

ALTERNATIVE DISPUTE RESOLUTION

RESUME OF ALAN M. KANTER, ESQ

Current Employer: Vestevich, Mallender, Dubois & Dritsas, P.C.

Profession: Attorney, Arbitrator, Mediator, Facilitator, Case Evaluator

Work History: Vestevich, Mallender, DuBois & Dritsas, P.C. 2008 – present; Senior Shareholder, Strobl & Sharp, P.C. (and predecessor firm), 2001-08; Principal Shareholder, Shapack, McCullough & Kanter, P.C., 1980-2001; Attorney, Wick, Minnet, Otlewski & Kanter, P.C., 1979-80.

ADR Experience

- Arbitrator and mediator/case evaluator from 1984 with focus on disputes involving complex contract, business, commercial, healthcare, IP, computer/software and employment disputes and transactions.
- Arbitration and mediation of disputes; as neutral primarily for AAA and on numerous national/international panels, including FINRA, American Health Lawyers Association; U.S. Arbitration and Mediation Services; Mediation Works, Inc.; National Center for Dispute Resolution; Resolute Solutions, LLC; International Center for Dispute Resolution; NAM (National Arbitration and Mediation).
- NASD/NYSE – Mediator and Arbitrator (1989-2003)
- FINRA - Mediator
- Former Chairperson, Oakland County Circuit Court Case Evaluation Committee.
- Creation of Early Facilitation Intervention Program for Oakland County Circuit Court.
- Created Official ADR (arbitration) Forms adopted as official state forms by the Michigan Supreme Court;
- Instructor and Trainer of ADR topics and issues for the American Arbitration Association.
- Guest lecturer for ADR classes at various Michigan law schools.
- Author and lecturer on ADR subject matter for the University of Michigan Institute for Continuing Legal Education (ICLE) and other CLE educational entities, Courts and Bar Associations.
- Council Member of the State Bar of Michigan ADR Section (2001 – 2007; 2012-present)
- Chairperson of the State Bar of Michigan ADR Section (2005-2006).
- Case Evaluator (Oakland County Circuit Court) (1984-present).
- Discovery Master (Oakland County Circuit Court) (2007-present).
- American Bar Association – current.
 - Section- ADR
 - Committees: Mediation, Arbitration, Health Care, and Employment
 - Sub-Committees: Pretrial Practice and Discovery
 - Section - Forum on Franchising
 - Division: Litigation and Dispute Resolution
 - Section - Litigation
 - Committee: ADR, Business Tort Litigation
 - Committee: Commercial and Business Litigation
 - Sub-Committees: Internet, Corporate Counsel, ADR Settlement/Labor and Employment, Employment and Labor Relations.

Subject Matter of Arbitration, Mediation and Law Practice Experience

Complex Contract, Commercial, Securities Law Contract disputes (broad scope); Banking, lending, financing and security issues; Health Care; Franchises and business opportunities; creation, merger, acquisition and liquidation of statutory entities; Mortgage, mortgage servicing origination and refinancing, insurance, reinsurance, warranties, transactional, and securitization issues; Secured transactions, priority disputes, collateral and guaranty issues; Lending and security transactions and documentation; Financing and design of business goals, mergers and acquisitions, sales of assets and equity acquisition transactions.

Business and Non-Profit Entities and Organizations

- Design and Creation of Business Entities; disputes involving equity holders, officers, management and others with authority; liability and indemnification; duty of loyalty, breach of fiduciary obligations; valuation issues relative to equity, assets, business and taxes; derivative claims and oppression of minority issues.
- Equity ownership, executive and management contracts, benefits and succession planning.
- Design, creation, implementation, enforcement and compliance with terms of employer sponsored benefit plans and trusts (ERISA and non-ERISA); author of plans for mergers, acquisitions, asset and equity related transactions; preparation of employment policies, procedures and plans; statutory, regulatory, licensure, administrative and taxation issues.
- Tax exempt and non-profit entities; preparation of basic and specialized documentation, including, documentation for entity formation, tax exemption related matters; creation and enforcement of bylaws, shareholder agreements, buy-sell agreements, operating and partnership agreements; minutes and record systems (creation and maintenance); Establish design, structure, management, systems for organization, governance, fund raising in general, for specific objectives, operations; structures for marketing and sponsorships; development of single event and ongoing fundraising relationships, ventures, campaigns and events; and marketing various organizational authorities.

Employment Law

- Representation of Employers and Employees; employment-related transactions agreements and litigation.
- Employment discrimination litigation based upon common law claims and statutory violations (state and federal) including, but not limited to the ELCRA, ADA, FMLA, ADEA (and other age-related anti-discrimination statutes), ERISA, HIPAA, GINA, USSERA, FTCA, OSHA and more.
- Wage & hour, overtime (FLSA), exemption, commissions and remuneration issues; creation, enforcement and contestation of covenants not to compete, trade secret, proprietary information and invention agreements.
- Creation, enforcement and challenging the validity of termination, release and severance agreements; claims of unfair labor practices; reductions in force under federal and state laws.
- Employee handbook and policy issues; creation, enforcement and challenging mandatory ADR plans and procedures.

Health Care Law

- Member State Bar of Michigan Health Law Section; Chairperson—Medical-Legal Sub-Committee of Substantive Law Committee;
- Member of ADR provider of the American Health Lawyer Association from 1990's to present.
- Representation of various providers, including Hospitals, Physicians, Nursing Homes, Managed Care/ Private Health organizations and participants (including ERISA Plans and Trusts), Government Health, Outpatient Care Facilities, Home Healthcare Agencies, physician specialty groups, DME Providers and Patients/ Participants/ Customers. Creation and representation of various forms of payors (creation, service and related contracts and dispute resolution mechanisms), including TPA's PPO's, HMO's, health plans, insurance agencies, companies and underwriters, Medicare and Medicaid provider reimbursement, audit, dispute, claims-related procedures and payment issues, self-dealing, fraud, Stark, false claims, and similar problems at federal and state levels.
- Preparation of Executive Employment Agreements for officers of publically traded and private companies.
- Dispute Areas. Managed Care; Corporate and form of entity issues; Health care employer plan and insurance coverage issues, decisions and appeals; Medicare/Medicaid Reimbursement and Regulatory matters; Technology; Home Health; Medical Staff/ Governance; Integrated Healthcare; Physician Peer Review/Disciplinary Actions; Joint Ventures; Payor/Payee; Physician Credentialing; Labor/Employment; Provider-patient disputes; Licensing/ Intellectual Property; Patient Care-Customer disputes; Long term care.

Franchise and Business Opportunity Law Establishment of franchises and business opportunity systems; agreements and non-disclosure documents; royalty, licensing, merchandizing and participation, advertising and marketing agreements; restrictions and obligations relative to trade secrets, trade names, trade dress, trademarks, service marks, patents and copyrights and other forms of intellectual property and rights; termination and non-renewal; assignment, transfer and successor; valuation of assets; breaches by franchisors and franchisees; franchise operations training, documentation, enforcement and audits; terminated and former franchisee issues; fees, royalties, advertising contributions and requirements; other fees, costs and financial obligations; enforcement and compliance with franchise (and related) agreements, leases, sub-leases, system guidelines and requirements; health and safety franchise and legal requirements and compliance; legal and governmental issues; encroachment, geographic and territorial disputes; statutory and common law claims of fraud and misrepresentation, violation of state franchise and business opportunity statutes and regulations, and the federal securities laws, many relative to the offer solicitation and sales of franchises and business opportunities; exclusive source and supply issues and disputes; anti-trust related issues; leasing; and more.

Technology, IP, Computer, Software, Internet, Telecommunications & Media

- Analysis, involvement and resolution of transactions and disputes in various technology focused subject matter. Preparation of various software, source code, and intellectual property related licensing agreements, service level agreements, information sourcing technology contracts, liability allocation and indemnification agreements and disputed; technology and related project financing; internet hosting and a wide variety of other agreements; licenses, permissions and restrictions involving Internet activities, advertising and E-Commerce; Mergers and acquisitions, purchase and/or sale of software and high technology companies; partnership, joint venture, consulting and development agreements; sales, marketing, service and maintenance agreements; high tech, computer, software and intellectual insurance coverage issues and disputes, including working with clients and insurance companies to write customized insurances coverages;
- Sales, acquisition, use and protection of intellectual property and related assets; complex problems with mixed commercial transactions and intellectual property law; design and implementation of different strategies involved in the acquisition of software and intellectual property rights as principal assets of the acquisition by a high tech entity, including acquisition of acquired entity development and other key personnel; analysis and implementation of risk mitigation strategies; acquisition issue such as inclusion of purchase price determination factors and adjustments, earn outs and structures to defer payment of a portion of the purchase price; broad range of transactions and relationships.

Entertainment Law

- General Negotiating and drafting contracts; structuring and forming business entities; origination of individualized business solutions and strategies; and copyright and trademark acquisition, protection and commercial exploitation, merchandising, publishing and Internet and new media transactions and ventures.
- Film, video & television and photography matters involving production companies and post-production facilities, filmmakers, screenwriters, producers, directors, talent and other key personnel; photographers, photographic subjects, licensing and uses in conjunction with various entities and with respect to different visual media forms; drafting of contracts including identification and allocation of intellectual property rights; involvement in all aspects of production, relationships, rights and related contracts; acquisition of rights and development, financing, preproduction, production and post-production; distribution, merchandising and commercial exploitation; and release and consent, location, license as customized agreement and issues.
- Music Protection, preservation and advancement of rights in music and various applications; music licensing and clearance, copyright and trademark protection and prosecution; recording contracts, agent and management and merchandizing contracts; representation of webcasters re: intellectual property rights and regulations re: transmission of music over the internet; and podcasting; live performance contracts and issues.

Literary Publishing Publisher and author publishing transactions; publishing, book and article licensing, distribution and related copyright issues; book-movie deal agreements with related media issues; licensure of translation rights, with and without reservation of exclusive publication rights; contracts involving reacquisition of publishing rights for new markets and subject matter areas; and publication and use contracts for various trade, association and professional articles and treatises.

Internet Based Social Media and Digital Communication & Regulation Use of Internet as a distribution instrumentality media for entertainment and a broad scope of internet content; disputes and issues involving cutting edge developments in technology substantially impacting matters involving music, videos, movies, music, graphics and games; management of digital rights; development and licensing and maintenance of underlying platforms, software programs and applications; disputes among and between providers and users of Internet-based entertainment, business, and content; use, privacy, and related disputes and contracts involving Internet providers, search engines, software and integration developers, and Internet based business entities.

Honors and Recognitions

- 2019 Lawyer of the Year – Arbitration, Best Lawyers in America
- Phi Beta Kappa;
- Best Lawyers in America in the Field of Alternative Dispute Resolution, Arbitration and Mediation (2004 through present);
- Best Lawyers in Detroit [New](2012, 2013) ;
- Michigan Super Lawyer in the field of Alternative Dispute Resolution (2008 through present);
- Best ADR, Business and Contract Law Attorneys in Detroit and surrounding areas, awarded by Detroit Business Magazine (2006 through 2011, 2013 through 2017);
- Top Michigan Attorney- New York Times (2011 - Present);
- Top Attorney-The American Lawyer (2011 - Present);
- Superb Attorney (“10” Highest Possible Rating) AVVO (2012 - Present);
- Crain's Business Detroit Magazine Top Lawyer (2008-2011);
- Martindale- Hubbell (peer reviewed) AV Preeminent rating every year since 1989;
- National Academy of Distinguished Neutrals (Fellow); Charter Member – State of Michigan – Executive Committee;
- International Academy of Mediators (Distinguished Fellow 2001 through present);
- Michigan Supreme Court Attorney Grievance Discipline Chairperson and Panelist (1995 through present); State Bar Representative Assembly (2001-2007);
- Fellows of the State Bar of Michigan – Life Member;
- Michigan Leading Lawyers (2016);
- AAA/ICDR Foundation – Funding Donor;
- ABA Foundation – Fellow.

Professional Associations

- National Academy of Distinguished Neutrals (Fellow);
- International Academy of Mediators (Distinguished Fellow);
- College of Commercial Arbitrators (Fellow);
- State Bar of Michigan (Alternative Dispute Resolution Section, Past Chair (2005-2006); Council Member, Executive Officer; Computer Law Section- (Past Council Member); Labor and Employment Law Section, Health Law Section, Substantive Law Committee (Chairperson Medical-Legal Sub-Committee); Section on Business Law (Commercial Litigation Committee);
- State Supreme Court Attorney Discipline Panelist and Chairperson;
- Oakland County Bar Association (Circuit Court Committee; Business Court Committee; Employment Law Committee; ADR Committee, Past Chair Case Evaluation Committee; Past Chair Public Relations Committee);
- American Bar Association;
 - Alternative Dispute Resolution Section; (Arbitration Committee);
 - Litigation Section (ADR Committee, Business Tort Law Committee);
 - Employment and Labor Law Section;
 - Health Law Section;
 - Forum on Franchising (ADR Committee);
 - Advisory Panel;
- American Health Lawyers Association (Member, ADR panelist and member of various committees);
- Master - American Inns of Court (Oakland County Bar Association) (2015 – present);
- American Bar Foundation (Fellow);
- American Arbitration Association/ICDR Foundation (charter donor).

Education

- Wayne State University (BA, with high distinction-1976; Juris Doctor-1979);
- Post Graduate Programs: Advanced and Master Mediators at Pepperdine University Strauss Institute for Dispute Resolution in Malibu, CA; Post Graduate Programs on Advanced Mediation and Negotiation Techniques at Harvard University Law School (PON) Cambridge, MA.; advanced Courses in Arbitration and Mediation (ICLE- University of Michigan); Alternative Dispute Resolution Training AAA/Detroit Metropolitan Bar Association/Oakland County Bar Association, ADR Joint Networking Event, 2010; Advanced Michigan State University Law School, Advanced Mediation Training: Business to Business, 2006; Harvard University Law School, Great ADR Thinkers and Great ADR Practitioners Meet to Discuss New Concepts in ADR, 2006; Pepperdine Law School, Strauss Center for Dispute Resolution, all Masters Forums; and International Academy of Mediators (IAM) various semiannual advanced educational programs;

- American Arbitration Association (AAA)
 - Student (AAA) Health law-Payor-Payee Disputes (2011); Dealing With Delay Tactics in Arbitration (ACE004), 2008; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005ICLE) AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2005, 2003; Attended AAA Neutrals Conference, 2004, 2003; Arbitrator Update 2004, 2003; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), AAA Employment Arbitrator II Training: Advanced Case Management Issues, 2002; AAA Mediator Conference, 2001, 2000; AAA Employment Arbitrator Training, 1999; AAA Commercial Arbitrator Training, 1999; AAA LCCP Training, 1997;
 - General: Numerous other ADR Programs sponsored by the American Arbitration Association in subject matter focused areas, the American Bar Association, The American Health Lawyers Association, the ICLE (Advanced Mediation), the State Bar of Michigan, The Oakland County Bar association; the International Academy of Mediators, The National Academy of Distinguished Neutrals, and more;
 - Faculty-Speaker (AAA) AAA Securities Mediator Training Program, 1996; AAA Securities Law Seminar, 1995; AAA "Using Mediation" program, 1995; AAA Commercial Arbitrator Training; 1998-AAA Neutrals Retreat, Orlando, Florida regarding Interim Remedies in Arbitration AAA Securities Arbitration Training; AAA Managing the Hearing Training; AAA Mediation Training; AAA Basic Arbitration Training;
 - Faculty (ICLE) (2004-present) taught and presented papers in numerous advanced courses in arbitration, mediation and negotiation (ANDRI) sponsored by The University of Michigan's Institute for Continuing Education;
 - Faculty (Other);
 - Speaking Engagements for the ADR Section of the State Bar of Michigan;
 - Speaking Engagements for the Oakland County Circuit Court and Oakland County Bar Association;
 - Speaking Engagement for the Genesee County Bar Association (Mediation) 4/22/2013.

Publications

- "Vacatur-Bulletproofing Your Arbitration Award," ICLE 2011
- "Cost Effectiveness and Efficiency in Arbitration Awards" ICLE 2011
- "Minimizing Discovery Abuses in Arbitration Means Drafting Provisions Carefully," MICHIGAN LAWYERS WEEKLY, vol. 22, no. 49, October 20, 2008, Kentucky Lawyers Weekly, October 27, 2008;
- "A Wake-Up Call for Employers," THE ADR NEWSLETTER, vol. 3, no. 3, Fall 1996;
- "The State of ADR Law in the State of Michigan," (Co-Author) State Bar of Michigan Annual Meeting Publication, 2005-2006;
- "The Art of Writing an Effective Award," AAA Neutral Retreat, Orlando, October 1998, revised January 1999;
- "The Family and Medical Leave Act - The Final Regulations," THE URBAN LAWYER, vol. 28, no. 1, Winter 1996;
- Designed and Authored ADR court pilot programs;
- Two more ADR-related papers being written (2017);
- Collaborating revision of 4th Edition "Guide to Best Practices in Commercial Arbitrations."
- Co-contributing author "The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration," 4th Edition; Chapter 5: Determining Jurisdiction and Arbitrability.

Citizenship United States of America

Locale Bloomfield Hills, MI

Admissions (Excludes Pro Hac Vice Admissions)

- Admitted to the State Bar of Michigan, (1979)
- U.S. District Court: Eastern (1979) and Western (1981) Districts of Michigan
- U.S. Court of Appeals, Sixth Circuit, (1982)
- U.S. Tax Court, (1997).