

**JACOB A. (JACK) ESHER, Esq.**, Mediator and Arbitrator  
**MWI ADR Panel | CBInsolvency LLC**  
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“At today’s status conference, [the] Judge asked who mediated the case and commended you. He said he knew it was you but just wanted to get it in the record (and let other lawyers in the courtroom hear it). Likewise, I wish we had more mediators like you down here. We have just a handful of mediators who are nice people but don’t know how to delve into the issues and be persuasive with both sides.”

*-Attorney for Plaintiffs in multi-party federal court litigation*

## Dispute Resolution Experience

Jack Esher has served as a mediator and arbitrator in cases for over twenty-five years, and is a pioneer in the use of alternative dispute resolution procedures in bankruptcy and workout cases. He is a member of the Mediator Registers for the Districts of Delaware and Massachusetts, and frequently serves as mediator for matters in the Southern District of New York. Having served on the distinguished panel of mediators and arbitrators at JAMS from 1996 to 2006, MWI now assists Mr. Esher in his domestic mediation and arbitration practice, while his work in cross-border and international matters is managed by CBInsolvency LLC (CBI). He founded the American Bankruptcy Institute’s Committee on ADR in 1994 and co-authored the first Mediation book published on bankruptcy matters (*ABI Guide to Bankruptcy Mediation* (ABI, 2nd Ed. 2009)), now accompanied by his co-authorship of the acclaimed *Bankruptcy Mediation* (ABI 2016). He is a frequently requested lecturer and trainer of ADR concepts and skills to judges, lawyers and business leaders. Since 2001, he has trained over 750 mediators for the ADR Office of the Judiciary in Thailand.

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## Representative Matters

- *In re Lehman Brothers Holdings, Inc. et al.*, primary case mediator for numerous multi-million dollar derivative contract and fraudulent transfer disputes, New York, including a highly contentious, cross-border nine-figure case that settled during a marathon 19 hour mediation
- *In re Nortel*, mediator for contested employee claims under a deferred compensation plan, New York
- *In re Enron*, mediator for multi-million dollar employment contract/avoidance action dispute, New York
- *In Re Consolidated Food Products, In re DG Liquidation, In re Dura Automotive, In re Circuit Cities*, mediation of numerous 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 Rich’s Department Stores*, Claims Facility Arbitrator
- *In re Malden Mills*, mediation of multi-party contract insurance dispute

“I just wanted to thank you for your hard work on today's mediation.

For what it's worth, and coming from someone who has only done a handful (under ten) of mediations, I thought you were exceptionally effective. ”

*-Attorney for Defendant Bank in lender liability litigation*

- *In re ACT Manufacturing*, mediation of multi-party successor liability dispute arising from sale of assets and involving a class of employees
- Has mediated and arbitrated various commercial and consumer disputes involving secured lending/finance, derivatives, securities fraud, employment, real estate development, construction, intellectual property, biotech, health care, dischargeability, and general commercial matters.

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### Memberships and Professional Activities

- Member, Panel of Mediators, United States Bankruptcy Court for the District of Massachusetts
- Member, Panel of Mediators and Arbitrators, United States Bankruptcy Court for the District of Delaware
- Member, Panel of Mediators and Arbitrators, JAMS, 1996-2006
- Founding Chair, ADR Subcommittee of the American Bankruptcy Institute (ABI), 1994-2001
- Chair, ADR Subcommittee of the Boston Bar Association (Bankruptcy Section), 1995-1998
- Author of numerous treatises and articles on ADR and commercial cases, including *The Emergence of Mediation in Cross-Border Cases* (Insol Journal 2018); *Bankruptcy Mediation* (co-author, ABI 2016); *Recent Use of Mediation for Resolution and Effective Management of Large Case Insolvencies*, 12 International Corporate Rescue, Issue 6 at 349 (2015); *Compendium of Bankruptcy Court Local Rules on ADR* (ABI, 2017 and PLI, 2012); *ABI Guide to Bankruptcy Mediation* (co-author, ABI, 2009); *Alternative Dispute Resolution in U.S. Bankruptcy Practice*, 4 S.New.Eng.Roundtable Symp.L.J. 76 (2009); *Arbitration and Judicial Discretion: Circuits Are Split* (Norton Bankruptcy Law Adviser, May 2006)

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### Lectures and ADR Trainings Conducted

- ADR in Cross-Border Insolvency Cases (ABI, 2019)
- The Emergence of Mediation in Cross-border Cases (R3-Insol Europe, 2017)
- The Potential for and the Challenges of Mediation in Cross-border Insolvencies (ABI, 2017)
- Bankruptcy Court Mediation, IIAMA International (Brazil) and MWI Mediation Training Program (2015)
- Representing Clients in Mediation (MCLE, 2013)

- Mediation in Bankruptcy: A Complement to the Judicial Process (NCBJ, 2011)
- Recent Developments in Bankruptcy Mediation (ABI, 2009)
- Foreclosure Mediation Project, U.S. Bankruptcy Court (D. Mass. 2009)
- ADR in Mass Tort Cases and Complex Reorganizations (ABI, 2008)
- Effective Strategies in Mediations (ABI, 2007)
- Basic and Advanced Mediation Trainings, Thailand Office of the Judiciary (2001-2005)
- JAMS Mediation Trainings for Judges and Professionals (1993-2004)
- ADR and Mediation Options in Bankruptcy Cases (ABI, 2004)
- Claims Resolution Procedures in Bankruptcy Cases (CPR, 2003)
- ADR & Bankruptcy: The Next Generation, National Conference of Bankruptcy Judges, Orlando, FL (2001)
- Effective Negotiating, American Bankruptcy Institute (1999, 2001)
- Dispute Resolution Training for Judges, Alaska Federal and State Courts (1998)
- Mediation Skills for Civil and Commercial Disputes, New Hampshire Superior Court (1997)
- Alternative Dispute Resolution Panel, American Bar Association, Banking Law Committee Annual Meeting (1997)

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### **Experience and Education**

- Mediator and Arbitrator, MWI ADR Panel, 2007-present
- Mediator, Arbitrator and Cross-Border Dispute Resolution Advisor, CBInsolvency LLC, 2015-present
- Partner, Esher Rossi LLC, Riley Esher LLP and Altman Riley Esher LLP, Boston, MA, 1999-2014 (bankruptcy, restructuring, commercial litigation)
- Mediator and Arbitrator, JAMS, Boston, MA, 1996-2006
- Partner, Rubin and Rudman LLP, Boston, MA, 1990-1999 (bankruptcy, restructuring and workouts, corporate finance, mediation)
- Partner, Riemer & Braunstein, Boston, MA, 1984-1990 (bankruptcy, restructuring and workouts, corporate finance)
- Owner, Law and Mediation Offices, San Francisco and Petaluma, CA, 1982-1984 (bankruptcy and mediation)
- Associate, Bank of America, San Francisco, 1979-1982 (bankruptcy and workouts, corporate finance)

- Associate, Murphy, Weir & Butler, San Francisco, CA, 1977-1979 (bankruptcy, restructuring and workouts, commercial litigation, corporate finance)
- J.D., *magna cum laude*, University of San Francisco School of Law, 1977
- B.A., Brandeis University, 1972