



**HOWARD S. EILEN**

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***Areas of Concentration / Specialty:***

- Mediator

***Number of Years as Mediator:***

17+

***Number of Securities Arbitration Cases Participated In:***

2500+

## HOWARD S. EILEN

### **Mediation Experience.**

Since 1994, Mr. Eilen has successfully mediated over 2,500 cases and matters involving a multitude of diverse customer and employment claims filed against both national and regional brokerage firms alleging:

- Ponzi Schemes
- Churning
- Lack of Suitability
- Failure to Hedge
- Undue Concentration
- Inducement to Retire
- Discrimination
- Defamation
- CMO's
- Structured Products
- Derivatives and Options
- Unauthorized Trading
- Fraud and Omissions
- Variable Annuities
- Managed Accounts
- Wrongful Termination
- Raiding and Unfair Competition
- Commodities and Futures

### **Mediation Approach.**

My approach to mediation is evaluative and "hands on". I deal with complex legal issues and the facts, whatever they may be. I am always FULLY prepared for every case. I address the concerns of the parties, and work compassionately within that framework to effectuate a meaningful resolution. I do not require nor do I encourage opening statements or joint sessions except if specifically requested by the parties. My settlement rate is well over 90% and the overwhelming majority of cases settle at the mediation.

### **Professional Background.**

Mr. Eilen is a partner of Lehman & Eilen LLP in Uniondale, New York. He is in charge of the Firm's futures, derivatives, litigation, arbitration and mediation practice areas.

Mr. Eilen has successfully prosecuted and defended claims (in court and in arbitration) instituted against brokers arising under the federal securities and commodities laws, as well as the Racketeer Influenced and Corrupt Organizations Act (RICO). Over the last twenty-five years Mr. Eilen has chaired dozens of arbitration panels before the National Association of Securities Dealers (now FINRA), the National Futures Association and American Arbitration Association. Mr. Eilen has represented firms and individuals in enforcement proceedings and investigations conducted by the Securities and Exchange

Commission, Commodity Futures Trading Commission, New York Stock Exchange, NASD Regulation, Inc. (now FINRA) and state regulators.

**Other Information.**

Mr. Eilen also mediates court initiated commercial cases involving shareholder, corporate, partnership, and limited liability company disagreements and dissolutions, breach of contract, unfair competition, covenants not to compete, and employment and workplace issues.

In 2000, Mr. Eilen was appointed by the Securities Commissioner of the Commonwealth of Massachusetts to administer and mediate a class of customer claims against a major brokerage firm pursuant to a Consent Order.

In 2001, Mr. Eilen was again appointed by the Securities Commissioner of the Commonwealth of Massachusetts to administer and mediate a different class of customer claims against a major brokerage.

In 2002, Mr. Eilen was appointed as a special arbitrator by the Securities Commissioner of the State of New Hampshire to determine and decide a sales practice issue with the respect to the offering of a certain security to state residents.

Mr. Eilen is also a Special Master in the New York State Court System, where he supervised discovery in a major securities fraud class action matter, and ultimately mediated a global settlement. Mr. Eilen now spends substantially all of his time mediating cases.

Panelist: The Ponzi Scheme, How to Spot It, What to Do About It, Nassau Academy of Law, 2009.

Panelist: Advanced Mediation Workshop-Special Topics: Group Cases and Retirees, Securities Industry and Financial Markets Association, 2008.

Contributing Author and Lecturer, Securities Arbitration and Mediation: Breaking the Deadlock- Impasse Breaking Techniques, New York State Bar Association, 2007.

Contributing Author and Lecturer: Securities Arbitration 1993, 1995, 1997, 1999, 2003 and 2005, Practising Law Institute in New York.

Contributing Author and Lecturer: Mutual Funds, Fee-Based Accounts and Other Suitability Land Mines, Financial Planning Association of Long Island, 2005.

Contributing Author and Lecturer: Accountants as Registered Reps, Regulatory and Liability Issues, New York State Society of Certified Public Accountants, Foundation for Accounting Education, 2003.

Contributing Author and Lecturer: Securities Mediation Advocacy: Prosecuting & Defending Customer Claims Against Stock Brokers, Pennsylvania Bar Institute, 2003.

Contributing Author and Panelist: Mediation Symposium, Public Investors Bar Association 12th Annual Meeting, 2003.

Contributing Author and Lecturer: Current Trends in Securities Arbitration and Mediation, Nassau Academy of Law. 2003.

Contributing Author and Lecturer: Securities Arbitration, Winning Trial and Settlement Techniques in a Declining Market, Nassau Academy of Law, 2002.

Contributing Author and Lecturer: Securities Arbitration, Summary Judgment Motions in Securities Arbitration, Nassau Academy of Law, 2001.

Contributing Author and Lecturer: Securities Arbitration, Prosecuting and Defending a Securities Arbitration Case, Nassau Academy of Law, 2000.

Mr. Eilen is a frequent participant and speaker before various professional organizations, including the Practising Law Institute, the International Association of Financial Planners, the Nassau County Academy of Law, Pennsylvania Bar Institute, the Public Investors Arbitration Bar Association (PIABA), the New York State Bar Association, and the Foundation for Accounting Education. He is often quoted in industry-related publications, particularly with respect to mediation and arbitration as alternative dispute forums.