

MEDIATION RESUME¹

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Profession Attorney and Mediator

Work History

I am the principal of DruckerADR. I am a certified mediator and also a practicing attorney. In addition to my ADR practice I am Of Counsel to the law firm of Rosen & Associates P.C., with its primary office in New York City. Prior to January 1, 2018 (1/1/2006 - 12/31/17), I was a shareholder of Cole Schotz P.C., a general practice law firm, with offices in New York, New Jersey, Delaware, Maryland, Texas and Florida. Prior to that, I was a Shareholder of Angel & Frankel P.C. (1985 to 2006); Associate of Angel & Frankel P.C. (1981 to 1985); Private Practice and General Counsel to Ronko Sports, Inc, whose primary business was the ownership and operation of a ski, sports and recreation resort (1979 to 1981).

Experience

In addition to mediation, arbitration, and other neutral party ADR services, my legal practice concentration is corporate restructuring. My corporate restructuring practice includes corporate reorganization, bankruptcy/insolvency law related matters through the representation of debtors, debtors-in-possession, creditors, creditors' committees, asset purchasers, landlords, secured creditors, shareholders, class-action claimants, Chapter 11 trustees, liquidating trustees, plan administrators, and governmental units and agencies and other parties in interest in sophisticated Chapter 11 proceedings and in non-judicial corporate reorganization and restructurings. I frequently represent domestic and international businesses and individuals in a wide range of matters involving formal bankruptcy, out-of-court restructuring, and workouts of financially troubled companies, and involving employment and commercial disputes. I also have represented a number of institutional shareholder and investor interests in several large and complex Chapter 11 proceedings.

¹ For additional mediation resume information see <https://www.adr.org/Mediation>

Alternate Dispute Resolution Training and Certification

In addition to the following, in order to update and refresh my alternative dispute resolution skills and knowledge, I regularly participate in current court, CLE and bar association sponsored mediation and other alternative dispute resolution training programs.

Certification

- (i) Received Certification from the Harvard Law School Program on Negotiation ("PON") Mediation Workshop October 22-26, 2007 (5-day intensive program).
- (ii) Certificate of Mediation Skills Training issued by the Institute for Conflict Management, Inc., for two-day program sponsored in June 1995 by the U.S. Bankruptcy Court, S.D.N.Y.

Additional Training

- (i) U.S.D.C Southern District of New York April 25, 2018- *FLSA/NYLL MediationMythbusters!!*—U.S. District Court SDNY, April 25, 2018
- (ii) U.S.D.C Eastern District of New York October 25, 2017 - *Workshopping Mediator Ethics*, October 25, 2017
- (iii) New York Law School, *Moving the Needle: Diversity and Inclusion in Dispute Resolution*, October 13, 2016
- (iv) Southern District of New York *"Advanced Employment Law Mediation Training"* March 17, 2014
- (v) Southern District of New York *"Employment Law Mediation Training"* January 23, 2014
- (vi) American Bar Association Section On Dispute Resolution program "Stories Mediators Tell", November 19, 2013
- (vii) U.S. District Courts for the Eastern and Southern Districts of New York & The Federal Judicial Center *"Mediation Skills Workshop for Judges and Mediators"* October 25, 2013
- (viii) American Bar Association Section On Dispute Resolution program "The (In)Appropriate Role of Pressure and Coercion in Mediation", October 15, 2013
- (ix) American Arbitration Association University Advanced Mediator Training *"The Extent (or limit) of Mediator Influence to Effect Settlement"* February 19, 2013.
- (x) Southern District of New York *"Refresher Training for Mediators"* November 4, 2011
- (xi) American Bar Association Section of Dispute Resolution program *"The Best Impasse Breaking technique: Preparation"* November 8, 2011
- (xii) Basic Arbitration Training sponsored by City Bar Center for Continuing Legal Education, April 2004, 3 hours.

Awards and Honors

I have been selected by my peers for inclusion in the prestigious Best Lawyers in America in Bankruptcy and Creditor-Debtor Rights Law, 2007-2019 and as a New York Super Lawyer in Bankruptcy and Creditor/ Debtor Rights, 2008-2019. I have been awarded an AV rating, the highest possible rating, for professionalism and the quality of my legal work, from Martindale-Hubbell, the premier directory of legal professionals.

Alternative Dispute Resolution Experience

I provide mediation services and serve on the authorized panel of mediators maintained by the:

- (a) U.S. Bankruptcy Courts for the Southern District of New York;
- (b) U.S. Bankruptcy Courts for the District of Delaware;
- (c) United States District Court for the Southern District of New York;
- (d) American Arbitration Association.

I have an active mediation practice and have been providing mediation services since 1995.

I have mediated bankruptcy and non-bankruptcy related matters. My bankruptcy mediation matters include all aspects of bankruptcy disputes, including without limitation in connection with preference and fraudulent conveyance litigation. I recently served on the Bankruptcy Court (U.S.B.C. S.D.N.Y.) approved panel of mediators in Borders Group, Inc. to mediate preference claim avoidance actions. I was also appointed to serve as mediator in the Linens 'n Things bankruptcy case (U.S.B.C. Delaware). I am currently serving by appointment of the United States District Court for the Southern District of New York to serve as a mediator in a number of diverse matters, including employment disputes (including but not limited matters based upon allegations of violations of state and federal statutes concerning discrimination based upon race, religion, age and/or national origin, violations of The Americans with Disabilities Act, retaliation, hostile work environment and wage and hour disputes, including under the Fair Labor Standards Act (FLSA) and New York Labor Law) and matters under 42. U.S.C. § 1983 (actions alleging the use of excess force, false arrest, or malicious prosecution by employees of the New York Police Department).

Other areas of mediation include business and commercial disputes, contractor and construction related disputes, and employment and landlord- tenant disputes. In addition, I have served as a party-appointed neutral arbitrator under the American Arbitration Association rules for large complex commercial disputes.

Bar & Court Admissions

New York, 1979

U.S. District Court, Eastern District of New York, 1981

U.S. District Court, Southern District of New York, 1983

U.S. District Court, Northern District of New York, 1985

U.S. Supreme Court, 1989

U.S. Court of Appeals, Second Circuit, 1989

U.S. Court of Appeals, Third Circuit, 1990

U.S. Court of Appeals, Ninth Circuit, 1998

U.S. Court of Appeals, Eleventh Circuit, 1998