

DAVID M. BRODSKY
BRODSKY ADR LLC
MEDIATIONS AND ARBITRATIONS

PROFESSIONAL HISTORY:

2012 – Principal, Brodsky ADR LLC

2002-2011, Partner, Latham & Watkins LLP, Former Global Co-Chair, Securities Litigation and Professional Liability Practice Group; Member, Ethics Committee; Member, Part 205 Committee;

1999-2002, General Counsel – Americas, Credit Suisse First Boston;

1986-1987, Associate Independent Counsel (Matter of Michael Deaver);

1980-1999, Partner, Schulte Roth & Zabel;

1973-1980, Associate, Partner, Guggenheimer & Untermeyer;

1969-1973, Assistant US Attorney, Southern District of New York;

1967-1969, Law Clerk to US District Judge Dudley Bonsal

AREAS OF PROFESSIONAL EXPERTISE:

Mediations and Arbitrations of Complex Commercial Disputes, including shareholder class and derivative actions, patent disputes, distribution agreements, dissolution and valuation proceedings, and hedge fund compensation disputes.

Complex Litigation and Corporate Governance, Grand Jury, SEC and other regulatory investigations, trials, and appeals.

AFFILIATIONS:

Special Master to mediate appeals, Appellate Division, First Department, Supreme Court, State of New York;

Member of Mediation Panels of the US District Court for the Southern District of New York; Bankruptcy Court for the Southern District of New York; and Commercial Division, Supreme Court, New York County;

Member, Panel of Neutrals, International Institute for Conflict Prevention and Resolution (Hedge Fund, General Counsel, Banking, Accounting & Financial Services, and New York Regional Panels);

Fellow, American College of Trial Lawyers, Member, Alternate Dispute Resolution Committee;

Life Member, American Law Institute;

Member of the Board of Directors and Executive Committee, American Constitution Society for Law and Policy;

Member, Audit Committee, New York City Bar Association;

Member, American Bar Association (Litigation and Dispute Resolution Sections); New York State Bar Association (Commercial Litigation and Dispute Resolution Sections), Compliance and Legal Division, SIFMA; New York Council of Criminal Defense Lawyers, Federal Bar Council;

HONORS AND PUBLICATIONS:

Named by Chambers & Partners as one of the best business lawyers in the United States in securities litigation, bet-the-company litigation, white-collar criminal litigation and enforcement matters.

Recognized as a Tier 1 “Star” securities litigator by in the Euromoney Institutional Investor Benchmark: Litigation Guide.

Voted in the Top 100 of Super Lawyers in New York for Securities Litigation.

Listed in the 2012 Best Lawyers in America survey as a recommended attorney in five categories: Bet-the-Company Litigation, Commercial Litigation, Corporate Compliance Law, Corporate Governance Law, and Criminal Defense-White Collar.

REPRESENTATIVE MATTERS AS ARBITRATOR:

Fund of Funds manager v. Hedge Fund manager, AAA Arbitration – Party-appointed arbitrator;

Bain Capital v. Cohen, AAA arbitration - Party-appointed arbitrator;

Milbank Tweed Hadley & McCloy v. Anthony Joseph - sole arbitrator appointed by New York City Bar Association.

REPRESENTATIVE MATTERS AS MEDIATOR:

International energy company v. Distributor concerning alleged anti-competitive conduct and breach of contract, USDC, SD Texas and USDC, SDNY, appointed jointly by federal judges in both districts;

International aircraft manufacturer and international freight carrier, appointed by two private law firms;

Securities class action between Retirement Fund as Class Representative and Pharmaceutical Company and officers, USDC, SDNY, appointed by the parties;

Patent holder and licensee, appointed by Appellate Division, First Department;

Investor v. Mortgage bankers concerning alleged misrepresentations, appointed by Commercial Division, Supreme Court, State of New York;

Hedge fund manager v. Hedge fund manager concerning separation agreement and alleged breach of contract, appointed by two private law firms;

Wireless telephone carrier v. wireless distributor concerning alleged mutual breaches of contract, appointed by two private law firms;

TRAINING:

AAA Consummate Negotiation: Techniques and Tactics - Wednesday, October 12, 2011;

AAA Ethics 101: Mediators, Arbitrators and Attorneys - Wednesday, October 26, 2011

West Legal Education and CPR, Making Mediation Work for You, December 7, 2011;

CPR, Basic Mediation Workshop, January 12-13, 2012;

NYS Bar Association, Commercial Mediation Training, March 15-17, 2012.

SELECTED PUBLICATIONS:

Federal Securities Litigation: A Deskbook for the Practitioner (co-author), DataTrace Publishing Company (2d edition, 2012);

“Opening Statements” in Business and Commercial Litigation in Federal Courts, West Publishing (annual update);

“Judgments” in Commercial Litigation in New York State Courts, West Publishing (annual update);

"The Planning Process" in Successful Partnering Between Inside and Outside Counsel, West Publishing (annual update).

"In The Courts: The Crisis in Judicial Nominations and Confirmations," Federal Bar Council Quarterly, Winter 2010;

"Rule 502: Issues and Solutions", Sedona Conference, Sedona, Arizona, April 29 - May 1, 2009;

Recommended Practices in the Conduct of Internal Investigations (principal draftsman), American College of Trial Lawyers, 2008;

"Preserving Work Product Protection For Litigation Reserve Analyses Shared With Auditors," ALI-ABA Course of Study, May 15 - 16, 2008;

Recent developments in the enforcement of the Foreign Corrupt Practices Act, Journal of Securities Compliance, Volume 1, Issue 3 (2008) (co-author);

Update of Developments in the Corporate Attorney-Client Privilege", Journal Of Investment Management, Winter 2006;

"A Critique of the Misappropriation Theory of Insider Trading," 20 Cardozo L. Rev. 41 (1998) (co-author);

"ADR Discovery Techniques," ALI-ABA Course of Study in The Role of Corporate Counsel in Litigation, December 6, 1990;

EDUCATION:

Brown University (BA cum laude - 1964); Harvard University (JD - 1967)

ADMISSIONS:

Admitted to Bar, New York, 1968.

Admitted to US Supreme Court; US Courts of Appeals for the Second Circuit and Third Circuit; US District Courts, Southern District of New York, Eastern District of New York, District of Columbia, and Northern District of Texas.