

F. PETER PHILLIPS, ESQ.

Attorney | Arbitrator | Mediator

BUSINESS CONFLICT MANAGEMENT LLC

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

ADJUNCT PROFESSOR AND DIRECTOR, ADR SKILLS PROGRAM, New York Law School, 2013 to Present

Experience:

Over 100 mediations and arbitrations since March 2009
Prolific author, speaker and consultant on Alternative Dispute Resolution
Adjunct Professor, New York Law School

ADR Panel Listings:

Kenneth Feinberg/Liberty Mutual Sandy ADR Program
CPR Panels of Distinguished Neutrals (Insurance, Franchise and Employment)
American Arbitration Association Expedited Panel, Superstorm Sandy Mediation Panel
National Academy of Distinguished Neutrals
Certified Mediator, International Mediation Institute
FINRA Panel of Arbitrators and Panel of Mediators
Accredited Mediator, New Jersey Association of Professional Mediators
Panel of Mediators, New Jersey Administrative Office of the Courts, N.Y. Supreme Court
Westchester County
Mediation Panels of U.S. Bankruptcy Court, E.D.N.Y.; U.S. District Courts, S.D.N.Y.
and D.N.J.
Panel of Mediators, China Council for Promotion of International Trade
Panel of Arbitrators and Panel of Mediators, Beijing Arbitration Commission
International Mediator Panel, Milan Chamber of Commerce

Training:

Over 200 Hours of Continuing Legal Education post-2008
Straus Institute for Dispute Resolution, Pepperdine University School of Law, 2008
Chartered Institute of Arbitrators, 2008
FINRA Arbitrator Training, 2008
ICC International Court of Arbitration Workshop, Montreal, 2008
“Arbitrating the Mega-Case,” American Bar Association, 2008
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
Mediator Training, CPR Institute (Lewis and Singer), 1998

Professional Affiliations:

American Bar Association, Business Law Section (Chair, ADR Committee) and Dispute Resolution Section (Council Member); International Mediation Institute (Certified); Union International des Avocats World Mediation Forum; International Bar Association (Arbitration and Mediation Committees); Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution; New Jersey Association of Professional Mediators (Accredited)

Publications:

Books:

Contributor, *Alternative Dispute Resolution in Practice*, Insurance Institute of London (2011)
Mediation Techniques (International Bar Assn. 2010) Chapter, "Reality Testing"
Alternative Dispute Resolution Practice Guide (Roth, Wulff & Cooper, eds.) (West 2013 Supp.) Chapter, "International Mediation and Conciliation"
Managing Franchise Relationships Through Mediation (2009) (Editor)
Resource Book for Managing Employment Disputes (2004) (Editor)
How Companies Manage Employment Disputes (2002)

Films:

Writer and Co-Director of four films on "Building Corporate /Community Relations," winner of 2012 CEDR Award (available at www.AccessFacility.org)

Articles and Monographs:

- "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)
- "Commercial Mediation in China: the Challenge of Shifting Paradigms" *Contemporary Issues in International Arbitration and Mediation: The 2008 Fordham Papers* (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 Adjunct Professor, New York Law School. Guest Lecturer: Fordham University School of Law, NYU School of Law, Cardozo School of Law, Pepperdine University School of Law. 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).

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 student and professional 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:

Listed, *Who's Who in the World* (2010) and *Who's Who in American Law* (2011)
 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, 1987 - Present
 New York Yearly Meeting, Religious Society of Friends, 1984 - Present (Member, Board of Trustees, 2013 – Present; Clerk, Committee on Conflict Transformation, 2010 - Present)
 Board of Trustees, New York Law School, 1991-97
 Montclair (NJ) Commission on Human Rights, 1996 - 2001