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FARBER, PAPPALARDO & CARBONARI
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Professional Recognition:

- President, College of Commercial Arbitrators 2012-2013
- Chair, American Bar Association Arbitration Committee 2013-present
- Board of Directors, American Arbitration Association 2014-present
- Adjunct Professor of Law teaching Arbitration and Mediation, Pace Law School 1985-present

Work History:

Partner, Farber, Pappalardo & Carbonari (and predecessor firms), 1982-present;
Associate Attorney, Weil Gotshal & Manges, 1974-77.
Associate Attorney, Moses & Singer 1978-1981

Experience:

Over 35 years experience as civil trial lawyer and advocate, negotiator, mediator and arbitrator in federal, state, administrative, arbitration, and mediation proceedings related to partnerships, energy (oil, gas, coal and solar including photovoltaic), malpractice (against accountants, attorneys, architects and engineers), franchise, construction, real estate investments and valuations; entertainment, bankruptcy, international, manufacturing, marketing, product development, financing, banking, securities, insurance and employee-employer disputes. Arbitrations involving dissolution of law, accounting, construction, architectural, and other professional firms, and regarding ownership, licensing and patents for intellectual property including genetic, agricultural and chemical technology and formulas; insurance coverage including subrogation, reinsurance, officers' and directors' errors and omissions, appraisals, property and casualty, health, title, and malpractice insurance; manufacture of foreign products for distribution in the United States and vice versa including jewelry, diamonds, medical equipment, food processing ingredients and machinery, underwear, women's clothing, shoes, gambling casinos, watches, musical instruments, cookies, corn, a tunnel, a jail, covenants not to compete, satellites, bats, perfume, flowers, barbeque grills; structured financial transactions regarding proprietary financial data, valuations of portfolios of securities, loans, credit card debt; medicines, medical devices, scales, artificial hearts; weapons, comic books, fast food, movies, hotels, baseball cards, defense industry

products and major franchises for food, chemicals, cabinets, beds, medical equipment, ice cream, and hotels; accounting disputes including application of complex GAAP and GAAS provisions; technology claims involving hardware, software, applications, web-sites and data storage and retrieval; disputes between landlords and tenants regarding amounts due, renewal rights, new rent rates, and exercise of options. Claim against brokers including churning, suitability, and Rule 10b-5 violations.

Alternative Dispute Resolution Experience:

Sole arbitrator, chairman of arbitration panel, or counsel to a party in hundreds of multimillion-dollar complex disputes concerning ownership of public and private companies; real estate ventures in Australia, Brooklyn, Denver, Chicago, New York, Mexico City, Paris and Manchester, England; performers (involving television, theater, athletic, and political personalities and their agents); works of art (ownership of a Rembrandt painting). Served as mediator in hundreds of mediations up to \$500 million plus disputes involving all forms of construction including claims of defective installation and materials, delay claims, and wrongful terminations involving malls, hotels, power plants, schools, bridges, and homes; coal distribution, purchase and sale agreements, hedge funds, mineral rights, licensing and participation agreements, maritime and railroad transport, airplane and helicopter construction, university-faculty-student, literary agents, personal injury disputes, disputes between municipalities and their hospitals; disputes between government entities such as school districts and housing authorities and architects, engineers, contractors and construction managers; between major accounting and law firms and former partners; between entertainers and agents, and among owners, architects, general contractors and subcontractors. Certified in arbitration before Japan Commercial Arbitration Association. Mediated a case live on the Oprah Winfrey Show.

Alternative Dispute Resolution Training:

ADR Education and training experience includes: Faculty - Columbia Law School - Chartered Institute - International Arbitration Course 2015; Chair Managing a Successful Arbitration (15 programs across the country), Co-Chair American Bar Association-Advanced Arbitration Training Institute, 2007-2014; (Discovery in Complex Arbitration, Motions, and the Award); Faculty for all the following: Managing a Successful Arbitration; CPR - Annual Meetings - Arbitration Practice and Ethics, 2014, 2015; AAA Streamlining the Complex Hearing, 2012; AAA Managing Your First Arbitration, 2010-2014; AAA Muscular Arbitration - Trimming the Fat Out of Arbitration, 2011; AAA Arbitrator Ethics & Disclosure, 2010; International Law Weekend, 2010; AAA Dealing with Delay Tactics in Arbitration, 2010, 2006; ICDR International Symposia in Advanced Case Management issues, 2009; AAA Ask and Answer Arbitration Ethics, Confidentiality and Party Appointed Arbitration, 2008; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2006. AAA Training Other Arbitrators (1994-present) Large Complex Cases Advanced Arbitrator Training, Complex International Cases, Commercial and Construction Trainings in New York and across the country. AAA Commercial and Construction Train the Trainer courses; various other ADR trainings; Sole faculty for 3 day arbitration and mediation training programs in Caracas and Valenzia Venezuela.

Citizenship:

United States of America

Areas of Practice:

Arbitration, Mediation, Neutral Evaluation and Mini-Trial

Certified Legal Specialities:

Japan Commercial Arbitration Association, International Mediation Institute

Bar Admissions:

New York, 1974

U.S. District Court Southern District of New York, 1974

U.S. District Court Eastern District of New York, 1974

U.S. Court of Appeals 2nd Circuit, 1974

U.S. Court of Appeals 6th Circuit, 1985

Education and Honors:

New York University School of Law, New York, New York - J.D. - 1973

Honors: Root-Tilden Fellow

New York University-University Heights Campus, Bronx, New York

B.A. - 1970 - Phi Beta Kappa, President, Student Government

Honors: The New York Times - "Super Lawyer" - ADR - 2007-2015

Honors: New York Magazine "Best Lawyers" ADR 2008-2015

Honors: Lawdragon 500 Leading Judges in America, 2006, 2010, 2013

Westchester Business Journal, 2015, 1 of top 25 Lawyers in Westchester County, New York

Published Works:

Best Practices in Arbitration, College of Commercial Arbitrators, Chapters on Class Arbitration and Motions in Arbitration, 2007 and 2013

The Role of the Neutral in Party-Appointed Arbitrations, New York Law Journal, September 13, 2002

Arbitration Law: Practical Points for Being Fair, Fast, Frugal & Final, New York Law Journal, November 7, 1996

Languages:

French

¹Recent Representative Settled Mediations:

¹The information is derived from publicly available court filings. The Class Arbitration information is publicly available on the AAA website. No representative arbitration information is set forth because of confidentiality restrictions.

1. Claims by U.S. subsidiary of a large foreign trading company alleging malpractice against its former accountants. Claims related to loss carry back treatment, accuracy of transfer price studies, valuation of patents, and client responsibility regarding balance sheet errors.
2. Allegations by investors against underwriters for Rule 10b-5 and other securities law violations in connection with issuance of debentures by a bank. Claims related to accuracy of information provided and/or omitted to Board of Directors and investors in an insurance company.
3. Claims by coal manufacturers against shippers and purchasers under requirements contracts regarding quality, price formulas, and delivery dates for large users of coal. Issues included analysis of spot markets and pricing models for different types of products and equipment.
4. Claims by foreign government against American producer of large generator equipment and parts regarding warranty responsibilities, payment terms and causes of numerous blackouts in large areas of the foreign country.
5. Claims and counterclaims between two hedge funds regarding the scope and duties under joint venture agreement for investments in distressed companies, issues related to completed investments, valuation of loan and asset portfolios, fees and pay-outs, management of investments and failure to close acquisition of certain investments.
6. Claims by manufacturer of agricultural equipment and products against distributors regarding territorial limitations, advertising responsibilities and timeliness and amount of fees due.
7. Legal malpractice claims alleging that attorney retained to collect on three judgments did virtually nothing and allowed the judgment debtor to dissipate assets so that nothing could be later collected. Defense that plaintiff gave directions not to undertake any collection efforts because of concern about legal fees.
8. Claims by adjoining office building owners alleging that serious water problems, cracks and foundation issues occurred on their properties after defendants' insured demolished a retail outlet to prepare for a new tenant.

9. Claims by hospital against architect and engineer of (a) design defects regarding construction of the de-contamination section of its emergency room, (b) failure to provide appropriate earthquake zone protection and (c) 46 other design errors. Defense that most problems were caused by defendant contractor's means and methods of installation and construction.
10. Discrimination claim by Asian junior audit partner who was asked to resign from large accounting firm partnership because of "relationship issues." The partner was allegedly abusive, totally intolerant of staff who needed flexible hours and the subject of complaints from clients who did not want to work with her and from staff who refused to be on her team.
11. Claims for fees by investment advisor and bank against investor seeking to take control of a public company. Counterclaims by investor who claimed that tender offer failed because of incompetent due diligence and inappropriate advice from investment advisor and bank. Issues related to scope of retention agreements, nature of due diligence and recommendations of advisors and the strategic decisions of investor.
12. Large multi-party mediation involving claims by school district against contractor, architect, engineers, and sub-contractors for defective construction and renovation of 5 school buildings. Defects alleged in design and installation of auditorium, gymnasium, science labs, and classrooms regarding heating, roof, water intrusion, mold, flooring and other defects.
13. Dispute between a longtime partner of a real estate investment firm and the firm regarding allegations of breach of a restrictive covenant by shifting business to his son's investment firm and counterclaims for payments due to the departing partner.
14. Dispute between a municipality and a Water Board involving "take or pay" contracts for supply of water from one municipality to another and issues regarding water quality, health, payment, rates and construction of a water treatment plant. Party representatives were the mayors from two different political parties for two municipalities.
15. Claims by casino against gaming authorities for wrongful calculation of fees and duties. Counterclaim regarding alleged misclassification of entertainment offerings.
16. Personal injury claim by Banker who lost a leg alleging that hotel wrongfully failed to disclose the existence of a "shark school" 15 miles away from the hotel resort. Defenses related to jurisdictional issues.

REPRESENTATIVE CLASS ARBITRATIONS

1. Claims by consumers against a major national bank for overcharging on credit card fees.
2. Claims by insurers against network of renal dialysis centers for reimbursements and counterclaims for alleged overcharges.
3. Consumer claims against major telecommunications company alleging wrongful charges for cable, wireless and “package” charges to consumers.
4. Claims by students for overcharges of tuition and other fees by university.
5. Claims against major auto company for supplying defective parts and for alleged overcharges.
6. Claims against title insurance company for wrongfully denying insurance coverage for coastline properties where municipality claimed that owners owned less property extending into the ocean.
7. Claims by homeowners of large urban development against developer claiming defective construction, materials and installation.
8. Claims against major brokerage firm for alleged overcharging for certain fees and expenses.
9. Claims against national retailer alleging improper compensation payments to middle management employees seeking overtime and other benefits.
10. Claims against manufacturer of tools alleging improper restrictions on distribution of products.
11. Claims against national transporter of overnight mail alleging improper payments within distribution network.
12. Claims against payday lending chain alleging violations of state laws and wrongful calculation of amounts to be paid by consumers.

13. Claims by franchisees against food and cosmetic distributors alleging wrongful calculation of advertising and royalty charges.
14. Claims against major telecommunications company regarding alleged wrongful charges for termination fees for cell phones.

