



## MEDIATION WORKS INCORPORATED

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### Mediator Bio

Jacob A. Esher

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Jack Esher has represented lenders, trustees, creditors' committees, business debtors and sophisticated consumer debtors in bankruptcy cases for over 25 years. He has also served as a mediator and arbitrator in bankruptcy and commercial matters for more than 20 years. Mr. Esher was a member of the distinguished panel of mediators and arbitrators at JAMS, a firm internationally recognized in the field of ADR, for ten years. He then helped to establish the National Bankruptcy Panel at Mediation Works Incorporated (MWI), which has recently expanded to become a leader in providing ADR services to the bankruptcy community. At MWI, Mr. Esher continues his pioneering advocacy for the use of ADR techniques in bankruptcy proceedings. He is co-author of the acclaimed American Bankruptcy Institute publication: *The ABI Guide to Bankruptcy Mediation* (2nd ed. 2009), and serves on the Register of Mediators for the Delaware Bankruptcy Court. Mr. Esher has been a member of the American Bankruptcy Institute for over twenty years, and was the Founding Chair of the ADR Committee of the ABI, serving in that position from 1994 to 2001. Mr. Esher is a frequent lecturer on bankruptcy and ADR topics. He has conducted mediation trainings for judges, attorneys and business leaders in the United States and in Thailand. Along with the *ABI Guide*, his authored works include *Arbitration and Judicial Discretion: Circuits Are Split* (Norton Bankruptcy Law Adviser, May 2006); *Claim Resolution Facilities* (ABA, 2003); *How to Succeed in Mediation Without Trying...Your Case* (ABI, 2002); *Valuing and Selling Intellectual Property* (ABI, 2000); *The Structured Negotiation Process*, (ABI, 1999); Chapter 36, *Alternative Dispute Resolution in Bankruptcy Practice* (J.Esher & R.Tilton), Chapter 11 Theory and Practice (LRP Publications, 1998) and The Mediation Manual (ABI 1996).

Representative matters which Mr. Esher has mediated or arbitrated include the following:

- In re Dura Automotive, mediation of preference proceedings, Delaware
- In re Consolidated Food Products, mediation of preference proceedings, Delaware
- In re Gretag, mediation of multi-million dollar lien avoidance adversary proceeding, Massachusetts
- In re Fleming, Preference Facility Mediator, Delaware
- In re Jamesway, Claims Facility Mediator, New York
- In re Rich's Department Stores, Claims Facility Designer and Arbitrator, Massachusetts
- In re Malden Mills, Mediation of multi-party contract/insurance dispute, Massachusetts
- In re ACT Manufacturing, Mediation of multi-party dispute arising from sale of assets and involving a class of employees, Massachusetts
- Numerous commercial and consumer disputes involving secured lending/ finance, real estate development, intellectual property, biotech contracts, health care issues and general commercial matters.