of fiduciary duties, disputes among partners and joint ventures, and M&A and post-closing balance sheet disputes); financial claims and foreclosure of secured assets; debtor-creditor disputes, fraudulent conveyance, and Bankruptcy Code violations; consumer class action claims for false advertising, unfair competition, and deceptive billing practices, and data and privacy breach; shareholder securities claims under the '33 and '34 Acts and shareholder derivative claims; antitrust claims under the Sherman and Clayton Acts; RICO and conspiracy claims; insurance coverage disputes under property and casualty and M&A rep and warranty policies, and reinsurance disputes; breach of

licensing agreements and misappropriation of trade secrets; provenance and ownership of fine art and music; employment claims including breaches of non-compete and non-solicitation covenants class and collective claims of employment discrimination.

<b>Mediator Experience</b>	Mediated more than 50 cases since becoming a full-time independent neutral. Appointed as a neutral to rosters including mediation panels for the U.S. District Courts for the Southern and Eastern Districts of New York, and Mediator Rosters for the Supreme Court of the State of New York for New York, Bronx, and Westchester Counties.
<b>Representative Issues Handled as a Mediator</b>	Mediated a wide range of disputes and issues, including claims of breach of a variety of commercial contracts involving purchase and sale of assets, goods, and services, leases of equipment and real property, distribution agreements, and non-compete and non-solicitation covenants; breach of representations and warranties, fraud, and tortious interference with contract; misappropriation of trade secrets; defamation; employment discrimination based on gender, race, and national origin and violation of Fair Labor Standards Act; violation of Voting Rights Act, Civil Rights Act, and U.S. Constitution; violation of Americans With Disabilities Act; and amount of sanctions levied by court for discovery and other misconduct.
<b>Mediator Style &amp; Process Preferences</b>	Mediation is a powerful tool that can forge a negotiated solution to the parties' differences in lieu of the expense, uncertainty, and time involved in litigation and allow the parties to move forward with the dispute behind them. I take pains to ensure that the mediation experience is fair and respectful for all participants. I typically hold a pre-mediation conference with counsel to maximize the efficiency of the process. At the mediation session, I strive to be a patient listener and to hear, truly, what all participants say, and to ask questions that help the parties identify issues and risks, explore options, and move toward a practical and acceptable solution. I act primarily as a "facilitative" mediator but will act in a more "evaluative" capacity when parties request. The core mediation principle of party self-determination guides me: it is the parties' dispute, and any negotiated solution must be party driven. I bring to bear my skills as a neutral and my four+ decades' experience litigating a wide range of issues and disputes to assist the parties in arriving at a satisfactory resolution.
<b>Education</b>	Georgetown University Law Center (JD-1976); University of Pennsylvania, Wharton School (BS, Economics, with honors-1973).
<b>Professional Licenses</b>	Admitted to the Bar: New York (1977); US District Court: Southern District (1977), Eastern District of New York (1977); US Court of Appeals: 2nd Circuit (1988), 3rd Circuit (1988), 9th Circuit (1999); US Supreme Court (1988).
<b>Professional Associations</b>	<p>American Bar Association, Dispute Resolution Section: Chair, 2023 Advanced Mediation and Advocacy Skills Institute; Co-Chair, Mediation Committee; Early Dispute Resolution Committee, Member.</p> <p>CPR International Institute for Conflict Prevention and Resolution (CPR): Co-Chair Mediation Committee; member of CPR Council.</p> <p>Fellow, Chartered Institute of Arbitrators (FCIArb).</p> <p>Centre for Effective Dispute Resolution (CEDR), Accredited Mediator.</p> <p>Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution: Member of Executive Committee.</p> <p>New York State Bar Association, Dispute Resolution Section; New York Dispute Resolution Lawyer, Editorial Board; Arbitration Committee, Member; Mediation Committee, Member.</p> <p>New York City Bar Association, Member.</p> <p>New York International Arbitration Center (NYIAC), Member.</p>
<b>Recent Publications &amp; Speaking Engagements</b>	<p>PUBLICATIONS:</p> <p>Editor, "The Complex Commercial Litigation Law Review" and co-author of "New York" chapter (Law Business Research, 3d ed. 2021)</p>

“E-Commerce Litigation” chapter, “Commercial Litigation in New York State Courts” (Thomson Reuters, 5th ed. 2020)

“Enforcing Mediated Settlement Agreements, or When Is A Deal Really A Deal: An Analysis of ‘Murphy v. Institute of International Education’,” in New York State Bar Association Journal, vol. 94, no. 5 (Sep/Oct 2022)

“Hitting ‘Send’ May A Settlement Make: An Analysis of Philadelphia Insurance Indemnity Co. v. Kendall,” with Gaelle E. Tribie, in New York State Bar Association Journal, vol. 94, no. 2 (Mar/Apr 2022)

“The Reach of Non-Party Arbitral Subpoenas May Not Be So Long: An Analysis of Broumand v. Joseph,” with Gaelle E. Tribie, in “The New York Dispute Resolution Lawyer,” vol. 14, no. 2 (Fall 2021)

#### SPEAKING ENGAGEMENTS:

Moderator of panel, "Hard Decisions, Helpful Solutions: Strategic Decision Making for Mediators, Litigators, and Parties," at 20th Annual American Bar Association Advanced Mediation and Advocacy Skills Institute (October 2023)

Speaker on panel, "Preparing for Mediation: Best Practices for Lawyers," at CPR International Institute Mediation Skills Training (October 2023)

Speaker on panel, "Ethical Challenges in Mixed Mode Dispute Resolution," at 2023 Annual Meeting of CPR International Institute for Conflict Prevention and Resolution (March 2023)

Moderator of panel, “Changing Hats: Ethical Challenges in Mixed Mode Dispute Resolution,” at 19th Annual American Bar Association Advanced Mediation and Advocacy Skills Institute (December 2022)

Speaker on panel, “Mixing Modes to Resolve Disputes,” at Justice Marie Garibaldi American Inn of Court for ADR (September 2022)

Moderator of panel, "Emerging Ethics Issues in ADR," at Justice Marie Garibaldi American Inn of Court for ADR (April 2022)

Moderator of panel, “Ethics in the Evolving World of Remote, Hybrid, and In-Person ADR,” at 2022 Annual Meeting of CPR International Institute for Conflict Prevention and Resolution (March 2022)

Speaker on panel, “Effective ‘Pre-suasion’ and Persuasion in Mediated Settlement Negotiations – The Subtle Science Behind Influence” at 18th Annual American Bar Association Advanced Mediation and Advocacy Skills Institute (November 2021)

Speaker, panel on “How to Represent Clients in Video and In-Person Mediations,” presentation for American Inns of Court (May 2021)

Speaker, panel on “Dispute Prevention Is A Great Idea, and How to Do It: A Live Simulation” at Annual Meeting of International Institute for Conflict Prevention and Resolution (CPR) (January 2021)

Speaker, panel on “The Imperative on Dispute Prevention: Defining the Concept and Why Imperative?” American Bar Association Dispute Resolution Section Program on Dispute Prevention (June 2020).

<b>Mediation Rate</b>	\$650 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	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.

