

# JOHN G. BICKERMAN

*Bickerman Dispute Resolution, PLLC*  
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## LEGAL AND PROFESSIONAL EXPERIENCE

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- BICKERMAN DISPUTE RESOLUTION, PLLC**, Washington, D.C. 1997-present  
*Founder and President.* Full service Alternative Dispute Resolution firm specializing mediation and arbitration of complex commercial, environmental, construction defect, mass tort, public policy and employment disputes.
- CORNELL UNIVERSITY, SCHOOL OF INDUSTRIAL AND LABOR RELATIONS**, Ithaca, NY 2011 - present  
*Visiting Lecturer. Courses in negotiation, mediation and ADR*
- GEORGETOWN UNIVERSITY LAW CENTER**, Washington, D.C. 1994-2001  
*Adjunct Professor of Law.* Courses in negotiation, mediation and ADR.
- KAYE SCHOLER LLP**, Washington, D.C. 1989-1997  
*Attorney.* Full-time ADR practice since 1992; drafted a proposed overhaul of CERCLA; commercial, constitutional, employment and environmental litigation.
- UNITED STATES DISTRICT COURT, DISTRICT OF COLUMBIA**, 1988-1989  
*Law Clerk.* United States District Judge William B. Bryant.
- CENTER ON BUDGET AND POLICY PRIORITIES**, Washington, D.C. 1982-1987  
*Research Director and Senior Economist*
- U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**, Washington, D.C., 1979-1982  
*Senior Economist.*

**PROFESSIONAL ACTIVITIES**

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<b>AMERICAN BAR ASSOCIATION, Section of Dispute Resolution</b> <i>Past-Chair</i>	2006-2007
<b>AMERICAN ARBITRATION ASSOCIATION</b> <i>Original Member, Master Mediation Panel</i> <i>Member, Arbitration Panel</i>	2015-present
<b>AMERICAN COLLEGE OF CIVIL TRIAL MEDIATORS</b> <i>Member, Roster of Neutrals.</i>	2000 to 2006
<b>CPR INSTITUTE FOR DISPUTE RESOLUTION</b> <i>Member, National Panel of Distinguished Neutrals.</i> <i>Member, Commission on Ethics and Standards of Dispute Resolution Practice.</i> <i>Member, Mediation Committee.</i> <i>Member, Panels Advisory Group.</i> <i>Member, Panel on Diversity</i> <i>Member, Executive Advisory Committee</i>	1995-present     2003  2009-present
<b>INTERNATIONAL ACADEMY OF MEDIATORS</b> <i>Distinguished Fellow</i>	2009-present
<b>SCHEINMAN INSTITUTE ON CONFLICT RESOLUTION, CORNELL UNIVERSITY, ILR SCHOOL</b> <i>Member, Board of Advisors</i>	2008-present
<b>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</b> <i>Member, Panel of Neutrals.</i>	1989-present
<b>UNITED STATES INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION</b> <i>Original Member, Roster of Neutrals.</i>	1992-present
<b>STATE BAR MEMBERSHIPS</b> New Jersey (1989) (resigned 2014), New York (1989) (resigned 2005), Maryland (1989), District of Columbia (1990).	
<b>ADMISSIONS</b> U.S. Court of Appeals for the District of Columbia (1992), U.S. District Court for the District of Columbia (1990), U.S. District Court for the District of Maryland (1993).	

**EDUCATION**

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**GEORGETOWN UNIVERSITY LAW CENTER**

J.D., *magna cum laude*, 1988

Order of the Coif; National and International Champion, Jessup International Moot Court Competitions; Member, The Tax Lawyer.

**CORNELL UNIVERSITY**

B.S., Industrial and Labor Relations, 1978;

M.S., Labor Economics and Collective Bargaining, 1979;

Sun Elective Studies Award; Teaching and Research Assistant in Collective Bargaining.

**SELECTED LECTURES AND TRAINING**

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**WEST COAST CASUALTY CONSTRUCTION DEFECT SEMINAR**

*Panelist*, "Construction Defect Claims and Insurance Issues Facing the Northeast," Disneyland, CA (May 2013)

**AMERICAN BAR ASSOCIATION, SECTION OF LITIGATION, INSURANCE COVERAGE LITIGATION COMMITTEE**

*Panelist*, "Ethical Issues in Mediation and Arbitrations," Tucson, AZ, (February 2013)

**AMERICAN BAR ASSOCIATION, SECTION OF DISPUTE RESOLUTION**

*Moderator*, Mediation and the Federal Government, *Moderator*, "Is Mediation Declining," Chicago, IL (April, 2013).

**CONSTRUCTION DEFECT AND INSURANCE COVERAGE CONFERENCE**

*Panelist*, "A Look into the Crystal Ball – Future Look into the CD Arena" Boca Raton, FL, (June 2012)

**AMERICAN BAR ASSOCIATION, SECTION OF DISPUTE RESOLUTION, ANNUAL SPRING CONFERENCE**

*Panelist*, "Selecting Neutrals for Public Conflicts: Is There a Difference Between Policy Collaborations and the Settlement of Legal Disputes?," Washington, DC (April 2012).

**CLAIMS & LITIGATION MANAGEMENT ALLIANCE**

*Moderator and Organizer*, "How the Insurance Industry and General Counsels Can Control Costs in Complex Multi-Party Disputes," Philadelphia (September 2012).

**AMERICAN BAR ASSOCIATION, Mediation Week Program at the National Press Club**

*Moderator*, "Mainstreaming Mediation," Washington, DC (October 19, 2012)

**INTERNATIONAL INSTITUTE OF CONFLICT PREVENTION AND RESOLUTION (CPR), Annual Meeting**

*Moderator*, Roundtable on Mediation and the Government,” New York, NY (January 2012).

**AMERICAN ARBITRATION ASSOCIATION, ADR’s Role in Resolving Indian Disputes: A Tangled Net or A Connected Web?**

*Panelist*, “Ethical Issues & Considerations for Neutrals & Attorneys in Tribal Matters,” Seattle, WA (June 2011)

**CONSTRUCTION DEFECT AND INSURANCE COVERAGE CONFERENCE,**

*Panelist*, “What Works and What Doesn’t in Construction Defect Litigation,” Boca Raton, FL (June 2011).

**COLLABORATION AND THE COLORADO RIVER**

*Panelist*, University of Nevada Law School, Las Vegas, NV (October 2007)

**AMERICAN BAR ASSOCIATION, 15th ANNUAL SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES CONFERENCE**

*Panelist*, “Resolution of Inter-municipal Water Disputes,” Pittsburgh, PA (September 2007).

**MEALEY’S BAD FAITH LITIGATION CONFERENCE: Complete Anatomy of a Bad Faith Case,**

*Panelist*, “Mediation of Bad Faith Litigation,” Philadelphia, PA (September 2007)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF GENERAL COUNSEL, SEMINAR, In-Service Training, Washington, DC (April 2007)**

**8<sup>th</sup> ANNUAL SECTION OF DISPUTE RESOLUTION SPRING CONFERENCE**

*Panelist*, “*Mediating Construction Defect Cases—If You Don’t Know Insurance Issues, Don’t Try,*” Atlanta, GA (April 2006).

**PENNSYLVANIA BAR INSTITUTE**

*Speaker*, “Does Mediation Have a Future?” Philadelphia, PA (February 2006).

**DEPARTMENT OF ENERGY ATTORNEY TRAINING WORKSHOP**

*Speaker*, “Unique Aspects of Litigating With Government Entities,” Washington, DC (January 2006).

**U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION**

*Speaker*, “Mediating Conflicts Involving Indian Tribes and the Environment,” Tucson, AZ (May 2005).

**ADR IN ENVIRONMENT, NATURAL RESOURCES AND LAND USE DISPUTES SEMINAR,**

*Panelist*, “ADR Use and Experiences in Environment, Land Use and Natural Resources Cases,” Washington, DC (February 2004).

**COLORADO RIVER WATER USERS ASSOCIATION ANNUAL CONFERENCE**

*Panelist*, “Building Solutions Together: When Should You Consider Using a Collaborative Approach to Resolve Water Conflicts?” Las Vegas, NV (December 2003).

**ABA SECTION OF DISPUTE RESOLUTION ANNUAL CONFERENCE, San Antonio, TX**

*Panelist*, “Learning from Experience – The Limits of Environmental Mediation,” (March 2003).

**ISRAELI BAR ASSOCIATION**

*Speaker*, “Lawyers and Mediation,” Jerusalem, Israel (October 2002).

**ISRAEL CENTER FOR NEGOTIATION AND MEDIATION**

*Speaker*, “Trends in Corporate Use of ADR” and “Early Neutral Evaluations in Business Disputes,” Tel Aviv, Israel (October 2002).

**SECOND ANNUAL CONFERENCE ON INDIAN TRIBES, NATURAL RESOURCE CONFLICTS, AND ALTERNATIVE DISPUTE RESOLUTION**

*Co-chair; Moderator*, “The Genesis and Development of Settlement” Missoula, MT (October 2002).

**ABA ANNUAL MEETING, Washington, D.C.**

*Moderator*, “Negotiating in the Face of Terrorism” with panelists Charles Krauthammer and Ambassador Dennis Ross (August 2002).

**ABA SECTION OF LITIGATION MIDYEAR MEETING, INSURANCE COVERAGE LITIGATION COMMITTEE CLE**

*Speaker*, “Mechanics of Arbitration” (March 2002).

**HASHEMITE KINGDOM OF JORDAN**

*Keynote Speaker*, Use of ADR in resolving insurance disputes. Organized by Jordanian Insurance Regulatory Commission and attended by representatives of all Jordanian insurance companies Amman, Jordan (May 2000).

**CENTRE FOR EUROPEAN DISPUTE RESOLUTION (CEDR)**

*Trainer*, Organized and presented one-day training to leading lawyers and executives of European companies London, England (May 2000, 2001).

**UNITED STATES INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION CONFERENCE,**

*Panelist*, “Mediating Environmental Disputes Already in Litigation: What Works and What Doesn’t.” *Moderator*, “The Role of Technical Advisors in Resolving Complex Water Disputes,” Tucson, AZ (May 2000).

**JERUSALEM MEDIATION AND ARBITRATION CENTER**

*Visiting Lecturer, "Advanced Mediation Techniques" (August 1997); "Starting and Managing an ADR Firm," Jerusalem, Israel (June 1999).*

**CPR INSTITUTE FOR DISPUTE RESOLUTION, Online via the Worldwide Web**

*Panelist, "The Art of Mediation Advocacy: An Insider's Guide" (May 1999).*

**FAA'S 7TH ANNUAL ENVIRONMENTAL CONFERENCE**

*Speaker, "ADR Workshop," Arlington, VA (May 1999).*

**UNITED STATES GEOLOGICAL SURVEY**

*"Resolving Complex Technical Disputes: The Role of Technical Advisors," Reston, VA (May 1999).*

**COMMERCIAL LAW AFFILIATES ANNUAL MEETING**

*Speaker, "Developing Successful Corporate and Law Firm ADR Strategies," San Antonio, TX (March 1999).*

**D.C. BAR 1999 WINTER CONVENTION**

*Speaker, "ADR in 21st Century Labor and Employment Disputes: Looking into the Crystal Ball," Washington, DC (March 1999).*

**ABA CONSTRUCTION COMMITTEE NATIONAL INSTITUTE ON INSURANCE,**

*Speaker, "Insurance Issues in Construction Defect Mediation" Chicago (September 1998) and Philadelphia (October 1998)*

**ANDREWS DIET DRUGS LITIGATION SEMINAR**

*Speaker, "Settlement of Mass Torts: The Case for Model Settlements," San Francisco, CA (April 1998).*

**ABA TORT AND INSURANCE PRACTICE SECTION ANNUAL MEETING**

*Speaker, "Defective Construction: Crisis in Insurance," San Francisco, CA (August 1997).*

**ABA SECTION OF REAL PROPERTY, PROBATE AND TRUST LAW'S ANNUAL SPRING CLE & COMMITTEE MEETING**

*Speaker, "Drafting and Negotiating ADR Clauses" Washington, DC (May 1997).*

**THE ALTERNATIVE DISPUTE RESOLUTION SUPERCONFERENCE, Forbes Magazine and the American Arbitration Association**

*Panelist, "Making Alternative Dispute Resolution Economically Responsible," Washington, DC (April 1997).*

**ABA SECTION OF LITIGATION ANNUAL MEETING**

*Speaker, "The Advocate's Guide for Mastering Mediation — Five Steps to Success in ADR," Washington, DC (April 1997).*

**ABA TORT AND INSURANCE PRACTICE SECTION FALL MEETING,**

*Speaker*, "Insurance Coverage for Construction Defects," San Diego, CA (September 1996).

**UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL**

*Trainer*, Trained the Attorney General and senior Justice Department staff. Washington, DC (August 1996).

**PUBLICATIONS**

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"Using the Right Strategy to Mediate Environmental Disputes," *Dispute Resolution Journal* (May/July 2012). <http://www.bickerman.com/news/story/publications>

"Adapting Mediation to What Users Want," *Maryland Bar Journal* (March 2012).

"Giving Mediation Clients What They Want," *The National Law Journal* (November 14, 2009). <http://www.bickerman.com/news/story/publications-1>

"The Mediator's Role: As Little as Possible But as Much as Necessary," *ACResolution* (Winter 2007).

"Chair's Column," *Dispute Resolution Magazine* (Fall 2006, Winter 2007, Spring 2007, Summer 2007).

"Don't Guess Who's Coming to the Table: Organizing the Mediation Process," *FDCC Quarterly* (Spring 2005).

"Federal Mediation and Conciliation Service Reinvents Itself at the Expense of Private Practitioners," *Conflict Management Newsletter* (Summer 2003).

"Master Class with John Bickerman: A Look at ADR," B-10, 15, *The National Law Journal* (September 3-10, 2001).

"Great Potential: the New Federal Law Provides Vehicle, If Local Courts Want to Move on ADR," *Dispute Resolution Magazine* (Fall 1999).

"Leaving the Firm," *Dispute Resolution Magazine* (Winter 1998).

"The Key to Successful Construction Defect Mediation: Involve Key Parties" presented at the ABA Construction Committee National Institute meeting in Chicago and Philadelphia (September, October 1998).

"Hot Topics in Condominium Construction Defect Mediation: Resolving Disputes Efficiently," presented at the Community Associations Institute's National Conference in Austin, TX (April 1998).

"Mediation Settles Ahead of Arbitration," *Legal Times* (December 15, 1997).

"What You Expect May Be Just What You Get: How Regional Differences in Expectations Influence Mediation Styles," *ADR Report* (October 29, 1997).

"Lake Michigan Water Diversion Limits Successfully Mediated," *Great Lakes Annual Report* (1997).

"Conflicts of Interest in Mediation," CPR Commission on Ethics and Standards of Dispute Resolution Practice, Working Group on ADR and Law Practice (1996).

"Resolving Fire Retardant Treated Plywood Claims in New Jersey: The Role of the Court, the State and the Mediator," ABA Torts and Insurance Practice Section, Insurance Coverage for Defective Construction program, San Diego, CA (September 1996).

"Handling Potential Conflicts in Mediation," *Alternatives to the High Cost of Litigation* (July/August 1996).

"Evaluative Mediator Responds," *Alternatives to the High Cost of Litigation* (June 1996).

"Picking the Right Stuff," *Legal Times*, (September 11, 1995) [article on selecting neutrals].

"Partnering in the Construction Industry: Teaming Up to Prevent Disputes," *Probate and Property*, (March/April 1995).

"Complex Tort Litigation in the Shadow of the Court: A Case Study in Non-Traditional Resolution Techniques," New Jersey Institute of Continuing Legal Education (1994).

"Alternative Dispute Resolution and Construction Disputes," *Proceedings*, American Bar Association, Section of Real Property, Probate and Trust Law, Fifth Annual Committee Meeting (1994).

"Mass Tort Settlement: New Jersey's Experience with FRT Plywood," *Alternatives to the High Cost of Litigation* (May 1993).



**SELECTED MEDIATIONS**

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**Commercial, Insurance Coverage and Government Contracts (resolved more than \$2 billion in coverage disputes.)**

- Bermuda Form Coverage Disputes -- Over the last five years, successful mediation of four major coverage disputes of Bermuda form manuscript policies.
- Northrop Grumman v. Factory Mutual – Mediation of first-party coverage dispute arising out of Hurricane Katrina.
- AHEPA Affordable Housing Corp. v. Allied World Assurance Co., -- Resolution of insurance coverage dispute related to alleged faulty construction and mold contamination.
- Whistleblower Litigation – Successfully mediated several multi-million dollar civil whistleblower actions, including those against FedEx and Accenture.
- Liquori v. Wells Fargo. Successfully mediated class action dispute concerning mortgage guarantee insurance.
- Pharmaceutical Insurance Coverage Disputes. Successfully mediated complex insurance coverage dispute regarding manuscript policy for multiple carriers and a major multi-national pharmaceutical company.
- Wang / PRC. Resolved dispute between major defense contractor and subcontractor over alleged failure to perform.
- Wellington Asbestos Agreement. Appointed to mediate more than one dozen matters between signatories of the Wellington Asbestos Agreement.
- New Jersey Department of Community Affairs v. U.S.F. & G. Resolved coverage dispute involving bankrupt insured over allegedly defective product.
- PPG v. Various Insurance Carriers. Successfully mediated disputes with more than one dozen carriers over disputed coverage for environmental claims.
- Asarco v. Various Insurance Carriers. Successfully resolved disputes for insurance coverage for environmental claims against various insurance carriers.
- Microsoft Corporation v. Zurich American Insurance Company, et al.. Appointed by federal court to mediate insurance coverage dispute between Microsoft and its carriers over duty to defend and indemnify Microsoft.
- Aetna Casualty & Surety Co. v. Ply-Gem Industries, Inc., et al. Mediated eight distinct insurance coverage disputes between one party and its insurance carriers.

- J. Cooper & Assoc. v. United States. Mediation of 8a minority contractor against the Small Business Administration over alleged breach of contract.
- United States Minerals v. American Insurance Co., et al. Mediated multi-million dollar coverage disputes regarding underlying asbestos claims.
- The Stackpole Corporation v. Pennsylvania Manufacturers' Association, et al. Mediated multi-million dollar insurance coverage dispute regarding underlying environmental property damage claims.
- Allegheny Pittsburgh Coal Co., et al. v. North River Insurance Co., et al. Successfully mediated multi-million dollar insurance coverage dispute regarding underlying asbestos claims.
- Osmose Wood Preserving, Inc. v. Crum & Forster Corporation. Resolved dispute involving interpretation of settlement agreement.
- American Re-Insurance Company v. Security Insurance Company. Mediated dispute concerning interpretation of re-insurance treaty.

#### **Mass Tort / Class Action Claims**

- Craftwood Lumber Co. v. Interline Brands, Inc. Resolution of class action lawsuit under the Telephone Consumer Protection Act, as amended by the Junk Fax Prevention Act.
- Liquori v. Wells Fargo. Successfully mediated class action dispute concerning mortgage guarantee insurance.
- Equal Rights Center v. Washington Metropolitan Transportation Agency. Mediation of class action brought by the Lawyers Committee for Civil Rights for the alleged failure to provide comparable services to disabled customers.
- Synthetic Stucco Dispute. Spearheaded effort to resolve nationwide class action concerning water infiltration in residential homes.
- Fire Retardant Plywood Mediation. Adjunct Mediator to New Jersey Superior Court. Mediated settlement of more than 100 separate actions pending throughout New Jersey. More than 40,000 homeowner claims were resolved at a total cost of more than \$60 million.
- K. Hovnanian v. Hoover Treated Wood Products, et al. Mediated model agreement resolving claims at more than 70 sites at which Hovnanian constructed residential units containing fire retardant treated ("FRT") plywood roof sheathing.
- Calton Homes v. Osmose Wood Preserving, Inc. Applying model agreement, resolved more than one dozen separate actions brought by Calton or homeowners who purchased its homes over claims involving FRT plywood.

**Construction (examples)**

- Baker-Riverside – on-going; more than 40 parties.
- Four Seasons at Chester v. K. Hovnanian – Multi-million dollar dispute over alleged construction defects from the installation of EIFS exterior wall system causing water infiltration. More than two dozen parties are participants in the negotiation.
- 2200 M Street / Millennium Partners – Complex mediation of construction defect case involving extraordinary water damage to very high end condominium in Washington, DC. Owner had required general contractor and all subcontractors to participate in insurance program. Settlement required resolution of complicated insurance issues and questions of fact relating to construction issues.
- K. Hovnanian v. National Credit Union of America. Mediation of construction related disputes related to financing issues.
- Manors at Lawrenceville. Mediation of multiple construction defect issues related construction of independent living facility in Princeton, NJ.
- Laura v. Bayview. Successfully resolved a construction defect dispute over a multi-million dollar single-family home in New Jersey.
- Port Liberte Condominium Association v. Sordoni. Successfully mediated ten-year-old multi-party construction dispute of high-rise condominiums overlooking New York Harbor with claimed damages in the tens of millions of dollars. Claims involved damages from application and use of synthetic stucco. More than thirty parties participated in the settlement. Two other mediations to resolve the dispute had failed.
- The Enclave v. Perini Corp., et al. Mediated residential high-rise condominium construction defect dispute in Atlantic City, New Jersey.
- Stong v. Chester Housing Authority. Successful mediation of alleged claims for damages for delay, construction defects and back charges of action in federal district court.
- Manor at Wayside Condominium Association, Inc. v. SM&W Associates, et al. Mediated a complex construction defect case involving a condominium association in West Orange, New Jersey.
- Keating Pyramid v. Philadelphia Housing Authority. Successfully mediated damages for delay claim against municipal agency.

- Sea Dunes Condominium Association v. Fleet Bank. Successfully resolved multi-million dollar construction defect claim involving seaside high rise condominium. More than one dozen parties participated in settlement.
- Ryan Homes v. Hoover Treated Wood Products, et al. Mediated multi-million dollar resolution of claims between a national homebuilder and key defendants.
- Forrestal Village Community Services Association, et al. v. Princeton Landing Construction Corp., et al. Mediated a consolidated subrogation and construction defect action involving over twenty subcontractors.
- Opequon Public Service District Dispute. Mediated construction defect case involving a water purification facility in West Virginia.
- Harmon Cove IV Homeowners Association v. The Coastal Group, Inc. Mediated multi-million dollar settlement of claims arising over the construction of residential condominiums in Secaucus, New Jersey.

**Environmental (Substantial experience mediating statutory claims relating to CERCLA, RCRA, EPCRA, TSCA, Clean Air Act and Clean Water Act; Mediated matters in every EPA Region of the United States.)**

- Grace v. Zotos. Resolution of decades-old private Superfund allocation dispute.
- EPA v. Barrick-Cortez. Successful mediation of enforcement dispute over compliance with EPCRA by gold-mining company. Settlement contained novel provisions related to steps the private company would take that placed both parties in a win-win position that would not have been possible had the matter been litigated.
- General Electric v. the United States. Resolved government contractor claims against the United States Air Force regarding alleged response costs under CERCLA at former Air Force site.
- Durham Meadows. Mediation of RCRA enforcement action in Connecticut. Assisted parties conduct additional investigation that led to settlement.
- Hanford Nuclear Facility. Mediation of dispute between the State of Washington and the United States Department of Energy over the failure of the United States to meet obligations under a Tri-Party Agreement between DoE, EPA and the State.
- Crane Co. v. United States. Successfully resolved a CERCLA cost dispute against the United States.
- Aliso v. United States. CERCLA cost recovery dispute for alleged response costs arising out of World War II synthetic rubber plant.

- Earth Justice v. District of Columbia. Challenge to NPDES permit issued to the District of Columbia government by EPA Region 3. Settlement resulted in the issuance of an amended permit.
- Interfaith Community Organization v. Honeywell. Settled attorney's fees dispute stemming from environmental litigation in New Jersey.
- Cranbury Development Corp. v. Maxxam. Successfully mediated a CERCLA cost recovery dispute among successive landowners against the United States.
- Washington Navy Yard. Successfully mediated first negotiated NPDES permit for Region 3 involving discharges into the Anacostia River.
- United States v. Boise Cascade. Successfully resolved Clean Air Act enforcement action against wood products manufacturer.
- Metlakatla Indian Community. Developed protocol for allocating financial responsibility for remediation of more than 100 hazardous waste sites on Annette Island, AK. Parties included the Metlakatla Indian Community, the United States Army Corps of Engineers, the Federal Aviation Administration, Chevron, United States EPA, and the Bureau of Indian Affairs.
- Washington Group International, Inc. Effectively resolved CERCLA dispute where principle PRP was a debtor who had emerged from Chapter 11.
- B.F. Goodrich et al. v. Murtha, et al. Resolved liability and apportionment issues associated with the alleged dumping of hazardous materials by multiple PRPs at two CERCLA sites in Connecticut.
- In Re: Raymark. Mediated brownfields dispute concerning potential commercial development of former CERCLA site.
- Bemis/Perval v. United States. Helped settle CERCLA dispute between Fortune 100 company and the United States where both private party and the United States were PRPs.
- United States v. BP Amoco, Inc. Resolved Clean Air Act enforcement action against major oil refiner. The settlement agreement provided the template that has been used by the United States in other refinery enforcement actions under the CAA and has been highlighted as an example of successful mediations on the Department of Justice ADR website.
- Laurel Park Coalition v. Gerald Metals, Inc. Resolved apportionment issues between numerous PRPs for costs associated with the clean up of various CERCLA sites in Connecticut.

## Employment

- Sexual Orientation Discrimination Case – resolved dispute for discharge for alleged sexual orientation bias.
- Financial Advisor v. Major Broker – multi-multi-million dollar mediation of breach of employment contract.
- Government Relations Specialist v. Government Contractor – mediation of wrongful termination and sex discrimination claim.
- Class Action Sexual Discrimination Claim Against Federal Agency.
- Various Employees v. Gallaudet University. Resolved dispute between university and five members of its faculty over the failure to promote and offer tenure.
- Enzor, et al. v. Reno. Mediated nationwide class action dispute involving the Bureau of Prisons concerning alleged violations of Title VII of the Civil Rights Act of 1964.
- Call v. Data Broadcasting, et al. Resolved complex employment suit involving executive compensation.
- Lindner v. Generic Pharmaceutical Industry Association. Mediated employment case involving claims of breach of contract, promissory estoppel and sex discrimination.

## Federal, State and Tribal Public Policy

- Denver Airport / Adams County Dispute. Facilitation of negotiations over revision of 25-year-old agreements regarding the use and development of Denver Airport.
- Grand Canyon Skywalk Mediation. Resolution of contractual dispute between the Hualapai Nation and a foreign corporation regarding the construction and management of the Grand Canyon Skywalk.
- Denver Water Board v. West Slope Entities. Mediation of water rights in the Colorado River Basin in Colorado between the City of Denver and other front range entities and multiple West Slope parties, including three headwater counties, the Grand Valley, and the Colorado River Conservation District.
- Coeur d'Alene Tribe v. Avista Corporation. Resolution of action brought by tribe in the context of a FERC relicensing for trespass damages and new conditions.
- State of Washington v. the Yakama Nation. Successful resolution of a dispute between the State and the Yakama nation concerning the collection of taxes on tobacco products sold by the Tribe. Legislation implementing the agreement is pending before the State legislature.

- Suquamish Indian Tribe of the Port Madison Reservation v. Foss Maritime. Resolution of dispute between the Tribe and Foss Maritime under the federal Oil Spill Act for damages to a sacred site as a consequence of a Christmas Eve oil spill in the Puget Sound.
- Lower Elwha Klallam Tribe v. the State of Washington. Successfully mediated a highly controversial and emotional dispute over the return of tribal remains to an historic burial ground in Port Angeles, WA. Perhaps, one of the oldest archaeological sites in the United States, the settlement may become a precedent for Indian burial disputes throughout the United States.
- Cobell v. Norton. Mediation of dispute over the Department of Interior's historical and current fiduciary responsibilities to Individual Indian Money (IIM) trust account beneficiaries.
- United States Forest Service and the State of Montana. Mediation of compact between the United States and the State of Montana regarding future water rights the management of water rights within Forest Service lands.
- Kalispel Tribe of Indians -- Land Into Trust. Successfully mediated a dispute between the Kalispel Tribe of Indians, Spokane County, WA and the City of Airway Heights, WA regarding local agreements relating to land being taken into trust by the United States Department of Interior.
- United States v. Michigan. Successfully resolved dispute over implementation of 1836 Treaty rights involving five northern Michigan Native American tribes, the State of Michigan, and the United States in northern Lakes Michigan, Huron, and Superior. Consent Decree sets forth a comprehensive and creative approach for the management of fisheries in these lakes while providing greater opportunities for tribal commercial harvest without sacrificing needs of state sport fishermen.
- City of Everett /Tulalip Tribes. Mediation of water rights / natural resources dispute between the City of Everett and the Tulalip Tribes. The parties successfully resolved the development of a parcel of land on the Snonomish River and signed an Alliance under which they will cooperate on future disputes.
- Hopi/Navajo Landfill Mediation. Assisted parties to develop a joint plan for re-remediation and permanent closure of shared landfill. Participating parties included the Hopi Tribe, the Navajo Nation, United States EPA, Bureau of Indian Affairs, and the Bureau of Reclamation. Mediation involved complex issues regarding source(s) of contamination and extent of groundwater contamination.
- United States v. 844 Acres. Successfully mediated Fifth Amendment takings claims by landowners against the United States involving oil and gas rights.
- Norman, et al. v. United States. Resolved issues underlying allegations that a wetlands designation constituted a violation of the takings clause of the Fifth Amendment.

- Rio Grande Project Mediation. Mediated dispute among several irrigation districts, the United States, the states of New Mexico, Colorado and Texas, a Pueblo tribe, and two cities, over the use and control of water in the Rio Grande Project. Worked in conjunction with the United States District Court in Albuquerque, New Mexico.
- Great Lakes Mediation (*Wisconsin v. Illinois*). Mediated ninety-year-old dispute between states of Illinois, Michigan, Wisconsin, New York, Indiana, Minnesota, Ohio, and Pennsylvania, and the United States concerning diversion of water from Lake Michigan allegedly in violation of two Supreme Court consent decrees. The dispute dated back almost 100 years and was deemed to be intractable at the outset of mediation.
- Lake Gaston Pipeline Dispute. Mediated partial settlement of decades-old dispute over inter-basin transfer of up to 60 million gallons of water per day from the Roanoke River Basin to southeastern Virginia. The State of North Carolina and the City of Virginia Beach participated in the mediation.
- Animal Protection Institute v. Babbitt. Successfully mediated a decade-old dispute brought by animal interest groups against the United States Interior Department regarding the treatment of wild horses and burros gathered from public lands under a federal statute.

### **Intellectual Property**

- Kaken Pharmaceutical Co. v. Oblon, Spivak, McClelland, Maier & Neustadt. Successfully resolved complex malpractice claim concerning biological patent.

### **SELECTED ARBITRATIONS AND MASTER APPOINTMENTS**

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- FPL v. United States. Arbitrated dispute arising out of contract for the removal of nuclear waste.
- Oil Company v. Refinery. Party arbitrator in multi-million dollar contract dispute over environmental liabilities.
- Accounting Firm Arbitration. Chair of Arbitration Panel. Arbitration of contract claim for services rendered by major accounting firm.
- IMO v. Transamerica. Appointed Special Allocation Master by the New Jersey Superior Court in \$1.7 billion insurance coverage dispute to decide multiple motions relating to insurance coverage and *Carter-Wallace* allocation in complex, multi-party dispute.
- Wellington Asbestos Agreement. Appointed to arbitrate multiple matters between signatories of the Wellington Asbestos Agreement.



- London Market. Multiple confidential arbitrations of coverage disputes over asbestos claims (both Wellington and non-Wellington) and environmental disputes.
- Iowa West Racing Association v. HBR. Arbitration of contractual provision.
- Wang v. PRC. Served as sole arbitrator of dispute involving government contract for hi-tech computer support.
- One Meridian Plaza Building Fire. Served as neutral panel arbitrator of a multi-million dollar complex case involving the liability of multiple defendants for the destruction of a large office building in downtown Philadelphia.
- Patten v. D.C. Dept. of Human Services. Served as party arbitrator of an employment dispute involving the Randolph-Sheppard Act, 20 U.S.C § 107 (a).

#### **DISPUTE RESOLUTION SYSTEMS DESIGN**

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- Retained by Fortune 10 company to design dispute resolution system for use in preventing disputes with spin-off company.