



## **FRANCIS L. CARTER, Esq. – South Florida Mediator**

***Francis L. Carter, P.A.***

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Francis Carter, a full time professional mediator and settlement counselor, has served as a mediator in more than a thousand cases, including commercial civil cases involving directors and officers liability, partners' disputes, business dissolutions (business divorces), attorney malpractice, accounting malpractice, construction defects, aviation, landlord tenant disputes, brokers' commissions, tax, international business disputes, cross-border claims, and other commercial and financial legal issues, as well as bankruptcy and debtor-creditor cases, involving avoidance claims (voidable preferences, fraudulent transfers, and Ponzi scheme clawbacks from net winners), claims objections, objections to plan confirmation, objections to discharge of debtor and to dischargeability of claims, foreclosures, deficiency claims, guaranties, contract disputes, and fee disputes.

Mr. Carter is also a settlement counselor, serving as an advocate or consultant to assist other counsel in formulating settlement strategy and conducting settlement negotiations, as well as assisting in preparing for and conducting mediation negotiations before other mediators. His long experience as a mediator gives him significant insight that he uses when participating at a mediation to advise trial counsel and their client as to what the mediator is thinking; how best to communicate with and through the mediator; how to use the mediator as a valuable resource; what

is happening in the other side's caucus room; how the other side is likely to respond to a particular offer; how to package an offer to make it attractive to the other side; when and how to use a bracket offer; and how to use creativity to fashion a viable offer in a complex negotiation.

Mr. Carter has vast experience serving as a mediator appointed by the Bankruptcy Court to resolve numerous similar matters arising within the framework of a single bankruptcy case by means of court-ordered mandatory early mediation procedures; i.e., requiring mediation on a strict schedule and before discovery can commence. Matters which can be efficiently resolved by early mediation procedures include any matters which have common fact patterns and where outcomes at trial would be governed by the same applicable laws or legal principles. Early mediation procedures allow both the Debtor's estate and adverse parties to resolve their differences quickly, cheaply and efficiently, and conserve judicial time. Types of matters that are good candidates for court-ordered early mediation procedures include claims objections, voidable preferences, and constructive fraudulent transfers, including wrong payor cases and Ponzi claw backs. Having served as a court-appointed mediator in a dozen cases where the court has ordered early mediation procedures, Mr. Carter has gained considerable knowledge of best practices and is able to advise counsel for debtors-in-possession and trustees who are drafting motions for court approval of mandatory early mediation procedures.

Mr. Carter is a Fellow of the American College of Bankruptcy and has been listed in The Best Lawyers in America since 1991 under several categories, including Bankruptcy and Debtor-Creditor Rights Law and Alternative Dispute Resolution. The 2011 Edition of Chambers USA: America's Leading Lawyers for Business ranks Mr. Carter as a Senior Statesman, and further describes him as, "immensely experienced ... one of the Dean's of Florida's bankruptcy bar ... strategically excellent and ... renowned as one of the state's finest mediators." He is also listed as a Top Lawyer in the South Florida Legal Guide and in Florida Trend's Legal Elite, and is one of a handful of south Florida lawyers recognized by the Florida edition of Super Lawyers as a mediator in its Alternative Dispute Resolution category.

A graduate of the University of Pennsylvania and the University of Virginia law School, Mr. Carter is a member of the American Bar Association, The Florida Bar (former Chair, Business Law Section, Bankruptcy/UCC Committee), The District of Columbia Bar (inactive), the State Bar of Georgia (inactive) and The Bankruptcy Bar Association of the Southern District of Florida. He has also served as a Captain in the U.S. Army.

Mr. Carter has been a frequent speaker to real estate, financial, business and legal groups. Having represented both lenders and borrowers, he understands the essential needs and perspectives of all stakeholders in a distressed project or business enterprise and is uniquely qualified to provide parties with practical as well

as legal advice on how to maximize value in a challenging financial and market environment.

## Bar Admissions

- Florida, 1975
- District of Columbia, 1972
- Georgia, 1970

## Education

- University of Virginia School of Law, 1970, J.D.
- University of Pennsylvania, 1967, B.A.

## Professional Associations and Memberships

- The Bankruptcy Bar Association of the Southern District of Florida
- American Bar Association
- The Florida Bar (Past Chairman: Bankruptcy/UCC Committee, 1985-1986; and Member: Corporation, Banking and Business Law Section)

## Awards and Recognition

- AV Preeminent Rated by Martindale-Hubbell since 1986
- Ranked as a Senior Statesman for Florida Bankruptcy in Chambers USA (2011)
- Listed in Florida Trend's Legal Elite
- Listed in The Best Lawyers in America since 1991
- Ranked as one of South Florida's top lawyers by the South Florida Legal Guide
- Fellow, American College of Bankruptcy since 1994