



**Michael D. Young, Esq.**

**Michael D. Young, Esq.**, since joining JAMS as a full-time neutral in 1989, has conducted over 1,250 complex or multi-party mediations and arbitrations in over thirty states and abroad, and has been appointed as a mediator or special master (for discovery management or settlement implementation purposes) by various federal, state and bankruptcy courts. Mr. Young is a member of the CPR International Institute for Conflict Prevention and Resolution Panel of Distinguished Neutrals, an elected fellow of the College of Commercial Arbitrators and an elected "neutral" member of the College of Labor & Employment Lawyers.

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*Recognized by various law-related periodicals as one of "Best Lawyers in America," as a "Super Lawyer" and as "One of the Top Neutrals/Private Judges in the US"*

*Recognized as one of the best 185 mediators from around the world in the "International Who's Who in Commercial Mediation"*

#### **Case Manager**

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#### **ADR Experience and Qualifications**

- **Commercial** - numerous contract and other types of business disputes in a variety of industries, including music, insurance, construction, energy, software, real estate, telecommunications, data services, manufacturing, and financial services
- **Construction/Surety** - numerous claims involving all types of structures, parties, and issues including design and work defect allegations, delay and extra cost claims, allocation, and insurance coverage questions
- **Employment** - numerous individual discrimination (race, sexual orientation, gender, and age), contract, harassment, and "whistleblower" claims, as well as discrimination and "wage and hour" class actions and multiple party consolidated actions
- **Insurance/Reinsurance** - numerous coverage disputes, including claims under "D&O," property damage, and other types of policies
- **Intellectual Property/Entertainment** - multiple copyright and trademark claims, a music royalty dispute, trade secret disputes, such as one involving aerospace technology, patent cases involving MRI technology, medical device containers, and cable television tuning mechanisms, and other types of computer software or high tech disputes
- **Professional Liability** - numerous legal malpractice claims involving, for example, missing statutes of limitations and conflicts of interests, numerous claims of accountant malpractice alleging, for example, errors in tax filings or financial statements, and other types of professional liability matters, such as claims against actuaries
- **Securities** - numerous class actions, including securities and fraud claims for alleged misrepresentations by executives of public companies or sponsors of limited partnerships and related claims against attorneys who prepared offering memoranda or accountants who conducted audits, and numerous claims by individual investors against their broker/dealers and others alleging suitability, churning, lack of authorization, and breach of fiduciary obligation with respect to trading in equities, options, and derivative products
- **Tort** - numerous products liability, construction site accident, and toxic tort cases

#### **Representative Matters**

- Co-special master for discovery management, mediation, and settlement implementation purposes in a class action against a law firm with respect to tax shelters and separate services as a mediator in multiple claims relating to tax shelters against an investment bank
- Member of three arbitrator panel in a Library of Congress Copyright Arbitration Royalty Panel proceeding involving the allocation of a \$200 million copyright royalty fund among various copyright holder claimant groups and member of a different three-arbitrator tribunal in a hundred million dollar-plus dispute between the developer and publisher of a popular video game, raising contract, patent and copyright issues
- Umpire in various binding property-damage insurance appraisals, including matters arising out of the World Trade Center collapse
- Post-acquisition disputes between sellers and buyers of various types of businesses, including claims relating to balance sheet adjustments and violations of "reps and warranties"
- Copyright infringement actions including by a playwright against the producer of a popular movie and by a screen-writer against the producer of a different successful movie, as well as royalty disputes involving the rights to the music of a popular composer/conductor and to the artwork of a popular children's fiction writer
- Airplane leasing dispute between a syndicate of European banks and a financially unstable South American airline (conducted in Madrid, Spain, partially in Spanish) a product supply dispute

between an Israeli company and British company (conducted in Rome, Italy) and an executive-level employment dispute (conducted in Zurich, Switzerland)

- Multiple million dollar-plus construction claims against a major residential developer, pursuant to appointment by the U.S. Bankruptcy Court for the Southern District of New York

### **Comments from Counsel and Others**

#### ***Comments From the Bench***

- In confirming an award issued by Mr. Young in a complex "finder's fee" dispute arising from a cross-border commercial real estate investment, Justice Alice Schlesinger (N.Y.S. Supreme Court, N.Y. County) stated the following on the record: "... Because in what I would characterize as Mr. Young's thoughtful and well-reasoned award ... Also because of the way in which Mr. Young handled this whole process in a truly conscientious way ... So, I find that this was a really serious attempt to do the legal thing as well as the right thing ..."

#### ***What Counsel Say About Michael Young's Mediation Style and Skills***

- "Indeed, throughout the (very) long day, [he] remained a constant beacon of coolness. [His] thoughtful, kind demeanor was key in developing a rapport with my client, who was sensitive to the issues she was discussing. [He] gently prodded her, challenged her, and at times honestly agreed with her, all the while building up a level of trust. At the end of the day, she had immense trust in [him] and [his] judgment. Most of all, [he was] well prepared in respect of the facts and legal issues, and challenged all sides to see things in a clearer, objective light. This helped bridge differences. Ultimately, and on several occasions, [he was] able to pull us all back from the abyss."
- "Michael Young was knowledgeable, prepared, assiduous, and persistent ... He didn't introduce his personality into the mediation, but separate and apart from that he was a friendly and engaging person. Besides that, he is ... always prepared to help outside the time that is allotted for the case."
- "First of all, he's very smart, very fair, really a straight shooter. Understands the tougher issues and can give an experienced evaluative opinion -- only after he's listened for at least half the session or at least he's absorbed the key issues. His persistence is amazing."
- "He's engaging, yet calm and professional. He is confident in his ability to solve cases and interacts well with different personalities."
- "His settlements are the result of his (a) hard work in preparing for the mediation; (b) intelligence and ability to grasp quickly not just the core issues in dispute, but also the nuances of complex matters that must be addressed to achieve a workable solution; and (c) his enormous patience in dealing non-stop and effectively with the attorneys and parties involved."
- "Michael is not afraid to tell the parties what he thinks about any given position or claim they are making, yet will follow the party's lead as to what information is to be communicated to the adversary."
- "He never knocks heads together, but he will present an evaluative position. He knows when the parties need to call it a day, and will follow-up to resolve final points after a few days to think things through."
- "Michael has a way of keeping the door open. ... Michael will make sure the lines of communication are still open and the parties are trying."
- "Michael is a genuinely nice guy. People like to be around other people whom they like -- especially someone you have to spend hours with and in a high stakes situation."

### **Honors, Memberships, and Professional Activities**

- Member: Panel of Arbitrators and Panel of Mediators of FINRA; Mediator Registry for the U.S. Bankruptcy Court for the Southern District of New York; College of Labor and Employment Lawyers ("neutral member"); Panel of Arbitrators of the Beijing Arbitration Commission; and Bank of Thailand's Corporate Debt Restructuring Mediation Panel
- Lecturer about dispute resolution at American Bar Association, American Corporate Counsel Association, CPR Institute for Dispute Resolution, and American Law Institute programs; and in Russia, Argentina, Hong Kong, Israel, and Mexico
- Various articles published in *New York Law Journal*, *National Law Journal*, *Mealey's Emerging Securities Litigation*, and *Metropolitan Corporate Counsel* regarding dispute resolution topics
- Member of the Federal Bar Council Inn of Court

### **Background and Education**

- Director of Alternative Dispute Resolution Services and Senior Litigator for the Law Department of the City of New York, 1983-1989
- Litigator, Kreindler & Kreindler, New York, 1981-1983
- J.D., *cum laude*, Harvard Law School, 1978

- A.B., *with honors*, Brown University, 1975