



BUSINESS CONFLICT MANAGEMENT LLC

F. PETER PHILLIPS, ESQ.

Attorney | Arbitrator | Mediator

BUSINESS CONFLICT MANAGEMENT LLC

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F. Peter Phillips, Esq.
ARBITRATOR | MEDIATOR

BUSINESS CONFLICT MANAGEMENT LLC, Montclair, New Jersey, 2008 to Present.
Practice limited to service as Arbitrator or Mediator.

DISTINGUISHED ADJUNCT PROFESSOR AND DIRECTOR, ADR SKILLS PROGRAM, New York Law School, 2009 to Present

Experience:

Honoree, 2018 James B. Boskey Award, "ADR Practitioner of the Year," New Jersey State Bar Assn. Dispute Resolution Section

Several hundred mediations and arbitrations

Service as Special Referee for discovery dispute under CPLR §4301

Prolific author, speaker and consultant on Alternative Dispute Resolution

ADR Panel Listings:

CPR Panels of Distinguished Neutrals (Insurance, Franchise and Employment)

American Arbitration Association Commercial Panel

National Academy of Distinguished Neutrals

Certified Mediator, International Mediation Institute

FINRA Panel of Arbitrators and Panel of Mediators

Panel of Mediators, New Jersey Administrative Office of the Courts, N.Y. Supreme Court Westchester County, N.Y. Supreme Court Commercial Part

Mediation Panels of U.S. Bankruptcy Courts for E.D.N.Y. and D.N.J.; U.S. District Courts for S.D.N.Y. and D.N.J.

Accredited Mediator, New Jersey Association of Professional Mediators

Panel of Mediators, China Council for Promotion of International Trade

Panel of Arbitrators and Panel of Mediators, Beijing Arbitration Commission

Panel of Mediators, Mainland-Hong Kong Joint Mediation Center

International Mediator Panel, Milan Chamber of Commerce

Panel of Mediators, Florence Mediation Center

Training:

Over 500 Hours of Continuing Legal Education post-2008

5-Day Straus Institute for Dispute Resolution, Pepperdine University, 2008

Chartered Institute of Arbitrators 3-Day Arbitration Training, 2008

FINRA Arbitrator Training, 2008

ICC International Court of Arbitration Workshop, Montreal, 2008

"Arbitrating the Mega-Case," American Bar Association, 2008

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Arbitrator Training, NJICLE, 2008
Cross-Cultural Negotiation, ITIM, Paris, 2007
Multiparty Negotiation Skills, CPR Institute/Harvard PON, 2007
Mediator Trainer, CPR Institute (Co-Trainer with Dwight Golann), Beijing, 2005
3-Day Mediator Training, CPR Institute (Lewis and Singer), 1998

Professional Affiliations:

American Bar Association, Business Law Section (Chair, Dispute Resolution Committee, 2012-15) and Dispute Resolution Section (Council Member 2015 – 2018; co-Chair Employment Committee 2018 - present); International Mediation Institute (Certified); Union International des Avocats World Mediation Forum (Advisory Committee); Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution (Executive Committee); New Jersey Association of Professional Mediators (Accredited); New York Bar Association (Dispute Resolution Section); New Jersey State Bar Association (Director, Dispute Resolution Section, 2018 - present)

Publications:

Books:

Chapter Contributor, *Conflict Resolution and Spiritual Congruity*, TRANSFORMING JUSTICE, LAWYERS AND THE PRACTICE OF LAW (Academic Press 2017, Marjorie Silver ed.)
Editor and Contributor, *ADR Deskbook for the Business Lawyer: A Cross-Disciplinary Workbook* (ABA 2016)
Chapter Contributor, *International Mediation and Conciliation*, ALTERNATIVE DISPUTE RESOLUTION PRACTICE GUIDE (Roth, Wulff & Cooper, eds.) (West 2019)
Contributor, ALTERNATIVE DISPUTE RESOLUTION IN PRACTICE (Insurance Institute of London 2011)
Chapter Contributor, *Reality Testing*, MEDIATION TECHNIQUES (International Bar Assn. 2010)
Editor, MANAGING FRANCHISE RELATIONSHIPS THROUGH MEDIATION (CPR Institute 2009)
Chapter Contributor, *Commercial Mediation in China: the Challenge of Shifting Paradigms*, CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE 2008 FORDHAM PAPERS (2009)
Editor, RESOURCE BOOK FOR MANAGING EMPLOYMENT DISPUTES (CPR Institute 2004)
HOW COMPANIES MANAGE EMPLOYMENT DISPUTES (CPR Institute 2002)

Films:

Writer and Co-Director of four films on “Building Corporate /Community Relations,” winner of 2012 CEDR Award (available at www.AccessFacility.org)
Facilitator, Writer and Director of “Conflict in Quaker Meetings: Crisis or Opportunity” (New York Yearly Meeting of the Religious Society of Friends 2013)

Blog:

Business Conflict Blog (www.BusinessConflictManagement.com/blog) (2009 - present)

Articles and Monographs:

- “*Ancient and Comely Order: Arbitration in the Religious Society of Friends*” (2016 J. DISPUTE. RES. 81)
- “Recent American Court Decisions Involving Breaches of Mediation Confidentiality” *IBA Mediation News* (October 2013)
- “*There is a World Elsewhere*”: *Preliminary Studies on Alternatives to Interest-based Bargaining*, 13 *CARDOZO J. CONFLICT RESOL.* 413 (2012)
- “Mediating Corporate/Human Rights Disputes in the Tumultuous Sea of Social Networking: Do You Have What it Takes?” with Jorge Daniel Taillant, *IBA Mediation News* (September 2011)
- “Mediation Committee Sessions,” *IBA Newsletter* (Autumn 2010)
- “Recent Developments in Commercial Mediation in China” *New York Dispute Resolution Lawyer* (Spring 2010)
- “Corporate Social Responsibility and Non-Judicial Remedies for Human Rights Violations: Is It Time for the Dog that Didn’t Bark?” *IBA Mediation Newsletter* (April 2009)
- “Diversity in ADR: More Difficult to Accomplish Than First Thought” *Dispute Resolution Magazine* Vol. 15 Issue No. 3 (Spring 2009)
- “Managing Risk Through Drafting ADR Clauses,” *ALI/ABA Practical Lawyer* (April 2009)
- “The European Directive on Commercial Mediation: What It Says, What it Means, and What It Doesn’t” *New York State Bar Association Section of Dispute Resolution* (Fall 2008)
- “The Challenges of International Commercial Dispute Resolution” *Focus Europe* (June 2007)
- “New Protocol for Reinsurance Coverage Disputes” *Risk Management Magazine* (April 2007)
- “How to Stop Costly Litigation from Ruining Your Results” (with Paul Moss) *FAC* (February 2007)
- “How Conflict Resolution Emerged within the Commercial Sector” *Alternatives to the High Cost of Litigation* (January 2007)
- “Best Practices in Managing Reinsurance Disputes” (with Paul Moss) *Declarations* (Winter 2007)
- “ADR as a Tool for Management and for Corporate Governance” *International Bar Association Mediation Committee Newsletter* (December 2006)
- “ADR: It Remains a White, Male Game” *The National Law Journal* (November 27, 2006)
- “Success in China: Adjust Your Expectations and Be Ready to Change” *Global Link* (November 2006)
- “Ten Ways to Sabotage Dispute Management” *HR Magazine* (September 2004)

White Papers:

CPR Response to Questionnaire Concerning Proposal for Directive (2005)
Feasibility Study on Commercial Mediation in the Russian Federation (2002)
Response to European Commission's Green Paper on ADR in Civil and Commercial Disputes (2002)

Teaching and Public Speaking:

Director of ADR Skills Program and Distinguished Adjunct Professor, New York Law School. Courses: International Arbitration; Negotiation Theory and Practice; Domestic Arbitration; Dispute Resolution Processes; Advanced Topic in Dispute Resolution. Coach, 2015, 2016, 2017, 2018 and 2019 ICC International Commercial Mediation Competition Team and 2017, 2018 and 2019 VIS International Commercial Arbitration Moot Team. Guest Lecturer: Fordham University School of Law, NYU School of Law, Cardozo School of Law, Pepperdine University School of Law, University of Liège, University of Missouri, CEDR. Frequent speaker at programs for U.S. corporations, law firms and trade associations. Invited speaker at numerous international conferences and seminars (*e.g.*, Geneva, Buenos Aires, Moscow, Beijing, Hong Kong, Chamonix, Shanghai, Paris, London, Warsaw, Lagos, Dubai, Florence, Amsterdam, Prague, Zagreb, Lisbon, Hangzhou, Changsha).

INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION (CPR Institute), New York, New York, 1998 to 2008

Senior Vice President and Secretary. Responsible for industry-specific initiatives, international initiatives, and periodic membership meetings. Secretary to corporation.
Interim President and CEO, April – October 2006. Responsible for all executive, fiscal and policy management of Institute, overseeing staff of 18 and budget of \$3.01 million. Responsible to Board of Directors.

- Convened committees that created applications of ADR and mediation protocols in fields of Property-Casualty Insurance (Inter-Insurer Coverage, Construction Defect and Cedant/Reinsurer), Franchise, Employment, Privacy, Domain Name, Product Liability, E-Commerce, Diversity
- Negotiated and administered U.S.-China Business Mediation Center with China Council for Promotion of International Trade. Responsible for initiatives in Europe, including convening corporate leadership, advising European Commission on Mediation Directive and Code of Ethics.
- Planned and executed CPR Meetings with faculty of international profile.

SCHULTE ROTH & ZABEL, New York, New York. **Associate,** 1993 to 1998. **CAHILL GORDON & REINDEL,** New York, New York. **Associate,** 1987 to 1993.

- Extensive business litigation experience in federal and New York State courts. Participated in trials, hearings, arbitrations and special proceedings, preparing, examining and cross-examining witnesses. Conducted oral argument on motions and appeals in federal and state courts. Drafted Petitions for Certiorari and Briefs before the U.S. Supreme Court. Substantive areas included insurance defense, insurance rehabilitation, insurance coverage, securities, bankruptcy, general commercial, employment.

NON-LEGAL EXPERIENCE

Professional Actor and Stage Director, 1972 to 1987. Acted on Broadway, in Regional Theatres, and on Television. Directed professional and student productions in New York, London, and in Regional and University Theatres.

EDUCATION:

NEW YORK LAW SCHOOL, J.D. magna cum laude, 1987. Class rank: 3/177. Full Merit Scholarship. Notes & Comments Editor, New York Law School Law Review.

ROYAL ACADEMY OF DRAMATIC ART, London, England. Diploma (Acting), 1975.

DARTMOUTH COLLEGE, A.B. cum laude, 1971, Honors (English)

ADMITTED:

New York State, Federal District Courts for Southern and Eastern Districts 1988; California 1992; United States Supreme Court 1993; New Jersey 1995

OTHER:

Wagner Society of New York, Board of Directors and Secretary, 2004 - 2011
Member of the Corporation, American Friends Service Committee, 2007 - 2009
Cornwall Monthly Meeting, Religious Society of Friends, 1989 - Present
New York Yearly Meeting, Religious Society of Friends, 1984 - Present (Board of Trustees, 2013 - 2017; Clerk, Committee on Conflict Transformation, 2010 – 2015; Clerk, Committee to Revise *Faith & Practice*, 2015-17)
Board of Trustees, New York Law School, 1991-97
Montclair (NJ) Commission on Human Rights, 1996 - 2001