



## **Eric Watt Wiechmann** **WiechmannADR**

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### **ARBITRATOR, MEDIATOR, ADR CONSULTANT**

During the past four decades of representing clients in trials and arbitrations throughout the United States, I have handled matters involving large complex disputes dealing with alternative energy, oil and gas, environmental issues, professional liability (law firms, accounting firms, insurance and securities brokers), employment, corporate disputes, breach of contract, securities, product liability, personal injury, antitrust, maritime, construction, trademarks/copyrights, consumers and franchises. I was fortunate to become involved with ADR at an early time. I became a court appointed mediator and arbitrator in the 1980s and through the Connecticut and New York State and Federal Courts, several ADR institutions and privately have handled hundreds of mediations and arbitrations. Also, as a trial attorney and national coordinating counsel for a major oil company, I participated in over a hundred mediations and other ADR settlement techniques. I frequently write, speak and teach on ADR subjects.

### **ALTERNATIVE DISPUTE RESOLUTION AFFILIATIONS**

- American Arbitration Association – Roster of Neutrals (National arbitration panels – Commercial, Energy, Large and Complex Disputes, Merger & Acquisitions and Joint Venture, and Consumer; National mediation panel)
- International Institute for Conflict Prevention and Resolution (“CPR”) – Distinguished Neutral, Commercial, Energy, Oil and Gas; Environmental; Banking, Accounting and Financial Services Panels; Member of Mediation and Arbitration Committees
- College of Commercial Arbitrators -- Fellow
- National Academy of Distinguished Neutrals Member (CT, NY)
- The Chartered Institute of Arbitrators, Ltd. – Fellow
- National Arbitration and Mediation, Inc. – Mediator and Arbitrator (Connecticut and New York)
- FINRA – Mediator and Arbitrator
- Connecticut Superior Court – Attorney Trial Referee, Arbitrator and Fact Finder
- USDC Southern District of New York – Panel of Mediators, Member Mediator Advisory Committee
- USDC Connecticut – Special Settlement Master
- NY Supreme Court Commercial Division ADR Panel
- Dalkon Shield Trust – Connecticut Arbitrator and Mediator
- Connecticut Bar Association Fee Dispute Program – Arbitrator and Mediator



## **REPRESENTATIVE CASES HANDLED AS AN ARBITRATOR**

- Chair of panel involving several related breach of contract and construction dispute arbitrations arising out of a series of major solar energy public finance projects (90 solar generating sites), with cross claims for damages of over \$100 million.
- Chair of panel in multimillion-dollar dispute involving claims of defective equipment supplied to a wind power project.
- Chair of Panel in closely held multimillion dollar business dispute involving shareholder buyout and valuation of business.
- Sole arbitrator in dispute between international law firm and client over unpaid fees and billing practices.
- Member of panel adjudicating multimillion-dollar dispute between independent power generator and a national energy provider involving breach of a Tolling Agreement and an ISO-NE program.
- Member of panel adjudicating a multimillion-dollar breach of contract claim involving the purchase of foreign solar photo voltaic modules.
- Sole arbitrator in a multi-million dollar breach of contract claim between a major advertising agency and an international retailer.
- Sole arbitrator in dispute between an ISO and a provider of alternate energy solutions over a claim for reimbursement of fees that were overpaid under a FERC program.
- Sole arbitrator in arbitration between medical device company and terminated CEO over rights to compensation including royalty payments for patents assigned to the Company by the largest shareholder and director.
- Member of panel deciding on breach of contract cross claims between a manufacturer of components for the automotive industry and foreign parts supplier.
- Sole arbitrator in contract dispute between software developer and manufacturing business over various business software.
- Sole arbitrator in a dispute between a manufacturer of a cleaning product and the company who labeled and distributed it arising out of the recall of the product by national retail chain.
- Sole arbitrator in various disputes between property owners and architects and interior designers over redesign and reconstruction of commercial and residential properties.

## **REPRESENTATIVE MATTERS HANDLED AS A MEDIATOR**

- Mediation arising out of several federal court actions involving the contamination (PCBs, VOCs, etc.) and multimillion-dollar cleanup of an industrial property in Stamford, CT with related issues pertaining to the contamination of neighboring parcels. Parties included three owners of the property over a 60 year period, five railroads (whose tracks were abutting and, in the past ran through a corner of the property), two utilities and six neighboring businesses.
- Intrafamily disputes over ownership and operation of several partnerships and businesses involved in the landscape, construction and garden center industries resulted in several lawsuits brought in state court by two brothers and one of their spouses claiming, inter alia, breach of contract, theft, breach of fiduciary duty, tax, environmental and bankruptcy claims.
- Multimillion dollar maritime breach of contract dispute between an international shipping company and a major U.S. food processor involving payments for several shipments of agricultural produce to China from the United States.
- Multimillion dollar contract dispute between several municipalities and an energy aggregator over pricing of electricity involving the state's renewable energy program (SREC).
- Securities fraud, derivative shareholder and corporate governance claims (under Delaware law) involving major shareholders and Board of Directors of a health products company.
- Multiparty (tenant, building owner, installer, engineer, equipment manufacturing and component manufacturing) dispute involving million dollar plus property damage claims arising from the installation of cooling equipment for a computer server facility. Case involved breach of contract, premises liability, product liability, and indemnification claims.
- Breach of contract lawsuit pending in state court between the owner of an oil distribution business and related oil storage terminal and an environmental consulting firm which had been hired to advise on the purchase of the facility and subsequent remediation.

- Series of mediations of cases pending in both state and federal court arising out of the construction and remodeling of a high school and middle school.
- Attorney malpractice action pending in Federal Court involving claims of mishandling an employment discrimination lawsuit and conspiracy amongst defense attorneys
- Dispute between educational institution and former teacher involving claims of retaliation and sexual abuse of students.
- Copyright infringement action with Lanham Act counterclaims between a music publisher and a music instrument manufacturer.
- Mediated various employment claims of illegal termination, ADA violations, gender, ethnic and racial discrimination, sexual harassment and personal injury involving teachers, employees and contractors for universities and high schools.
- Mediated various § 1983, ADA Employment and FLSA cases pending in Federal Court.
- Mediated various significant personal injury, property damage claims.
- I have served as a court-appointed mediator and/or settlement master in both Connecticut and New York state and federal courts. I have also mediated cases referred from the Complex Litigation Docket of the Connecticut Superior Court. I serve as mediator for the Connecticut Bar Association Attorney Fee Dispute program and was the Connecticut mediator for the Dalkon Shield Trust Fund.

### **RECENT PUBLICATIONS AND PRESENTATIONS**

- “ADR in the Age of Cybersecurity” co-author with Steven Certilman, New York Dispute Resolution Lawyer (Spring 2019)
- “Tips on Arbitration Advocacy,” Part I, II, III, IV, Connecticut Law Tribune (May and June, 2017)
- Questions for In House Counsel to Ask Litigation Counsel in Anticipation of Mediation (Practical Law, 2016)
- Subjects for Trial Counsel to Discuss With the Client in Anticipation of Mediation Checklist (Practical Law, 2016)
- “Ten Pillars for a Productive Mediation – An Attorneys Guide” (Alternatives, 2015)
- “Mind Your P’s & Q’s in Mediation” (TerraLex Connections, 2013)
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- “The Mediation Gameplan,” CBA Litigation Section presentation (September 2018-February 2019)
- “A Practical Guide to Arbitration in Connecticut,” CBA seminar panelist (February 2019)
- “The Future of Collective Actions in ADR,” IADC Webinar (October 2018)
- “The Arbitration Prehearing Conference and the Obligations of Arbitrator, Counsel and the Parties,” CBA ADR Section presentation (September, 2017)
- “Effective Advocacy in Arbitration,” Moderator and Speaker, Connecticut Bar Association Annual Meeting (June 2017)
- “A+ Arbitration - How to Most Effectively Present Your Case and Protect It From Later Court Challenge,” IADC Webinar (2017)
- “Help Me Help You – Have a Successful Arbitration” (IADC Midyear Meeting Presentation, 2017)
- “Mediating the Complex Case – How In-House Counsel Can Drive More Effective Results,” IADC Corporate Counsel College Panelist (2015)
- “Benefits of Early Mediation,” IADC Annual Meeting Speaker (2015)
- “Mediation – Early and Often,” Connecticut Law Tribune In House Counsel CLE Lecture (Stamford, CT): (2013)
- “Effective Court Connected Mediation,” CPR Annual Meeting Panelist (2014)
- Judge – Fordham Vis International Commercial Arbitration Pre-Moot
- Coach – New York City Bar Association Advanced Commercial Mediation Training
- Judge/Mediator – ABA Representation in Mediation, Law School Regional Competition

## **ALTERNATIVE DISPUTE RESOLUTION TRAINING**

### *ARBITRATION*

- AAA Arbitrator Panel Conferences
- AAA Performance and Demeanor, Meeting Participant Expectations
- AAA Arbitrator Update
- AAA Commercial Arbitrator II Training: Advanced Case Management Issues
- AAA Arbitrator Roundtable on Discovery: Enough is Enough, or is it?
- AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards
- AAA Pro Se: Managing Cases Involving Self-Represented Parties
- AAA Arbitration Roadmap: The Standard for Efficient and Cost Effective Arbitration
- AAA Dealing with Delay Tactics in Arbitration
- AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing
- AAA Webinar – Arbitrator Boundaries: What are the Limits of Arbitrator Authority?
- AAA Maximizing Efficiency and Economy in Arbitration
- AAA Imposing Sanctions in Arbitration
- AAA Arbitral Subpoenas
- AAA Red Flags and Risk Areas for Arbitrators: A Review of Recent Cases Challenging Arbitrator Authority
- AAA Exploring Critical Issues in Arbitration
- AAA Commercial Arbitrators Training
- ABA Webinar – Top Techniques for Improving Arbitration Case Management
- CPR Ethics in Arbitration and Mediation
- CPR Fast Track and Baseball Arbitration for Commercial Disputes
- NYSBA Dispute Resolution Sections Fall and Annual Meeting presentations

### *INTERNATIONAL ARBITRATION*

- Columbia Law School – Chartered Institute of Arbitrators – Course on International Arbitration
- ICDR “Looking Ahead: Effectively Arbitrating Complex Disputes in the Global Energy Sector”
- ABA “Day at Lloyd’s III” International Insurance Arbitration
- AAA/ICDR various Joint Colloquiums on International Arbitration
- CPR Developments in International Dispute Resolution
- Juris Conferences Annual Damages in International Arbitration Conference
- New York City Bar International Arbitration Institute
- AAA Emerging Importance of Cross Cultural Competency in ADR
- CPR Ethics in International Arbitration

### *MEDIATION*

- NYSBA Commercial Mediation Training Program
- Connecticut Bar Association – Negotiation and Mediation Training Program
- CPR Int’l Institute For Conflict Prevention & Resolution: Timing Is Everything – When And How To Mediate Effectively; DuPont
- CPR ADR Counsel Workshop – Ethical Issues In Mediation And Arbitration
- Roundtable on Mediation with the Government
- CPR Applying Neurobiology to Negotiation and Mediation
- AAA Webinar – Consummate Negotiation: Techniques & Tactics
- CTLA Mediation/Settlement – New Strategies, New Opportunities
- SDNY Mediation Panel Training Course
- SDNY Mediation Panel – Making Money Talk in Mediation: Mediating the Settlement of Monetary Disputes
- SDNY Mediation Panel – Mediating Cases Under 42 U.S.C. §1983
- CPR Annual Meeting – Master Mediators

## **FIRM LEADERSHIP**

### *MCCARTER & ENGLISH, LLP*

Firmwide Managing Partner (2007-2010)

Member of the Executive and Compensation Committees (2003-2010)

### *CUMMINGS & LOCKWOOD, P.C.*

Hartford Office Managing Partner (1995-2003)

Member of the Board of Directors and Compensation Committees (1995-2003)

## **LITIGATION EXPERIENCE**

- Partner in Litigation Department of Cummings & Lockwood (1981-2003) and Business Litigation and Product Liability practice groups of McCarter & English, LLP (2003-2019)
  - Handled trials, arbitrations, mediations, appeals and governmental investigations for plaintiffs and defendants in over 30 states and the District of Columbia. Mediated hundreds of cases including numerous multi party and mass torts claims. National coordinating counsel for Texaco, Inc.'s environmental exposure/toxic tort cases (1989-2001)
  - Lead Trial/Arbitration Counsel in energy, antitrust, professional liability (legal, accounting, securities, insurance broker), corporate disputes, securities, environmental, construction, mass tort, employment, fraud, banking, probate, product liability, and class action cases
- Connecticut Law Revision Commission/Connecticut Supreme Court Evidence Code Oversight Committee (drafted and oversee Connecticut's Code of Evidence) (1994-2019)
- CT Superior Court Civil Rules and Standard Jury Charge Committees

## **LEGAL AND INDUSTRY AFFILIATIONS**

- Member of Connecticut and New York Bars, DC Bar (1981-2018)
- Member of U.S. Supreme Court Bar and various Federal Court of Appeals and District Courts
- American Bar Association (Dispute Resolution Section)
- Connecticut Bar Association
  - Alternative Dispute Resolution Section (Executive Committee)
- New York State Bar Association (Dispute Resolution Section)
- Connecticut Bar Foundation (Life Fellow)
- American Bar Foundation (Life Fellow)
- International Society of Barristers (2000-2018)
- International Association of Defense Counsel (Board of Directors (2006-2009))
- New England Alternate Energy Industries Association (former outside General Counsel)
- American Chemistry Council

## **EDUCATION**

J.D. – Cornell Law School (1974)

B.A. – Hamilton College (1970)

## **SELECTED HONORS**

- Connecticut Fair Housing Center – George J. and Patricia K. Ritter Pro Bono Award
- Connecticut Super Lawyers (ADR)
- New England Super Lawyers (ADR)
- Martindale Hubbell – AV Preeminent Rating
- Who's Who in America
- Who's Who in the World
- Albert Nelson Marquis Lifetime Achievement Award (Who's Who)

*REFERENCES AVAILABLE UPON REQUEST*