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INTRODUCTION

Richard Lutringer is a commercial mediator with offices in New York City and Palm Springs, California regularly mediating each month in both locations. He has been certified as a commercial mediator, as well as a Family Business Advisor by the Family Firm Institute. He is a member of the bar of New York State.

MEDIATION PRACTICE AREAS

Mr. Lutringer has mediated commercial disputes related to buy-sell agreements, acquisitions, joint ventures, partnerships, corporations, LLC's, technology licensing, agency, distribution, franchising, loans, real estate (including commercial and residential brokerage and sale agreements), securities and corporate finance.

In addition to commercial disputes, Mr. Lutringer has mediated disputes among members of family owned and closely-held enterprises, (often referred to as business divorce disputes), probate disputes among heirs, lease and Homeowner Organization Association (HOA), disputes. He has also acted as a facilitator for public policy issues in local and regional meetings.

EXPERTISE – AS COUNSEL

As partner in an international law firm Mr. Lutringer advised public and private companies and investors in the preparation, negotiation and enforcement of shareholder agreements, LLC operating agreements, acquisition and merger agreements, domestic and international franchising, distributorship, agency and intellectual property licensing agreements, lease and triple net lease agreements, factoring and consignment agreements, long term commodity supply agreements, deferred compensation agreements, public and private offerings of securities, loan and security agreements, executive employment agreements, pharmaceutical development and joint venture agreements, specialized terms and conditions of sale, lease purchase agreements and has participated as company counsel in commercial arbitrations and mediations under AAA rules.

EXPERTISE – AS MEDIATOR

Banking & Finance,

Commercial Contracts,

Employment

Partnership & Shareholder

Professional Negligence,

Property

Sale of Goods & Services

Trusts, Wills and Probate

BANKING & FINANCE

- Fee dispute between investment banker/business broker and seller of business.
- Dispute between shipper and consignee bank regarding claim for unauthorized documentary payment.
- Dispute resulting from internet banking fraud affecting payment for international sale of goods transaction.

PROFESSIONAL NEGLIGENCE

- Dispute between investment bank and local South American counsel regarding fees earned on failed financing transaction.
- Several disputes between client and law firm for improper billing and malpractice in handling of litigation

PARTNERSHIP & SHAREHOLDER

- Claim by former principal/shareholder of securities brokerage company based on misrepresentation of pending third party sale transaction in corporate redemption/repurchase agreement.
- Claim by preferred shareholder for failure to properly redeem in accordance with terms of preferred stock;
- Issues among LLC principals involving a dispute with shareholder/former manager.
- Dispute among related owners of membership interests of LLC owning numerous NYC properties
- Series of business disputes among four owners / board members of national advertising business.

- Several disputes involving claims that board of directors of closely-held corporation (or LLC), and majority owners engaged in oppression of minority (involved conflicting interpretations of Business Corporation Law, charter and by-law provisions and, in several cases, terms of governing LLC law and operating agreement).
- Dispute among owners of LLC with respect to conditions of exercise and valuation of exit rights under operating agreement
- Claim of departing member of professional medical partnership regarding post separation competition and payment of capital account.
- Contentious split-up of European majority owners of high-end NYC Italian restaurant.
- Mediation between controlling partners of NYC law firm as to future expansion and future compensation.

COMMERCIAL CONTRACTS

- Leading US home textile manufacturer claim against European textile printing equipment and technology supplier for inadequate software development.
- Claim by Fortune 50 US manufacturer against Asian software developer for breach of long term technology development agreement.
- Claim for rescission and damages with respect to significant investment in franchised business, involving allegations of fraud and misrepresentation in franchise offering documents
- Paper recycler claims against customer/manufacturer for breach of multi-year contract.
- Claim of joint venture manufacturer of machine tools against co-venturer seeking damages due to multiple breaches of agreement.
- Claim of major U.S. telecommunications provider against competing provider/seller of large business unit with respect to post-closing purchase price adjustments

SALE OF GOODS AND SERVICES

- Sole Chinese exporter of specific agricultural commodities and US multinational buyer/juice producer regarding quality and payment under long term supply agreement.
- Termination of North and South American distributor/sales agent of German manufacturer of bathtubs, appliances.
- Claim by wholesaler for payment for imported Turkish textile goods with defense of defective products.

EMPLOYMENT AND WORKPLACE

- Claim for damages and statutory penalty due to firing of alleged whistleblower employee by company providing services under U.S. government contract (issues involving federal audit procedures, subcontractor responsibility for compliance with federal procedures, employee misrepresentation and performance issues).
- numerous claims by employees against employers for violation of U.S. anti-discrimination law, including age, race, national origin and gender claims , involving employers operating in fields of education (university and religious school), government agency, real estate management, telecommunications, retail clothing, broadcasting, law firm.

INSURANCE

- Coverage and liability issues for cargo damage.
- Coverage under product liability policy of manufacturer for significant property damage due to defective products.

TRUSTS, WILLS & PROBATE

- Dispute regarding ownership of significant artwork in estate of decedent (issues involved validity of pre-death gifts, control of business, unauthorized disposition of assets).
- Dispute among unequally treated siblings with respect to inheritance of medical instrument manufacturer due to alleged fraud and undue influence over decedent.
- Undue influence claims in dispute between parent and child as to inheritance of significant real estate holdings
- Claim against estate for professional fees owed by decedent to accounting firm with counterclaim for damages due to negligent professional services
- Claim that testamentary trustee's transfer of real estate was unauthorized and invalid under law and express will provisions

MISCELLANEOUS

- Facilitation between owner of business and senior employees regarding sale of business sale/transfer to senior employees.
- Mediation of real estate broker commission claims for subsequent transaction by same party.
- Claim by yacht charter party for damage allegedly caused to vessel by shipyard making repairs
- Claim between contractor and subcontractor of building maintenance provider

- regarding nonperformance and ownership of equipment
- Claim by regional school construction authority against prime contractor of school renovation with respect to unauthorized work, overages and warranty claims

MEDIATION ROSTERS

American Arbitration Association (AAA), Commercial Mediation Roster, Greater New York City Area

Financial Industry Regulatory Authority (FINRA)

Centre for Effective Dispute Resolution, London (CEDR)

International Mediation Institute (IMI)

New York County Surrogate's Court, Pilot Mediation Program, Chair

New York Supreme Court, Commercial Division, New York and Queens Counties

United States District Court, Southern and Eastern Districts of New York

United States Bankruptcy Court, Eastern District of New York

NY County Bar Association, Attorney-Client Fee Dispute Program

New Jersey Superior Court (various counties)

Southern California Mediation Association (Chair, Desert Professional Development Group)

PROFESSIONAL BACKGROUND

Mediator in private practice, New York City (2008-), and Southern California (2014-)

Partner / Counsel, Schiff Hardin LLP, New York (2004-2008)

Partner, Morgan Lewis & Bockius, LLP, New York (1994-2004)

Partner, Whitman Breed Abbot & Morgan LLP / Whitman & Ransom LLP, New York (1980-1994)

Associate, Whitman & Ransom LLP, New York (1972-1980)

MEDIATION/ADR TRAINING/ CERTIFICATIONS (Selected)

Quinnipiac University Law School/University of Connecticut , Mediation Skills Training Certificate (40 hours (2006))

ACR/AAA, Advanced Commercial Mediation Institute (2007,2008,2009)

Harvard Law School Program on Negotiation, Insight Initiative (2007, 2008)

Advanced Commercial Mediation Training, New York City Bar Association (2011)

N.Y.S. Unified Court System, CDRC Advanced Mediation Training (2007-2011)

CPR Advanced Mediation Skills Training (NY, 2007)

Mediation Skills Training Institute – Lombard Mennonite Peace Center (2007)

ICC Amicable Dispute Resolution Training, New York (2008)

CMS, CDRC Mentorship Program and Certification, NY (2008)

Arbitrator / Mediator Training, Attorney-Client Fee Dispute Program, NY County Law Association/ NYCBA (2008)

ABA Advanced Mediation and Advocacy Skills Institute. Philadelphia (2009)

Center for Mediation and Law, Intensive Training (December,2009)), Advanced Mediation Trainings (2010, 2011)

Cross-Cultural Mediation, US District Court, Eastern District of NY (NY, 2010)

Managing the Dynamics of a Multi-Party Case, AAA Advanced Mediator Training, (Phoenix , 2011)

Leaving Your Cultural Baggage at Home, Mediators Beyond Borders Training (Dallas, 2011)

Numerous other trainings, including those sponsored by AAA, ACR, CEDR (London), SCMA and New Jersey Superior Courts

MEMBERSHIPS

American Bar Association
- Dispute Resolution Section
- Business Law Section

American Foreign Law Association, President (1994- 1998)

Association for Conflict Resolution, (2008-)
-Commercial Section
-Workplace Section

Association for Conflict Resolution-Greater New York Chapter
- Board of Directors, Greater New York Chapter (2007-2011)
- Chair, ACRGNY Annual Conference (2008, 2010)

New York City Bar Association
- Alternate Dispute Resolution Committee (Chair, Subcommittee on Surrogate's Court Mediation)
- Foreign and Comparative Law Committee, Chair (1996- 1999)

CPR: International Institute for Conflict Prevention and Resolution - Mediation Committee (2011- 2015)

European Union Studies Center - Board of Advisors (2006-2012)

Mediators Beyond Borders, Founding Member

New York City Bar Association
– Chair, Foreign and Comparative Law Committee (1996-2000)
–ADR Committee (Chair, Subcommittee on NY County Surrogates Court Pilot Mediation Program (2012-)

New York State Bar Association (1995-)
-Business Law Section
Trusts and Estates Section
Dispute Resolution Section, Mediation Committee

New York State Dispute Resolution Association (NYSDRA) (2006-)
- Board of Directors (2008 - 2014)
- Chair, Ethics and Standards Committee (2008- 2014)

International Chamber of Commerce (ICC)
-Judge/Mediator , ICC Annual Mediation Advocacy Competition (Paris, 2009-);
-Problem Drafting Committee (2012, 2013, 2016)

Southern California Mediation Association (2014-)
– Chair, Desert Professional Development Group

Municipal Advisory Council, San Bernardino County Board of Supervisors (2015 -16)

AWARDS/RECOGNITION

AV Peer Review Rated, Martindale-Hubbell

Who's Who in America ,Who's Who in American Law

EDUCATION

College of William and Mary (A.B.) Cornell University (J.D.)
University of Chicago (M.C.L.) (including civil law studies in Germany at University of Munich (LMU)

LANGUAGES

English (native) German (fluent)

SELECTED ARTICLES

“Resolving Fights over Vacation Homes (Without Lawyers)” extensively quoted by author, Paul Sullivan, New York Times (August 17, 2017)

“Mediation on Broadway –The Dramatic Lessons of OSLO” , Mediate.Com (June, 2017)

“Review of the New York County Surrogates Court Pilot Mediation Program” ,Report of the ADR Committee of the New York City Bar Association, (October 2016)

“McCullough, ‘Beyond Revenge :The Evolution of the Forgiveness Instinct,’ Book review, The Report of the NYS Council on Divorce Mediation, (Summer, 2012)

“Active Listening for Commercial Mediators”, ACR-GNY Practice Tip, www.ACRGNY.ORG/forum_ADR_tip (March, 2010)

“The ‘X’ Factor for Successful Mediations”, ACR-GNY Practice Tip, www.ACRGNY.ORG/forum_ADR_tip (October, 2010)

“Mediating Business Divorce Disputes”, New York Dispute Resolution Lawyer, New York State Bar Association (Fall, 2009)

“Buy-Sell Agreements are Just Smart Business” New York Enterprise Report (December 2007)

“Beyond Battleaxes and Crossbows – Minimizing Litigation Trauma in the U.S. Through Mediation,” German American Trade (May 2007)

“International Corporate Governance: A Comparative View of the Independent Director in the United States and Europe,” New York Law Journal (November 2006)

“A Trans-Atlantic Free Trade Agreement: Is there a TAFTA in Our Future?” Metropolitan Corporate Counsel (October 1995)

“The Investor/Host State Dispute Settlement Provisions of NAFTA,” included in Report on NAFTA of the Association of the Bar of the City of New York (1993)

SELECTED SPEAKING ENGAGEMENTS

“Using Mediation Within the Family Enterprise to Bring Positive Change from Internal Conflict” , Attorneys for Family Held Enterprises 2017 Mid-Year Conference (Cleveland, November 2017)

“Peace Through Mediation, Domestically and Internationally” , Rotary Club Featured Speaker, (Palm Springs, November 2017)

“A Mediation Career : Getting Started” New York City Bar Association,(New York, 2015)

“Using Mediation in Family Business Disputes” Family Firm Institute, NYC Study Group (New York, 2016)

“Mediation in Family Business Transitions” ACR, NYC Chapter (New York, 2016)

“Mediating Family Business Issues, ACR Annual Conference (Reno, 2015)

“Mediating Closely-Owned and Family Business Disputes”, ACR Annual Conference, New Orleans, 2012

Mediating Disputes of Small and Family-Owned Companies, St. John’s University Law School, 2012

“Mediating Family Business Disputes”, New York Study Group, Family Firm Institute (New York, 2011)

“Bar and Bench Resistance to Mediation”, Annual Conference, Association for Conflict Resolution, Greater New York Chapter (New York, June, 2011)

“Using Mediation to Resolve Probate Disputes” New York State Bar Association, Elder Law, Senior Lawyers and DR Section Meeting (White Plains, 2010)

“Let’s Get Real: Workable Ethical Standards for Mediators”, Annual Conference, New York State Dispute Resolution Association, (Albany, NY (October 2009))

“Limitation of Litigation and other Legal Risks in Doing Business in the U.S. ” (January 2006 in Munich , Germany ; September 2005 in Neu-Ulm , Germany ; and November 6, 2004 in Frankfurt , Germany)

“The Expanding Role of the Independent Director Under U.S. Corporation Law Today,” Institute of Law and Finance, Frankfurt , Germany (November 15, 2005)

“Limitation of Manufacturer’s Liability in Sales and Other Agreements,” Columbia University School of Business, New York (June 2006, June 2008)

“Succession Planning for the Family Business,” German American Chamber of Commerce, New York (April 5, 2005)

“The Effect of Sarbanes-Oxley on the Board of Directors of Public and Private Companies,”
German-American RoundTable, New York (May 2004)

“ADR: The Revolution in U.S. Litigation,” DAJV, Cologne , Germany (November 1993)