

Judith P. Meyer, Esquire
Arbitrator & Mediator
150 Rose Lane
Haverford, PA 19041-1618
Judith@JudithMeyer.com; (215) 563-1480 [O]; (610) 212-9877 (M); 646.375.4232 (FAX)
Fellow, Chartered Institute Arbitrators•Member, Academy Court Appointed Masters•Distinguished
Fellow, International Academy of Mediators

May 28, 2010

Otto Franco
Dispute Resolution Services Director
CPR International Institute for Conflict Prevention & Resolution
575 Lexington Avenue
New York, NY 10022

Re: **National Panel Application**

Dear Otto,

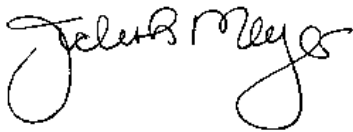
First of all, I sincerely apologize for my almost two-month delay in responding to your flattering and undeserved invitation to be considered for inclusion on the National Panel. It is not for lack of eagerness that I have not responded, but, rather, I have been working on a project that has been absorbing an inordinate amount of my time. The Commonwealth Court of Pennsylvania appointed me to serve as Discovery Master in a mammoth case involving all the pharmaceutical companies that provide prescription drugs reimbursed by government agencies and health plans. The case is known as an "Average Wholesale Price" ("AWP") case, and is one of many brought by Attorney Generals in the various states seeking hundreds of millions of dollars, penalties and injunctive relief. I also was recently appointed by the Court to serve as a Referee in Reliance Insurance's Liquidation proceedings. My construction arbitration work has involved defective construction of a multi-story garage in a \$90million office-park project; \$3.5million of acceleration and delay damage claims in a \$75million high school development; and, fraudulent pricing claims in a \$40million residence. I mediated a Super Fund clean-up site claim allocating \$2million between responsible parties, and I just completed a mediation in Chicago in which \$3million was claimed for patent infringement. My work in a national franchise arbitration involved determining parties' rights and obligations under a Class Settlement Agreement.

Because I found the formatting of the questionnaire somewhat constraining, I have attached a more fulsome accounting of my experience in a one-page bullet summary of my experience, a nine-page summary of my ADR case experience, and a four-page summary of my lectures and writings. I am also attaching copies of my AAA biographical summaries. I have been working as a mediator so long – beginning in California in the late '80's – that much of my training is in the trenches before there was any formalized training. As a Distinguished Fellow of the International Academy of Mediators, I attend their yearly conferences for experienced mediators. I also am a Member of the American College of Arbitrators and attend its conferences. I am the Chair of the Independent Standards Commission of the International Mediation Institute (based in the Hague). I am an IMI Certified Mediator, and just acquired Fellowship status in the Chartered Institute of Arbitrators (based in London). I also have taught negotiation and mediation at Cornell Law School since 1999.

The references I gave for arbitration come from one of my favorite CPR arbitrations, involving the national Dairy Queen Franchise. I would like to have given references from *Commonwealth v. TAP et alia* but because my Discovery Master work is on-going, I am reluctant to do so until my service concludes. The mediation reference comes from a very recent multi-million dollar patent infringement dispute that I worked on in Chicago.

Again, I sincerely apologize for my delay. Please thank the National Panel Sub-Committee for considering my application.

Best regards,

A handwritten signature in black ink, appearing to read "Judith P. Meyer". The signature is written in a cursive, flowing style with large loops and a prominent initial "J".

Judith P. Meyer

JPM/mpp

DATE: 05.10.2010

CPR Panelist Questionnaire

This form will permit CPR staff to access your information when disputants seek panelists.

1. IDENTIFICATION DATA

Name JUDITH P. MEYER
Courtesy title:
Applicable suffix: ESQUIRE
Firm/Company: J.P.MEYER ASSOCIATES/COMMERCIAL DISPUTE SOLUTIONS
Street: 150 ROSE LANE
PO Box (if any):
City: HAVERFORD
State: PA
Zip: 19041-1618
Country: USA
Preferred Phone: 215.563.1480
Secondary Phone:
(not cell phone) Check here to restrict to CPR Use only
Fax: 646.375.4232
Cell Phone: 610.212.9877
 Check here to restrict cell to CPR Use only
e-mail: Judith@judithmeyer.com; JMeyer@dispute-res.com
Web Site (if any): www.judithmeyer.com

Responses to the following questions on Race, Gender and Citizenship are optional.

RACE:

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above five races.

GENDER: Male Female X

CITIZENSHIP: List Citizenship (*If multiple, list with commas between*): USA

LANGUAGES: Please check your language ability in any foreign languages below (other than English) and indicate if you are fluent (can conduct an ADR proceeding in that language) or have read-only ability:

Russian – read only, was fluent 30 years ago	Fluent	Fluent
N/A	N/A	N/A

PATENT OFFICE. Are you licensed to practice before the U.S. Patent & Trademark Office? Yes

CERTIFIED PUBLIC ACCOUNTANT. Are you a Certified Public Accountant? Yes

GOVERNMENT SECURITY CLEARANCE: Have you ever had a U.S. Government Security Clearance? Yes

Dates
Level (e.g., Confidential, Top Secret)

Note: A resume may be substituted for Items 2-3.

2. EDUCATION & LICENSES

A. Enter your most significant university educational degrees starting with the most recent.

Year	School	City/State	Degree (spell out acronyms)
1974	Cornell Law School	Ithaca, NY	JD
1966	Barnard College	New York, NY	BA

B. Specify any licenses, jurisdiction and date of licensure: (Include Bar Admissions for lawyers and/or other professional licenses that apply; i.e., Architect, Engineer, etc.) (*Spell out acronyms*)

License	Year Issued	State/Country	Current (Y or N)
Bar Admission	2004	IDAHO	Active
Bar Admission	1988	PENNSYLVANIA	Active
Bar Admission	1974	CALIFORNIA	Current, but inactive

3. WORK HISTORY

Provide a list of your work history starting with the **most recent position**.

Use the codes from the table below in Column 5.

Note: Judicial experience appears separately at Question 5, below.

Duties if a Lawyer in this Position	Duties if a Non-Lawyer in this Position
(1) Litigator (law firm, government, public interest) (2) Partner (3) Associate (4) Managing Partner (5) Shareholder (6) Transactional attorney (7) In-house counsel in any capacity (8) General Counsel (9) Assoc. General Counsel (10) Arbitrator	(Specify duties and division/department tersely) (16) Engineer: Civil, Structural, Mechanical (17) Architect (18) Contractor (19) Sub/Contractor (20) President (21) Vice President (22) Director (23) Head of Division (24) Corporate Business Person: (specify division

(11) Mediator (12) Law Professor: Full Time (13) Adjunct Professor (14) Judge (must specify title) (15) Other	or department functions tersely; E.g., Corporate Sales; Construction Management; Technology Development) (25) Other
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<u>Col 1</u> Dates of Service	<u>Col 2</u> Company/Firm Name	<u>Col 3</u> City/State	<u>Col 4</u> Your Title	<u>Col 5</u> Duties/ Functions (See box above)	<u>Col 6</u> Primarily represented Plaintiffs (Insert "P") or Defendants (Insert "D") or leave blank if NA **
1995-present	JPMeyer Associates	Haverford, PA	Principal	10	
1999-present	Cornell Law School	Ithaca, NY	ADR Professor	13	
1988-1995	Bazon Less & Feldman	Philadelphia, PA	Litigation Of Counsel	1	
1979-1988	Los Angeles Board of Police Commissioners	Los Angeles, CA	Hearing Examiner	14: Hearing Examiner	
1983-1988	Lande Rolston & Meyer	Beverly Hills, CA	Partner	2	
1979-1983	Meserve Mumper & Hughes	Los Angeles, CA	Partner	2	
1974-1979	Meserve Mumper & Hughes	Los Angeles, CA	Associate	3	
					** Insurance Industry - • Use "P" for Policy Holder Representation • Use "D" for Insurer Representation

4. ADR NEUTRAL EXPERIENCE

a. Neutral and Advocate Roles:

Please provide your best estimate of the number of times you have been a Neutral and/or an Advocate in the following types of ADR procedures, if applicable to you: *

Overall Last 12 Months

		Overall	Last 12 Months
Arbitration	Total # Neutral Arbitrator Service	40	5
	# of total as Sole Arbitrator	20	2
	# of total as Tribunal Chair	3	0
	# of total as Class Action Arbitrator	None	None
	# as Advocate in Arbitration	None	None
Mediation	Total # Neutral Mediator Service	1000	25
	# of total as a Co-Mediator	None	None
	# of total as a Multi-Party Mediator	200	5
	# of total as a Process Design Mediator	None	None
	# as Advocate in Mediation	1	None
Early Neutral Evaluation	Neutral	20	10
	Advocate	None	None
Facilitation of Multi-Party Defense	Neutral	None	None
Mini-trial Chair	Neutral	None	None
	Advocate	None	None
Private Judging	Neutral		
	Advocate	None	None
Reg – Neg	Neutral	None	None
	Advocate	None	None
Special Master	Neutral	2	2
	Advocate	None	None
Summary Jury Trial	Neutral	None	None
	Advocate	None	None
Dispute Review Board Member	Neutral	None	None
Dispute Review Board Chair	Neutral	None	None
Partnering Neutral	Neutral	None	None

		Overall	Last 12 Months
Ombudsperson		None	None
Other			

*If you feel that the numerical range you checked off does not fully reflect the depth of your experience (e.g., you served as mediator just once but it was an unusually protracted and complex matter, please describe: I have been serving since August 2009 as the Discovery Master in a mammoth, highly complex case brought by a state's attorney general against the pharmaceutical companies doing business in the state. The case has taken up significant amounts of time since September 2009. The case, *Commonwealth of Pennsylvania v. TAP et alia* is known as an Average Wholesale Pricing case and involves claims of fraud by state agencies who subsidized the cost of drugs for its citizens. I have also mediated the recent appeal of a patent case that came out of the Federal Circuit Court of Appeals with multiple defendants, including the Department of the Navy. It was the third mediation the parties had attempted and the case resolved. I have sat as the sole arbitrator in a franchise dispute involving all the franchisees of a national franchisor.

5. PROFESSIONAL AND ADR CONCENTRATIONS

I want to be considered as an: X Arbitrator X Mediator

CPR maintains the following Specialty Rosters that may involve peer review. Please indicate whether you wish to be considered for any such rosters:

- | | |
|--|--|
| <input type="checkbox"/> Arbitration Appeal(Appellate Judges only) | X Franchise |
| X Banking, Accounting and Financial Services | <input type="checkbox"/> General Counsel (former GCs of Fortune 500 corporations only) |
| <input type="checkbox"/> Bio-Tech | X Healthcare & Life Sciences |
| <input type="checkbox"/> Certified Public Accountants | X Insurance |
| X Construction | X Insurer-Policy Holder Coverage |
| X E-Discovery | X International |
| X Employment | <input type="checkbox"/> Judicial Roster |
| <input type="checkbox"/> Energy, Oil & Gas | <input type="checkbox"/> Sports Law |
| X Entertainment | <input type="checkbox"/> Taxation |
| X Environmental | <input type="checkbox"/> Technology |
| | X Trademark |

A number of the specialty panels (Construction, Employment, Energy, Insurance, International and Technology) require completion of an addendum at the end of this questionnaire. If you have indicated an interest in a specialty panel other than those, please describe your qualifications for the specified panel(s), e.g., percent of time spent in training or practice in that area, description of cases handled, etc.:

- **EMPLOYMENT PANEL:** I have mediated and arbitrated in the employment field since the 1990's and have been continuously on the AAA Employment Panel. I have mediated cases for the EEOC in Philadelphia, served on the Chicago EEOC Panel, and serve on the New York EEOC panel. I have worked with several universities on employment disputes involving tenured faculty. I am attaching a list of arbitrated and mediated cases that includes my employment experience.
- **CONSTRUCTION PANEL:** I have mediated and arbitrated construction claims, including claims involving building structure collapse, acceleration damages claims, foundation

settlement, HVAC design failure, subcontractor, general contractor and multi-contractor claims. The most significant claims have been that of water infiltration in a \$90million office-park project, and acceleration and compression damages in a \$75million school district project.

Without this information, we cannot evaluate your experience in the field.

Please detail your areas of concentration with “P” for a primary area of practice and “S” for a subsidiary area of practice. Note: these are areas in which you already have experience, rather than areas in which you are interested.

AREAS of Concentration	Col.2 Professional Concentrations/Specialties (as lawyer, business person, advocate or judge but not as arbitrator or mediator)	Col. 3 Arbitrator Concentrations	Col. 4 Mediator Concentrations
<i>Construction Specialists</i>			
Construction Defects		S	S
Claims for Delay		S	S
Claims for Extras		S	S
General Building Construction			
Government Contracts			
Hazardous Waste			
Health Facilities			
Industrial (Mills, Refineries, Pharma)			
Insurance Indemnity & Contribution			S
International (incl. FIDIC)			
Manufacturing Construction			
Marine			
Mold		S	
Petroleum			
Power			
Sewage/Solid Waste			
Available Under Construction Expedited Rules			
Telecommunications			
Transportation (Bridges, Roads, Tunnels, etc.)			
Water Supply			
Construction Other			
<i>Employment Specialists</i>			
Civil Rights and Compensation		P	P
Employee Benefits/Erisa		P	P
Executive Compensation		P	P
FLSA		P	P
Statutory Discrimination Claims		P	P
Other - Employment		P	P
<i>Energy, Oil & Gas Specialists</i>			
Electric Generation			

Electrical Transmission			
Electric Distribution			
Electric/Power Marketing			
Alternative/Renewable Energy			
Oil & Gas			
Oil/NG Exploration/Production			
Natural Gas Pipeline			
Nuclear			
Oil/NG Marketing			
Oil Pipelines			
Coal Industry			
Liquefied Natural Gas			
Refining & Petrochemical			
Selected Upstream Issues			
Selected Natural Gas Issues			
Selected Oil Issues			
Risk Management Services			
Rural Electric Co-op Industry			
Expropriation			
Other – Energy			
<i>Healthcare & Life Sciences</i>			
Biotech		S	S
Food, Drug & Cosmetics		P	P
Healthcare		P	P
Hospital Law			
Licensing (Medical)		S	S
Life Sciences			
Malpractice (Medical)		P	P
Managed Care			
Medical Devices			
Medical Research Ventures			
Peer Review			
Pharmaceuticals		P	
Physicians		S	S
Reimbursement Disputes		S	S
<i>Insurance Specialists</i>			
Construction Defect Insurance			
Directors & Officers Insurance			
Environmental Insurance			
Fidelity Bond			
Financial Institutions Insurance			
Insurance General		P	P
Insurance Health		S	S

Insurance Life	P	S	S
Insurance Property & Casualty	P	P	P
Reinsurance			
Insurance Telecommunications			
Insurance Other			
<i>Technology/Intellectual Property Specialists</i>			
Aeronautics			
Biology			
Biotechnology			
Business Methods			
Materials (polymers, ceramics, etc)			
Chemistry			
Computers & Software			
Electrical			
Electronics			
Intellectual Property		S	S
Internet			
Mechanical			
Medical Devices			
Nanotechnology			
Optics			
Patents			
Pharmaceuticals		S	S
Privacy/EU Safe Harbor			
Robotics/Machine Vision			
Semiconductors			
Signal Process/Video/CommSysts			
Telecommunications			
Textiles			
Other - Technology/IP			
<i>General Concentrations</i>			
Accounting - Forensic		S	S
Accounting - General			
Accounting - Litigation			
Accounting - Valuation			
Administrative law			
Agriculture			
Antitrust			
Asbestos			S
Automotive			S
Aviation/Aerospace			
Banking			S

Bankruptcy		S	S
Business Disputes		P	P
Chemicals			
Civil Rights & Liberties			S
Class Action (Defendant Side)			
Class Action (Neutral)			
Class Action (Plaintiff Side)			
Commercial Law		P	P
Commodities			
Communications & Media			
Community Organizations		S	S
Computer law			
Construction		P	P
Consumer Affairs			
Contract-Government			
Contract-Manufacturing		P	P
Copyright			
Corporate (Financing)			
Corporate (General)			
Corporate (Governance)			
Corporate (Transactions)			
Corporate (Underwriting)			
Debtor/Creditor		S	S
Defamation/First Amendment			S
Domain Name		S	S
Employment		P	P
Energy, Oil & Gas			
Entertainment			
Environmental (Cleanup)		S	S
Environmental (General)			
Environmental (Regulatory)			
False Advertising/FTC		S	S
Financial Services		S	S
Franchise		P	P
Fraud/Misrepresentation		P	P
Housing & Urban Development			
Information Technology			
Insurance			
Intellectual Property			S
International (Environmental)			
International (General)			
International (Trade)			
International (Transactions)			

Labor Relations			
Leasing		P	P
Licensing (General)		P	P
Licensing (Software)			
Malpractice (Legal)		P	P
Manufacturing		P	P
Maritime			
Merger & Acquisition			
Mining			
Municipal Law			
Natural Resources			
Non-Profit Organizations		S	S
Partnership Disputes		S	S
Patents/Trade Secret		S	S
Personal Injury		P	P
Product Liability		P	P
Professional Fees		S	S
Real Estate (Banking & Finance)			
Real Estate (Development)			
Real Estate (General)		P	P
Real Estate (Land Use/Zoning)			
Real Estate (Leasing)		S	S
Regulated Industries			
Reinsurance			
Religious Entities			
RICO			
Securities			
Sports Law			
Taxation (Corporate)			
Taxation (General)			
Taxation (Individual)			
Taxation (International)			
Taxation (Partnership)			
Technology/Science			
Torts (Business & Property)		P	P
Torts (General)		P	P
Torts (Mass)			
Torts (Toxic)			
Trademark		S	S
Trade Secrets		S	S
Transportation			
Trusts & Estates		S	S
Unfair Competition		S	S

Water Law			
Workouts			

Representative Matters; e.g.:

Please see attached 9-page list of representative matters in which I have served in a neutral capacity.

6. ADR ROSTER LISTINGS

Complete tables if you are currently listed on the roster or panel of neutrals maintained by any ADR organizations (e.g., AAA, JAMS, CEDR, ICC, International Academy of Mediators, Regional Provider, Government Agency Roster, Court Roster, Other?) Include CPR Institute Panels you are already on, if any.

a. ARBITRATOR ROSTERS of ADR ORGANIZATIONS

Organization	Arbitration Roster (& any sub-roster)	Years on Roster	Estimate Average Amount in Claim in Cases from Each Organization	Best Estimate of the Number of Cases on which You Served as an Arbitrator for this Organization
<i>Example: AAA</i>	<i>Large Complex Case Panel</i>	<i>3 years</i>	<i>\$3 Million average</i>	<i>2 cases</i>
AAA	Commercial, Employment	25	\$1M	20
AAA	Construction 1995-2004	9	\$2M	10
CPR	Commercial, Franchise	14	\$800,000	6
AHLA	Commercial	2	\$300,000	

b. MEDIATOR ROSTERS of ADR ORGANIZATIONS

Organization	Mediation Roster (& any sub-roster)	Years on Roster	Estimate Average Amount in Claim in Cases from Each Organization	Best Estimate of the Number of Cases on which You Served as a Mediator for this Organization
<i>Example: JAMS</i>	<i>Los Angeles Panel</i>	<i>2 years</i>	<i>\$2 Million average</i>	<i>4 cases</i>
JAMS	Philadelphia Panel	'04-'06	\$500,000	20
CPR				

	Philadelphia	12 years		
ADROptions	Philadelphia	'06-present	\$500,000	12
AHLA	Washington, DC	'04-present	\$700,000	3
NJ Superior Courts & Commerce Court Philadelphia	Mammoth, Ocean, Middlesex etc Philadelphia	4 years 6 years	\$100,000 \$200,000	80 30
US Federal Circuit Court of Appeals	Wash, DC	4 years	\$750,000	4
FINRA	New York, NY	8 years	\$200,000	6
AAA	Providence, RI	25 years	\$100,000	50

7. ADR TRAINING

a. List MEDIATOR Skills Training Sessions you have taken

Sponsoring Organization & Location	Primary Model Fostered by Training: (e.g., Facilitative, Evaluative, Transformative, Caucus, Non-Caucus)	% of Time Spent in Role-Plays/Exercises	Year Taken	Duration: <u>Hours</u> of Training
Harvard Project on Negotiation	Facilitative, Caucus	30%	2009	20
Construction DR Services	Facilitative, Caucus	70%	2007	20
JAMS	Facilitative, Caucus	70%	2004	32
AAA Advanced Construction Mediator Training	Facilitative, Caucus	50%	1998	20

b. Statement of Philosophical Approach to Mediation

A dispute is a problem to be solved, not a battle to be won. The parties in litigation “own” their disputes and are the most knowledgeable about their needs in outcome, their tolerance for risk, and their desire to resolve, rather than exacerbate or fuel, disputes. The parties, if given the opportunity, are excellent problem solvers, able to express what aggravated them enough to create a cause of action out of a business problem and able to work backwards from a legal statement of claim to a business result. Though guided by wise counsel, ultimately the party must make the hard decision of how to resolve a dispute. More than 98% of litigated claims resolve before trial, often on the courthouse steps and only when the risk of a disinterested – often uninterested – third party judge or jury becomes uncomfortably real. The litigation process does not provide an opportunity where counsel, clients, stakeholders and anyone with a direct interest in the outcome of litigation can gather confidentially, privately, and without quote to discuss not just the rights and obligations of the litigants, but the interests and needs of the parties. The mediator guides, but does not dictate, the parties’ conversation. A skilled mediator does not bludgeon the parties into settlement, but guides them in the realization of their own interests, pushes them in creative problem-solving and forces them to view all options as alternatives to the default option of allowing a stranger – court or jury – to take control of their business disputes. Although trained in the transformative, facilitative and evaluative models of mediation, I tend to the facilitative and move only to the evaluative with the consent of the parties and then only late in the day. A mediator’s proposal can break gridlock and get the parties who are close, but stalemated, into thinking realistically. I ask probing questions rather than offering declarations. The skilled mediator draws the parties’ out, allowing them to develop their own conversation and reflect on the options the confidential environment generates for resolution. I use joint caucus and private caucus – it depends on the needs of the parties and the kind of negotiation that develops. I do not start in one or the other reflexively. It depends. I always touch base with counsel for every party before a mediation to explore “hot button” issues; whom they intend to bring to the mediation and whom they want present from the other side; what they think their goals are and what they think the other parties wish to achieve. I often meet privately with each side before the mediation begins – to build trust and create comfort levels. The mediator is a negotiation coach, a trusted advisor, a devil’s advocate and the process expert. The mediator does not bully the parties into resolution but coaches them into creative problem-solving. The mediator, by her questions, shapes and sharpens the reality of each party, allowing them to work through solutions to a shared problem until they come upon one that works. Our legal system, the best in the world, allows everyone his day in court. But I have yet to meet a party who, after the financial, time and emotional cost of trial, combined with its uncertainty and limited-remedy outcome, is eager to go that route once or again.

c. List ARBITRATOR Skills Training Sessions you have taken

Sponsoring	Skills Emphasized	% of Time	Year	Duration: <u>Hours</u>
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Organization & Location		Spent in Role-Plays/Exercises	Taken	of training
CIArb	Fellow, Chartered Institute of Arbitrators; arbitration skills and ethics; award writing	50%	2009	36 hrs
American College of Arbitrators, Member	Arbitration skills and ethics; member Ethics Committee	n/a	2000-	18 hrs/yr
AAA	Construction Arbitrator Training; Employment Arbitrator Training; Advanced Award Writing	50%	2000-2009	30
AAA/USATF	Doping Grievance Arbitrator Training	50%	2000	6

8. ADR REFERENCE INFORMATION

You must provide references from each side of the same case.

CPR may not publish reference contact information.

Reference as Arbitrator

	Dispute Type, Amount in Dispute and Year	Name of Counsel, Firm Name and Location of Firm	Phone and E-mail address
Lee N. Abrams, Esq	Arbitration of Disputes Under Class Action Agreement	Lee Abrams, Mayer Brown, 71 Wacker Dr., Chicago, IL 60606 & Diane Green-Kelly, Reed Smith, 10 S. Wacker, Chicago, IL 60606	(312)977.0229; labrams@mayerbrown.com (312)207-6407; dgreenkelly@reedsmith.com
William Killion, Esq	“	Faegre & Benson, 2200 Wells Fargo Center, 90 South	WKillion@faegre.com ; (612)766-7000

		7 th St, Minneapolis, MN 55402	
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Reference as Mediator

	Dispute Type, Amount in Dispute and Year	Name of Counsel, Firm Name and Location of Firm	Phone and E-mail address
Philip A. Nicholas, Esq.	Patent, Trade Secrets, Unfair Business Practices; \$4million claim; 2010	Philip A. Nicholas, Esq., Anthony, Nicholas 7 Tangeman, LLC, P.O. Box 928, Laramie, WY 82073	(307)742-7140; Nicholas@wyolegal.com
James J. O'Hagan, Esq.	“	James J. O'Hagan, Esq., One East Wacker Dr., #3400, Chicago, IL 60601	(312)422-6100;johagan@ohaganspencer.com

9. OTHER

Provide any honors, publications or other information you believe are relevant to your application.

Fellow, CIArb; Distinguished Fellow & Past Board Member, International Academy of Mediators; Member, American College of Arbitrators; Member, American College of Civil Trial Mediators; Chair, International Mediation Institute, Independent Standards Commission; “Mediator Certification,” DISPUTE RESOLUTION JOURNAL, 2008; “ADR vs. The Bench: Why are Neutrality Standards Different?”, Alternatives to the High Cost of Litigation, CPR International Institute, May 2007 [partial list – please see attached list of speeches and publications]

The Addendum should be completed only if you are interested in being considered for the Specialty Panel it covers.

Construction Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been construction-related (**Required**): 20%
2. **Have you had significant construction practice in the last ten years** representing or working with the following client groups:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Private Owners/Developers | <input checked="" type="checkbox"/> Insurers/Sureties |
| <input type="checkbox"/> Government Entities | <input checked="" type="checkbox"/> Engineers/Architects |
| <input checked="" type="checkbox"/> Contractors | <input checked="" type="checkbox"/> Sub-contractors/suppliers |

3. **Have you had significant construction practice in the last ten years** devoted to the following dispute processes: Please see attached list of construction arbitration and mediation experience.

- | | |
|--|--|
| <input type="checkbox"/> Litigation | <input type="checkbox"/> Dispute Management (in house) |
| <input checked="" type="checkbox"/> Arbitration (as Neutral or representing parties) | <input type="checkbox"/> Transactions |
| <input checked="" type="checkbox"/> Mediation (as Neutral or representing parties) | <input type="checkbox"/> Other |
- Describe 'Other'

Employment Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been employment-related (**Required**): 50%
2. **Have you had significant employment practice in the last ten years** representing or working with the following client groups:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Management | <input checked="" type="checkbox"/> Non-executive employees |
| <input checked="" type="checkbox"/> Executives | <input type="checkbox"/> Other Describe 'Other' Investigation & Fact-finding |

3. **Have you had significant employment practice in the last ten years** devoted to the following dispute processes:

- Litigation

 Dispute Management (in house)
- X Arbitration (as Neutral or representing parties)

 X EEOC or other agency
- X Mediation (as Neutral or representing parties)

 Other
- Describe 'Other'

Energy Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been energy-related (**Required**): 1 to 25%
2. **Have you had significant energy practice in the last ten years** representing or working with the following client groups:
- Companies

 Regulators

 Users
- Other

 Describe 'Other'

3. **Have you had significant energy practice in the last ten years** devoted to the following dispute processes:
- Litigation

 Dispute Management (in house)
- Arbitration (as Neutral or representing parties)

 FERC or other
- Mediation (as Neutral or representing parties)

 Other
- Describe 'Other'

Insurance Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been insurance-related (**Required**): 40%
2. Has your insurance-related legal practice or business *in the last ten years* included representation or work with of the following client groups:
- X Policyholders

 X Insurance Companies
3. Has your insurance-related professional practice in the last ten years included:
- Underwriting

 Broker/Producer
- X Broker/Claims Consultant

 Consultant/Expert Witness-Policyholder

X Claims

Consultant/Expert Witness-Ins. Co.

X Reinsurance

International Specialists Addendum

1. What **percentage** of your law practice or business *for the last ten years* has been international (**Required**): 1 to 25%

Foreign clients 1 to 25%

Foreign opponents 1 to 25%

Negotiations for such clients 1 to 25%

Litigation before foreign courts 1 to 25%

2. What **percentage** of your arbitration or mediation practice or business *for the last ten years* has been international (**Required**): 1 to 25%

International Arbitration 1 to 25%

International Mediation 1 to 25%

3. What **languages** have you used in your international arbitration and mediation practice:

Languages used as an arbitrator

Languages used as a mediator:

Proceedings conducted in other languages

Awards made in these languages

4. Training or degrees acquired abroad

5. Practice or other relevant sojourns abroad: US-China Business Conciliation Center, CCPIT Beijing, Mediation and Arbitration Panel Member; Coach, Cornell Mediation Team, ICC International Moot Mediation Competition, Paris, 2009; Fellow, Chartered Institute of Arbitrators, London; Chair Independent Standards Commission, International Mediation Institute, The Hague

Technology/Patent Specialists Addendum

1. What **percentage** of your law practice or business *for the past ten years* has been related to technology/intellectual property (**Required**): 2%

2. Has your technology/intellectual property professional practice *in the last ten years* included:

Litigation

Prosecution

Transactions

X ADR

Conflict Management

Other

Describe 'Other'

JUDITH MEYER, ESQ.

JPMEYER ASSOCIATES

judith@judithmeyer.com

T. 215.563.1480 Mobile: 610.212.9877 Fax 646.375.4232

MEDIATION AND ARBITRATION PANELS

- *ADROptions*
- American Arbitration Association, *Commercial and Employment Panels*
- *US-China Business Conciliation Center, CCPIT Beijing*
- Distinguished Neutral, Commercial, Franchise and Employment Panels, *CPR International Institute for Conflict Prevention and Resolution*
- Mediator, *American Health Lawyers Association*
- Mediator, *Financial Industry Regulatory Authority [FINRA]*
- Judge Pro Tem, *Commerce Court, Philadelphia Court of Common Pleas*
- Mediator, *United States Federal Circuit Court of Appeals*
- Mediator, *US International Trade Commission*
- Mediator, *Equal Employment Opportunity Commission*
- Mediator, *U.S. District Court for the Eastern District of PA*
- Mediator, *Superior Courts of NJ*
- Special Master, *Commonwealth Court of PA*
- Neutral, *JAMS [co-founded Philadelphia office of JAMS, 2004-2006]*
- Mediator & Arbitrator, *Class Action Appeals Committee, Prudential Policyholders ADR Remediation Plan*
- Arbitrator, *9/11 Victims' Compensation Fund*
- Arbitrator, *USA Track and Field Olympic Trials, Doping Grievances Panel, 1998*
- Mediator, *New York Metropolitan Transit Authority*

PROFESSIONAL CERTIFICATIONS, APPOINTMENTS & MEMBERSHIPS

- Certified Mediator, *International Mediation Institute*
- Chair, *Independent Standards commission, International Mediation Institute*
- Fellow, *Chartered Institute of Arbitrators [FCIarb]*
- Member, *Academy of Court Appointed Masters*
- Distinguished Fellow and Former Board Member, *International Academy of Mediators*
- Member, *American College of Civil Trial Mediators*
- Member, *College of Commercial Arbitrators*
- Hearing Examiner, *Los Angeles Board of Police Commissioners*
- Member, *American Bar Association Section of Dispute Resolution; Arbitration & Mediation Committees*
- Best Lawyers in America, ADR, '06, '07, '08, '09, '10; PA SuperLawyer in ADR '05, '06, '07, '08, '09, '10
- Member, *PA Bar (active), Idaho Bar (active), California Bar (inactive)*

UNIVERSITY TEACHING

- Adjunct Professor ADR, *Cornell Law School 1999-present*
- Guest Lecturer, *University of Pennsylvania Law School, Wharton School of Business, Beasley School of Law at Temple University, Dickinson School of Law (Penn State University), Rutgers University Law School (Camden)*

ARTICLES [partial list]

Book Review, *"Bargaining With the Devil" by R. Mnookin, 2010, IAM News*; "Mediators Alert: Now, Certification Goes Global", *Alternatives*, March 2008; "When the Neutral's Dilemma Hits: Routine Problems, and the Not-So-Routine Repercussions of Common Arbitration Conflicts," *Alternatives*, May 2007; "ADR vs. The Bench: Why Are Neutrality Standards Different?" *Alternatives*, April 2007; "Mediation in the Media", *Alternatives*, 2005; "Think Outside the Box: Use Mediation Proactively," *Corporate Counsel Magazine*, January 2005

TRIAL LAWYER EXPERIENCE

Litigation Of Counsel, *Bazelon, Less and Feldman* (Philadelphia); Partner, *Meserve, Mumper & Hughes* (Los Angeles); Litigation Partner, *Lande Rolston & Meyer* [Beverly Hills]

EDUCATION: BARNARD COLLEGE, B.A. 1966; CORNELL LAW SCHOOL J.D., '74, E.D.P. CAREY WRITING AWARD, MOOT COURT BOARD

JP MEYER ASSOCIATES / PRIVATE DISPUTE RESOLUTION

Tel. 215.563.1480 Mobile: 610.212.9877
FAX 646.375.4232 / E-MAIL: JMEYER@DISPUTE-RES.COM

LISTING OF REPRESENTATIVE CASES MEDIATED AND ARBITRATED IN THE FOLLOWING FIELDS:

CONTRACT (PAGE 1); ENVIRONMENTAL(PAGE 2) ; CONSTRUCTION (PAGE 3); EMPLOYMENT (PAGE 4); TORT, PERSONAL INJURY/PRODUCTS LIABILITY (PAGE 5); MALPRACTICE (PAGE 7); INSURANCE COVERAGE AND BAD FAITH ISSUES (PAGE 8); FRANCHISE DISPUTES (PAGE 8); ICANN DISPUTES (PAGE 8) CLASS ACTIONS (PAGE 9); BANKRUPTCY (PAGE 9); UM/UIM CASES (PAGE 9)

CONTRACT/IP/UNFAIR COMPETITION DISPUTES

- **Dispute regarding unfair trade practices by national franchisees' association against franchisor;**
- **Patent infringement, misappropriation of trade secrets, unfair business practices/unfair competition claim by manufacturers of patented bed purchased by US Department of the Navy;**
- **claim for reimbursement for managed behavioral health services to eligible medical assistance recipients enrolled in commercial health plan;**
- **dispute over interpretation of Basket Maximum Loss Provision in Large Risk Alternative Rating and Insurance Program Agreement;**
- **software licensing dispute seeking rescission between IT companies;**
- **rescission of sale of dental practice;**
- **claim of system failure by NASD broker dealer against clearing firm;**
- **breach of distributorship agreement providing for entry of major American brand name product to European Union;**
- **breach of contract claim by client against broker for wrongful disbursement of securities account;**
- **claim for past and future management fees by charter school parent corp. from chartered school;**
- **contract dispute between telemarketer and telecommunications corporation;**
- **post merger and acquisition dispute over discrepancy in inventory valuation;**
- **non-performance by bank of commitment letter to buy out seven million dollar commercial mortgage due to dispute over tenant terms;**
- **dispute between pharmaceutical firms regarding inclusion of placebo form of product under asset purchase agreement and manufacture and supply agreement;**
- **breach of exclusive global distribution rights to software technology; failure to market technology; and misappropriation of confidential information;**
- **claim for failure of software program in HMO;**

- **withdrawal of senior debt commitment by bank after reliance by newly licensed TV station;**
- **dispute over payout under asset purchase agreement;**
- **allocation of damage award between managed care consultant and health insurer;**
- **contract/fraud claim against art dealer in sale of \$550,000 work of art;**
- **fee dispute over independent contractor agreement for management of nursing home facility;**
- **dispute between hospital and doctor over purchase option and appraised value of medical practice;**
- **total disability claim under five policies by urologic surgeon;**
- **dispute involving bank trustee and insurance company over handling of reinsurance trust account;**
- **international dispute regarding patent license assignments and income sharing provisions of a manufacturing and distribution agreement;**
- **dispute over requirements contract for custom-made graphic markings for use on agricultural equipment;**
- **breach of agreement for transfer of technology, manufacturing and distribution of medical device;**
- **failure of software developer to complete and perfect statistically-based sports simulation computer games;**
- **software license agreement, dispute over system implementation/performance;**
- **dispute over alleged infringement of copyright registrations and exclusive trade dress rights in commercial products;**
- **Uniform Commercial Code dispute involving violation of purchase order specifications and breach of express and implied warranties;**
- **breach of warranty in sale of professional practice by disabled doctor due to failure to disclose involuntary institutionalization for substance abuse;**
- **partnership break-up involving division and distribution of real estate assets, rental income and future profits; and**
- **partnership dissolution involving music education in public school.**

ENVIRONMENTAL

- **Allocation between Responsible Parties of \$2 million dollar US EPA claim for SuperFund clean-up;**
- **interpretation of self-exoneration clause in contract for abatement of asbestos containing materials in renovated urban apartment building;**
- **assessment against Deferral Notes issued in Stock Purchase Agreement due to burden of hazardous waste [methylene chloride, hexavalent chromium, arsenic] clean-up;**
- **underground spill of petroleum contaminating soil and groundwater under 20 acre shopping center, requiring remediation and impacting real estate value;**
- **purchase and attempted residential development of 69 acres subject to Federal**

Wetlands Act;

- **contamination of water table due to run off from interstate highway construction project;**
- **devaluation of 60 acres of developable land upon discovery of disposed battery casings; and**
- **remediation of soil contamination after failure to detect contamination in removal and closure of underground diesel fuel storage tanks**

CONSTRUCTION

- **damage claim for failure of exterior insulation and finish system on residential high rise;**
- **acceleration damages claim by general contractor against precast concrete subcontractor for failure to keep contract schedule;**
- **multi-contractor dispute arising from construction of Liberty Place, a major Philadelphia business and retail center;**
- **dispute between subcontractors in construction of Marriott Hotel;**
- **mold contamination in dormitories, failure to maintain and inspect central HVAC;**
- **building structure collapse, failure of spandrel beam weighted with precast concrete flooring;**
- **upheaval of shopping center due to use of slag as backfill;**
- **foundation settlement on Department of General Services project for State Agency, excavation and backfill issues;**
- **dispute between owner of \$40 million home and New York, London and Paris interior design firm;**
- **property damage to mid-town NYC high-rise commercial structure due to blasting;**
- **a high stakes, in terms of financial exposure and working relationships, pre-litigation dispute between a private school, its contractors, designers and insurance carriers due to collapse of outdoor ice hockey arena;**
- **home owner association action against architect, developer and general contractor for cracking of walls and ceiling due to erosion and subsidence of soils in condominium project;**
- **dispute between City, general contractor and subcontractors over reconstruction of historically registered 19th century urban water works;**
- **design failure of HVAC in 5000 square foot, \$4million Jersey Shore home;**
- **improper curb cut and site design dispute involving owner, architect, environmental design company and general contractor;**
- **gas line explosion demolishing historic church and adjacent structures;**
- **suit by school involving structural engineer, architect, soils engineer and soils mover based on improper backfill resulting in deflection of retaining wall;**

- **failure of ninth level of multi-story parking garage attached to hospital, leading to dispute between owner, general contractor and concrete subcontractor; and**
- **dispute involving \$300,000 state Department of Environmental Regulation fine for failure to obtain stream relocation permit and siting of berm without obtaining code-mandated variance.**
- **dispute between subcontractor and general contractor over approval for use of sub-base material and bituminous concrete after subsidence of parking lot.**

EMPLOYMENT AND LABOR

- **termination of Physician-In-Charge of hospital medical practice;**
- **bank president's claim for unvested stock options after separation from employment;**
- **negotiation of removal of tenured full professor from academic department at college;**
- **retaliatory firing for serving as a witness in complaint filed under Sarbanes-Oxley;**
- **ADEA claim by former head of security of a Fortune 500 company;**
- **age discrimination and retaliatory firing charge by Ph.D. in University's Department of Social Services;**
- **claim by tenured faculty member under the Americans With Disabilities Act for failure to accommodate Multiple Sclerosis;**
- **denial of tenure to university hospital physician in Dept. of Psychiatry;**
- **gender discrimination in university business school;**
- **de-listing of disciplined physician from Preferred Provider Organization roster;**
- **sexual harassment, constructive discharge and battery claims by assembly line specialty worker;**
- **sexual harassment claim by employee in national food franchise;**
- **gender and religious discrimination, interference with contractual relationship claims surrounding termination of tenured chairman of department nuclear medicine;**
- **ADA claim to EEOC by union member major newspaper mail-room employee for failure to accommodate diabetes;**
- **ADA claim by IT director for failure of hospital to accommodate IBS syndrome;**
- **hostile environment claim by two female employees of regional utility company;**
- **age discrimination claim by 61 year old parts manager terminated from auto dealership;**
- **age discrimination claim by manager fired for favoritism shown to female employee;**
- **sexual harassment claim by Human Resources Director against president and major shareholder of family owned business;**

- claim for \$500,000 severance benefits by executive terminated after executive entered plea agreement with U.S. Attorney;
- age discrimination claim by 55 year old skilled long-term employee for negative review;
- denial of benefits to manager under ERISA governed change in control plan after merger;
- long term manager's claim for continuing employment in Fortune 1000 company after downsizing;
- wrongful termination claim by department manager employed under written contract;
- sexual harassment by chain restaurant manager;
- sexual harassment and retaliation claim by hotel chain employee;
- claim for reinstatement and back pay by banquet manager fired for rumored drug use;
- reverse race discrimination and scape-goating charge by machine operator;
- sex, disability and age discrimination claim by psychiatrist against medical university;
- discrimination claim by female partner terminated from law firm;
- sex and race discrimination charge by executive against national bank;
- ADA claim against United States Air Force by civilian employee;
- disputed obligation(s) of terminated manufacturer's representative;
- ADA claim by blind employee of against not-for-profit corporation;
- age discrimination claim by terminated department head of publishing house;
- *quid pro quo* sexual harassment and hostile environment claim against obstetrician/gynecologist clinic director;
- wrongful discharge of executive in employment-at-will state violating implied terms of employment contract;
- age discrimination claim by female newscaster against news network;
- sexual harassment claim by college intern; and
- on referral from USDC, Eastern District Pennsylvania, sexual harassment and retaliatory termination claim by female assembler.

TORT, PRODUCTS LIABILITY, WRONGFUL DEATH AND PERSONAL INJURY

- public figure libel case [losing side of breach of contract action libeled attorney who represented winner];
- alleged liability of brokerage firms due to inappropriate investments, in one case, of the \$500,000 savings of a retired couple, and, in another case, a \$2.5 million divorce settlement;

- **President and Chairman of Board suit against corporation for defamation and malicious prosecution;**
- **Cessna Silver Eagle plane crash death of father and son due to defective gearshaft part;**
- **death of father and son, wife/mother surviving as amputee, in action against construction company, trucking company and Department of Transportation;**
- **electrocution of child at private resort and conference facility;**
- **death of driver in sudden acceleration of vehicle due to failure of manufacturer to install shift interlock device;**
- **electrocution of electrician in flash fire ignited by air conditioning compressor;**
- **wrongful death action alleging theories of product liability against manufacturer, and negligence against inspection agent in burn death of plant worker in explosion of pressure vessel;**
- **death of young mother and four year old daughter, husband/father surviving, due to carbon monoxide poisoning from furnace;**
- **death and survival actions arising from malfunction of crawl space heater resulting in destruction of house and fatal burns to father/husband;**
- **death of plumber overcome by toxic fumes from sulfuric acid;**
- **death of invalid due to burns and smoke inhalation in course of robbery and arson committed by attending health care professional from licensed agency;**
- **death of adolescent male in swimming hole drowning on private property;**
- **death of adolescent female in boating accident at private club premises;**
- **death of industrial worker in explosion of sterilization enclave;**
- **death of restaurant chef in motor vehicle accident, involving suit against state transportation agency in process of re-paving state highway;**
- **drowning of deaf, blind and profoundly retarded young woman by not-for-profit custodial institution;**
- **§1983 civil rights action against police department for out-of-policy high speed chase resulting in deaths of occupants of chased car;**
- **sexual solicitation and rape of 11 year old girl by school swim coach;**
- **sexual abuse of freshman plebe in military school by upper classmen;**
- **sexual abuse of freshman by private high school basketball coach;**
- **American in Tunisia who became a C4 incomplete quadriplegic in touring accident;**
- **lawn mower back-over of three year old child requiring total amputation of left foot and medial partial amputation of right;**
- **civil rights section 1983 action by paraplegic and permanently psychologically disoriented young woman passenger in car involved in high speed chase by municipal police department;**

- college student rendered quadriplegic diving into swimming pool at private graduation party at motel;
- high school student paralyzed in performing improper racing dive into shallow end of pool at school district swim meet;
- ninety convention guests made ill at hotel by bacterially contaminated drinking water;
- multiple plaintiffs sued dairy egg producers and restaurant for salmonella poisoning;
- severe crush injury and partial amputation of distal phalanx [thumb] left hand;
- Legionnaires Disease outbreak from improper cleaning/maintenance of hospital cooling towers;
- industrial site accident in application of a geosynthetic membrane alternative daily cover at solid waste landfill;
- permanent facial scarring of child due to melt down of plastic container, alleging product liability and failure to warn;
- Sizzler Restaurant personal injury claims by assignment from United States Bankruptcy Court in Sizzler Chapter 11 proceeding;
- destruction of warehouse due to spontaneous combustion of improperly cured /packaged red peanut skins;
- destruction of residence and personal injury husband/wife from gas explosion due to failure to lock gas line riser;
- injury to concert violinist performing at restaurant; and
- inoperable disc injury suffered by worker instructed to climb down manhole; ladder detached from wall.

MALPRACTICE ISSUES: LEGAL, ACCOUNTING & MEDICAL

ACCOUNTING MALPRACTICE

- actuarial malpractice in termination of Defined Benefit Employee Pension Plan;
- failure of securities broker to disclose risks in highly leveraged Variable Universal Life policy;
- valuation under Rev. Rul. 59-60 of intertwined closely held corporations subsequent to leveraged buy-out;
- detrimental reliance by lender on financial statement prepared by certified public accounting firm which overvalued assets of borrower;
- CPA misinterpretation of application of Subchapter T of the Internal Revenue Code, and attending regulations, resulting in IRS audit of and assessment against agricultural cooperative;
- improper formula used to value manufacturer inventory, leading to overvaluation and reliance by major lender, default of manufacturer on line of credit forcing manufacturer into Chapter 11 reorganization followed by suit by manufacturer against accounting firm; and

- CPA failure to detect on-going embezzlement by law firm manager of firm receivables.

LEGAL MALPRACTICE

- failure of attorney to understand and/or advise client of terms of Joint Tortfeasor Release which reduced \$2.5 million verdict to \$400,000;
- failure of attorney to advise client that General Release barred ERISA claim for long term disability;
- failure to discover value of privately owned companies in marital dissolution;
- attorney malpractice for failure to register stock offering;
- attorney malpractice at criminal trial of client by failure to present expert testimony, resulting in guilty verdict and imprisonment of client;
- failure of attorney to perfect registration of trademark of female singing group, resulting in rival group registration of name; and
- attorney malpractice founded on irreconcilable conflict of interest.

MEDICAL MALPRACTICE

- craniectomy and removal of brain stem meningioma in 53 year old male corporate executive, subsequent death due to undetected cerebral hemorrhage;
- surgery on child's left leg with subsequent vascular deterioration requiring above the knee amputation of left leg;
- multiple back surgeries resulting in permanent paralysis of patient;
- emotional trauma resulting from sexual involvement of psychologist with patient; and
- failure to detect cervical cancer in PAP smear, subsequent death of thirty-two year old mother;
- misreading of PAP smear slides, failure to detect cervical cancer for two years and destruction of slides in violation of federal law;
- diagnosis of radiation colitis and subsequent surgeries and colostomy when proper diagnosis contended to be Crohn's disease treatable by steroids; and
- misdiagnosis of vasculitis, failure to do proper diagnostic tests to locate embolizing atrial myoma causing stroke in 30 year old male.

INSURANCE COVERAGE DISPUTES AND BAD FAITH ISSUES

- allocation of punitive damage settlement award between worker's comp carrier and medical consulting corporation;
- declaratory judgment action determining whether a single deductible covers "interrelated wrongful acts" or whether each act is subject to its own deductible;
- reservation of rights/declination of coverage in attorney malpractice action:

- false representation of no UIM coverage, 3 ½ year delay, arbitration award on UIM claim of \$925,000;
- acknowledgment of liability but failure to make any offer of settlement in UM case;
- bad faith action against carrier for calculated delay in offering full value of first party claim; and
- bad faith offer after resolution of UIM claim.

ICANN DISPUTES

- arbitrated domain name disputes.

FRANCHISE DISPUTES

- franchisee suit for failure of franchisor to offer right of first refusal on second franchise and unfair competition;
- permanent arbitrator in settlement of franchisor/franchisee national class action;
- triggering of franchisor right of first refusal on offer of sale of shares by sole shareholder;
 - protest of RV dealer for failure of manufacturer to accept revocation of acceptance of top-of-the-line RVs;
 - protest of intention to terminate car and truck dealership agreement;
 - protest of establishment of new motor vehicle dealership; and
 - protest of buy/sell and relocation of automobile dealership.

CLASS ACTIONS

- mediator & arbitrator in national class action alleging fraudulent sales practices in the placement of life insurance.

BANKRUPTCY

- mediator in 11 U.S.C. Section 547 preference avoidance actions.

UM/UIM CASES

- service as neutral in 3 person arbitration panels hearing uninsured and under-insured motorist claims.

COURT APPOINTMENTS

- Discovery Master, *Commonwealth v. TAP et alia*, AWP suit against pharma companies doing business in PA
- Referee, *Reliance Insurance Company Liquidation*
- Judge Pro Tem, *Commerce Court Philadelphia*

JUDITH MEYER, ESQ.

TEL 215.563.1480 FAX 646.375.4232 EMAIL:JMEYER@DISPUTE-RES.COM
LECTURES, TEACHING & ARTICLES

Adjunct Professor, **Cornell Law School**, 1999-Present.

Presenter, **The Art and Practice of Mediation in Hong Kong, China and Korea**, ABA ADR Section Meetings 2010.

Program Co-Chair, **International Academy of Mediators**, Gender in Mediation, April 2009.

Speaker, **ABA-ADR Section Meetings**, Mediator Certification, April 2009.

Coach, Cornell Law School Team, **International Chamber of Commerce Paris Moot Mediation Competition**, February 2009.

Presenter, **Fordham Law School Institute on International Arbitration and Mediation**, June 2008.

Panelist, **Arbitrating Franchise Disputes**, CLE Teleconference, October 2007.

Presenter, **National Guardian Association**, "The Benefits of Early Mediation", October 2007.

Presenter, Luncheon CLE, **Employment Mediation**, Morgan Lewis & Bockius, May 2007.

Faculty, **Negotiation**, Wharton School of Business, Executive Education Program, April 2007.

Presenter, **Mediation: 20 Tips in 40 Minutes**, 3rd PBA ADR Institute, March 2007.

Lecturer, **Philadelphia Trial Lawyers Association**, "How to Psych Out Your Opponent", November 2006.

Presenter, **Personal Injury ADR**, Philadelphia Trial Lawyers Association, June 2006.

Presenter, **Ethical Dilemmas of the Neutral**, 8th Annual ABA Section of Dispute Resolution Conference, April 2006.

Presenter, **Mediating Cases in Litigation**, Weber, Gallagher, Simpson, Stapleton, Fires & Newby LLP, May 2006.

Presenter, **Mediating Employment Cases**, Spector, Gadon & Rosen, P.C., April 2006.

Faculty, 2nd **PBI ADR Institute**, "Stump the Mediator", March 2006.

Presenter, **ADR Spectrum**, Sweeny & Sheehan, Philadelphia, March 2006.

Presenter, **When Minds Don't Meet: Dealing With Difficult Moments in Mediation**, International Academy of Mediators, November 2005.

Presenter, **Negotiation and Mediation**, Albertsons' Regional Counsel Meeting, June 2005.

Panelist, Psychological Impediments to Mediation Success", **CPR Institute for Dispute Resolution**, June 2005.

Panelist, "Are the Federal Courts More Efficient at Resolving Disputes Than Arbitration Panels?", **Federal Bench Bar Conference**, June 2005.

Panelist, Mediation for Trial Lawyers, **American College of Trial Lawyers**, May 2005.

Seminar Presenter, "Literature, Film and ADR", **ABA ADR Section Meeting**, April 2005.

Faculty, 1st **PBI ADR Institute**, March 2005.

Presenter, **Philadelphia Trial Lawyers Association**, October 2004.

Panelist, **ADR & Intellectual Property Disputes**, Pennsylvania Bar Institute, June 2004.

Presenter, **Myths and False Truths of ADR**, CPR Institute for Dispute Resolution, April 2004.

Panelist, **Mediator Certification**, IAM and ACCTM Spring Meetings, April 2004.

Facilitator/Moderator, **Advanced Mediation and Advocacy Skills Training**, ABA Section of Dispute Resolution, November 2003.

Panelist, **Philadelphia Intellectual Property Lawyers Association**, Panel on ADR, October 2003.

Panelist, **The Lighter Side of Coverage: Bad Mediation**, ABA Tort Trial and Insurance Practice Section, February 2003.

Faculty, **American Arbitration Association Neutrals' Conference**, "Arbitration of Statutory Discrimination Claims," January 2003.

Trainer, **American Arbitration Association Panel Member Update**, November 2002.

Presenter, **ADR: A Creative Approach to Solving Employment Disputes**, Delaware Valley Employment Management Association, May 2002.

Presenter, **What is Mediation?**, Committee on Women in the Profession, April 2002.

Faculty, **Advocacy in ADR Arenas**, Pennsylvania Bar Institute, April 2002.

Presenter, **Philadelphia Commerce Court Mediation**, March 2002.

Faculty, **Forensic & Litigation Services Conference Pennsylvania Institute of Certified Public Accountants**, December 2001

Faculty, **Strategies to Prevent or Avoid Litigation**, Tri-State ADR Program, October 2001.

Faculty on Employment ADR, **American Arbitration Association Neutrals' Retreat in Vancouver**, October 2001.

Faculty, **"The Palsgraf Mediation"**, ABA Annual Meeting, August 2001.

Lecturer, **Personnel Law Update**, Council on Education Management, April 2001.

Presenter, **"Mediating Complex Executive Employment Disputes"**, American Arbitration Association Mediator Conference, September 2000.

Panel Participant, **The Business of a Mediation Practice"**, ABA Section of Dispute Resolution, April 2000.

Faculty, **"Mediation of Commercial & Construction Disputes"**, American Arbitration Association, December 1999.

Faculty, **"Labor-Management & Employment Law"**, American Arbitration Association, December 1999.

Panel Participant, **ADR for Business Solutions**, American Arbitration Association, September 1999.

Panel Participant, **CPR Institute for Dispute Resolution**, "ADR Issues Forum", June 1999.

Faculty, **Insurance Practice Institute**, "Med/Arb in Insurance Coverage Disputes", April 1999.

Presenter, "ADR in Statutory Employment Claims", **Lancaster County Bar Association**, February 1999.

Presenter, "Effective Use of Mediation", **4th Annual Regional Meeting St. Paul Insurance**, October 1998.

Presenter, **International Academy of Mediators**, "Breaking Impasse: A Potpourri of Techniques in Mediation", May 1998.

Panelist, **Montgomery Bar Association**, "Arbitration of Business Disputes Under AAA Rules and Other Private Arbitration Issues", April 1998.

Faculty, **Fourth Annual Health Law Institute**, "Mediation in Health Care", April 1998.

Faculty, **Pennsylvania Bar Institute Continuing Legal Education**, "Alternative Dispute Resolution", June 1997.

Panelist, **American Bar Association**, "Establishing and Maintaining a Successful ADR Neutral Practice", May 1997.

Lecturer on ADR, **Dickinson School of Law**, February 1997.

Faculty, ADR Seminar, **Legal Education Committee/Civil Division Delaware County Bar**, January 1997.

Faculty, **ALI-ABA Advanced Course** "ADR: How to Use it to Your Advantage", December 1996.

Faculty, **American Intellectual Property Lawyers' Association**, Mediation Training Seminar, October 1994 & November 1996.

Faculty, Montgomery County Bar Association **Business Mediation CLE Course**, October 1996.

Presenter on ADR, **White and Williams**, June 1996.

Speaker, "ADR in Managed Care", **American Society of Law, Medicine & Ethics**, June 1996.

Panel Member, "ADR: The Nuts and Bolts of Effective Client Representation and Mediation, **Philadelphia Bar Continuing Legal Education**, April 1996 and December 1995.

Presenter on ADR, **Morgan, Lewis & Bockius**, April 1996 and October 1995.

Guest Lecturer on Alternative Dispute Resolution, **Cornell Law School**, 1996 & 1998.

Lecturer on Alternative Dispute Resolution, **Univ. of Pennsylvania Law School**, 1992-1999.

Interview on ADR in **PaLAW: The State of the Profession 1995**, Special Supplement to **The Legal Intelligencer/Pennsylvania Law Weekly**, December 1995.

Lecture, "Fundamentals of Negotiation", **Temple University Law School**, November 1995.

Speaker, "How to Represent Your Client in Mediation", **Dauphin County Bar**, November 1995.

Panelist, "Alternate and Expedited Dispute Resolution for the Lawyer's Toolbox", **Pennsylvania Bar Association Centennial Meeting**, October 1995.

Lecture on "Mediation Advocacy", **Chemical Manufacturers Association Tort Litigation Group**, October 1995.

Presenter on ADR, **Dilworth, Paxson, Kalish & Kauffman**, September 1995.

Speaker, "Alternative Dispute Resolution in Healthcare", **National Health Lawyers Association Annual Meeting**, June 1994 & 1995.

Guest Lecturer on Alternative Dispute Resolution, **Rutgers Law School**, 1994-1996.

Speaker, "Ethics of Dispute Resolution", **Berks County Bar Association**, January 1994.

Speaker on ADR, **Cornell Alumni Association**, October 1994.

Seminar Participant on ADR, **Philadelphia Bar Association 36th Annual Conference & Exposition**, December 1994.

Presenter, "Mediation: The Keystone of ADR", **Pennsylvania Bar Institute Continuing Legal Education**, June 1994.

Presenter, "The Use and Misuse of Alternative Dispute Resolution", **Seminar for Claims Personnel (sponsored by Bennet**,

Bricklin and Saltzburg), May 1994.

Presenter, "Mediation from the Mediator's Point of View", **Lorman Education Services Alternative Dispute Resolution Seminar**, July 1993.

Faculty, "Advanced Commercial Mediation Training", **American Arbitration Association Dispute Resolution Day**, October 1993.

Speaker, "The Emerging Case for Alternative Dispute Resolution", **Rotary Club**, April 1993.

Lecturer, **Commercial Property Claims Underwriters Association**, November 1992.

PUBLICATIONS:

Book Review, "Bargaining With the Devil: When to Negotiate, When to Fight" by R. Mnookin, **Mediation Letter International Academy of Mediators**, June 2010.

"Mediator Certification: What Are Some Practitioners Afraid Of?" **Alternatives to the High Cost of Litigation**, CPR International Institute for Conflict Preventions & Resolution, Vol. 26, No. 10, November 2008.

"Mediator Certification: A Look at the IMI Standards," **Dispute Resolution Journal**, August-October 2008, vol. 63, No.3.

Mediators' Alert: Now, Certification Goes Global", **Alternatives to the High Cost of Litigation**, CPR International Institute for Conflict Prevention & Resolution, Vol. 26, No. 3, March 2008.

Book Review "Alternative Dispute Resolution", by Robert Creo, The Pennsylvania Lawyer Magazine November 2007.

"When the Neutral's Dilemma Hits: Routine Problems, and the Not-So-Routine Repercussions, of Common Arbitration Conflicts", **Alternatives to the High Cost of Litigation**, CPR International Institute for Conflict Prevention & Resolution, Vol 25, No. 5, May 2007.

"ADR v. the Bench: Why Are Neutrality Standards Different?", **Alternatives to the High Cost of Litigation**, CPR International Institute for Conflict Prevention & Resolution, Vol. 25 No. 4, April 2007.

"Mediation: 20 Tips in 40 Minutes", 3rd **PBI Institute**, March 2007.

"Powerful Persuasion: What Mediators Really Want to Hear", **Trial Magazine**, Vol. 42, Issue 4, April 2006.

"Telling Stories: Lessons from the Bible, Literature and Film Provide a Reference for Mediation Work", **Alternatives to the High Cost of Litigation**, CPR International Institute for Conflict Prevention & Resolution, Vol. 23, No. 10, November 2005.

"Think Outside the Box: Use Mediation Proactively", **Corporate Counsel Magazine**, January 2005.

"Providing Alternatives to Litigation", **WomensBiz.US**, October 2004.

"Seven Common Myths of ADR", **Metropolitan Corporate Counsel**, September 2004.

"Creating and Certifying the Professional Mediator – Education and Credentialing", **American Journal of Trial Advocacy**, Cumberland School of Law of Samford University, Vol. 28, Issue 1, Summer 2004.

"Seven Myths and Three False Truths About ADR", **Pennsylvania Bar Institute**, 2004.

"Mediating the 'Palsgraf' Case", **ADR Currents**, 12/01-02/02.

"Pros and Cons of ADR", **Dispute Resolution Journal**, Summer 1997.

“Mediator Credentialing”, Arbitration & Mediation, Spring 1997.

"Mediation Works," Dispute Resolution Journal, April-June, 1995.

"Changing Compensation Rules for Property Takings," Real Estate Review, Spring, 1981.

"Inverse Condemnation: The Property Owner's 'Breach of Promise' Remedy", Real Estate Review, Fall, 1979.

Judith P. Meyer, Esq.

Current Employer-Title JPMeyer Commercial Dispute Resolution; Cornell Law School - Adjunct Professor of ADR

Profession Mediator, Arbitrator, Settlement Counsel; Trainer, Adjunct Professor of ADR

Work History Principal, JPMeyer Commercial Dispute Resolution, 1995-present; Litigation Of Counsel, Bazelon, Less & Feldman, 1988-95; Litigation Partner, Lande, Rolston & Meyer, 1984-88; Litigation Partner/Associate, Meserve, Mumper & Hughes, 1974-84.

General Experience 34 years as a commercial litigator, representing plaintiffs and defendants in commercial leasing transactions, eminent domain, construction defect and design disputes, land use issues, appellate briefing and arguments, UCC cases, bankruptcy non-dischargeability cases, partnership dissolutions, employment, unfair trade practices, conservatorship litigation, will contests, insurance coverage, fraud, professional licensing revocation, business and real property valuation issues. Now exclusively does ADR. Adjunct Professor of Law, Cornell University Law School, 1999-present. Lecturer, University of Pennsylvania, Wharton Executive Education, 2007.

Member, Panel of Distinguished Neutrals, International Institute for Conflict Prevention & Resolution; Member, U.S. - China Business Conciliation Center; Federal September 11 Victims' Compensation Fund of 2001, Arbitrator; NASD, Panel Mediator; American Health Lawyers Association, Mediator; EEOC Mediation Panel; USA Track and Field Olympic Trials, Doping Grievances Panel; Judge Pro Tem Philadelphia Commerce Court and CCP; Construction Dispute Resolution Services ADR Panel Member; USDC Eastern District of Pennsylvania, certified mediator; New Jersey Court-appointed mediator in civil cases.

Experience as a Mediator Began mediating cases in Los Angeles, CA by appointment of the Los Angeles Superior Court in 1981. Has mediated in fifteen states and the District of Columbia. Moved to Pennsylvania in 1988 and became litigation "of counsel" to a firm and developed mediation practice in the Northeast U.S. Has mediated disputes in almost all civil law arenas, including construction defect, contract breach, copyright, licensing agreements, breach of warranty, partnership dissolution, environmental remediation, franchisee/franchisor disputes; employment claims [Title VII, ADA, ADEA, ERISA benefits], industrial accidents, product liability and wrongful death, malpractice [legal, accounting and medical], insurance coverage and bad faith, ICANN [domain name] disputes, franchise disputes, class action settlement fund allocations, bankruptcy preference avoidance actions and UM/UMI cases.

Representative Issues Handled as a Mediator Mediated complex business disputes:

Construction: building structure collapse due to failure of precast weighted spandrel beam; dispute between city, G.C., and subs over reconstruction of historically registered 19th C. urban water works; homeowner ass'n against architect, developer, and general contractor for cracking of condo walls and ceilings due to subsidence of soils in project; improper curb cut and site design dispute between owner, architect and environmental design company, and general contractor; multi-contractor dispute in construction of major urban business and retail center; nine-party dispute over multi-million dollar repair of parking garage serving urban commercial complex; pre-litigation dispute between private school and contractors, designers, and insurers due to collapse of outdoor ice hockey arena roof; property damage claim to midtown Manhattan

commercial high-rise due to blasting; and subcontractor dispute in construction of hotel in major hotel chain.

General: claim of unfair competition by franchisor with franchisee, leading to termination of franchise agreement; breach of distributorship agreement providing for entry of major US brand into EU; claim for reimbursement for managed behavioral health services to medical assistance recipients; claim for failure of software written for HMO; dispute between pharmaceutical firms over Asset Purchase Agreement; allocation between Responsible Parties of \$2 million US EPA claim for Super Fund clean up; accidental death of husband and son brought by wife/mother (surviving as amputee) against a construction company, trucking company, and DOT; attorney malpractice for alleged failure to understand and/or advise client of terms of Joint Tortfeasor Release reducing \$2.5 million verdict to \$400,000; breach of distributorship agreement providing for entry of an American brand name product to European Union; claim of system failure by NASD broker against clearing firm; declaratory judgment action determining whether a single deductible covers "interrelated wrongful acts"; denial of tenure to university hospital physician in Department of Psychiatry; gender and religious discrimination, and interference with contractual relationship claims surrounding the termination of a department of nuclear medicine tenured chairman; 11 U.S.C. Section 547 preference avoidance actions; medical malpractice and wrongful death claim resulting from a craniectomy and removal of brain stem meningioma involving a corporate executive; multi-contractor dispute arising from the construction of a landmark Philadelphia business and retail center; and a national class action alleging fraudulent sales practices in the placement of life insurance.

Employment: sexual harassment and retaliation claim against an executive at a Fortune 500 Company; mediated termination of 61-year-old parts manager of automotive dealership; discrimination claim by 66-year-old executive assistant; ADA claim by blind employee of not-for-profit company; ADA claim against U.S. Air Force by civilian employee; ADA claim by union member newspaper mailroom employee for failure to accommodate diabetes; hospital and medical office workplace claims - mediated refusal of PPO to re-list doctor against whom patient complaint made; sexual harassment claims by nurses against doctors; discrimination claim by female partner terminated by law firm; sex and religious discrimination claim by Muslim medical faculty member; mediated harassment and hostile environment claim by female HR director against male company president; harassment claim of male sales representative against female supervisor; hostile environment claim of two female employees of utility company; denial of tenure to university hospital physician; termination of employment of tenured Department Chair of Medical Faculty; and claim for \$500,000 severance benefits by executive terminated after entering plea bargain with U.S. Attorney.

Multi Party Mediation Experience Multi-plaintiff actions; product liability (multiple defendants); construction defect and delay disputes.

Years of Practice as a Mediator 22

Total Number of Cases Mediated 1500

Mediation Experience as an Advocate or Party Advocate, US Bankruptcy Court, Eastern District of Pennsylvania.

Mediation Philosophy I strongly believe that the parties to litigation are the owners of their disputes. Although guided by wise counsel, ultimately a party must make the ultimate and tough decision of what to do with his dispute. More than 98% of all cases resolve before trial, often on

the courthouse steps, when the risk of a third party judge or jury deciding the outcome of your dispute becomes uncomfortably real. The litigation process does not provide an opportunity where counsel, clients, carriers and anyone else with a direct interest in the outcome of a dispute, can gather in a "behind the screen," confidential setting to discuss not just the rights and obligations of the litigants, but also the interests and needs of the parties. The mediator guides, but does not own, this conversation - holding to the oath taken by doctors' in a different setting of doing no harm. I like to say to counsel and their clients in a mediation setting that in all likelihood the conversation we will engage in will help them focus on what they need to put this claim to bed and help them engage in creative ways of fulfilling that need. I believe that a dispute is a problem to be solved, not a battle to be won. If a dispute does not settle in mediation, the parties will know clearly what the stumbling block is and, with the help of the mediator, will know how to clear it, if they so desire. Although I am a mediator, there are all kinds of reasons, and not just monetary, why a case needs to be tried. I do not believe in bludgeoning the parties into settlement.

Am I evaluative, facilitative or transformative? Do I use joint caucusing and private caucusing? Do I reach out to counsel and the parties before the mediation? Do I require pre-mediation briefing? To all of those questions the answer is "it depends." It depends on the type and complexity of the dispute. It depends on the needs and preferences of the parties. It depends on the personalities of the participants, and the relationships between parties and parties, parties and counsel, counsel and counsel, and counsel and adjusters. One size does not fit all, and unlike litigation, a hallmark of mediation is not just its confidentiality, but its flexibility. As a mediator, I try to be responsive to the changing needs of the parties in the mediation. A mediation that starts out facilitative may turn to the evaluative at a late hour in the day. However, the evaluation, unless specifically requested, is usually in the form of a "what if" or a mediator's suggestion or a mediator's range, with continuing options that flow from those. The mediator is the devil's advocate, the asker of hard questions, the agent of reality, the thoughtful shaper of negotiations. The mediator, by her questions, tries to shape and sharpen the reality of each party.

Our legal system, the best in the world, allows everyone his day in court. But I have yet to meet a party who after the emotional, financial and time cost of trial, combined with its uncertainty and limited-remedy outcome, is eager to go that route again.

Mediation References Available upon request.

Alternative Dispute Resolution Training Sedona Conference, E-Discovery for Special Masters and Mediators, 2010; College of Commercial Arbitrators Annual Conference, 2009; Chartered Institute of Arbitrators, Advanced Arbitration/Fellow Training, 2009; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2009; Harvard Law School Project on Negotiation Mediation Pedagogy Conference, 2009; ABA ADR Section Meetings, 2009; CPR Institute, Conference on Innovations in Dispute Resolution, 2009; AAA Arbitrator Ethics & Disclosure (ACE003), 2007; Construction Dispute Resolution Services, Mediation Course, 2007; Faculty, AAA Neutrals Conference, 2003; AAA Employment Arbitrator II Training: Advanced Case Management Issues, 2002; AAA Arbitrator Update 2001; AAA Mediator Conference, 2000; AAA/USATF Doping Grievance Arbitrator Training, 2000; AAA Commercial Arbitrator Training, 2000; AAA Mediator Retreat, 2000; AAA Employment Arbitrator Training, 1998; AAA Advanced Construction Industry Mediator Training, 1998; International Academy of Mediators, Best Practices, 1996-present; AAA Construction Arbitrator

Training, 1996; Pennsylvania Bar Association, Alternative and Expedited Dispute Resolution, 1995, 1994; faculty, AAA Advanced Commercial Mediation Training; American Intermediation Service, Inc., Basic Training; various other ADR trainings.

Professional Licenses Admitted to the Bar: California (inactive), 1974; Pennsylvania, 1988; Idaho; U.S. District Court: Eastern District of Pennsylvania (1988), Southern (1984), Eastern (1983) and Central (1975) Districts of California; U.S. Court of Appeals, Ninth Circuit, 1985; U.S. Tax Court, 1982.

Professional Associations Chartered Institute of Arbitrators (Fellow); Academy of Court Appointed Masters; International Mediation Institute (Independent Standards Commission, Vice Co-Chair); American Bar Association (Section on Dispute Resolution); Pennsylvania Bar Association (Alternative Dispute Resolution Committee); Philadelphia Bar Association (Alternative Dispute Resolution Committee); American College of Civil Trial Mediators (Distinguished Fellow); International Academy of Mediators (Distinguished Fellow; Past Board Member); College of Commercial Arbitrators (Member); International Institute for Prevention and Resolution of Disputes; Society of Professionals in Dispute Resolution (Delaware Valley Chapter, Past President); Anti-Defamation League (Philadelphia and Delaware Valley Region, Vice-Chair; Chair, Civil Rights Committee).

Education Barnard College (BA-1966); Cornell University (JD, E.D.P. Carey Writing Award, Moot Court Board-1974).

Awards and Honors "Pennsylvania Super Lawyer," 2005, 2006, 2007, 2008, 2009; "Best Lawyers in America," 2006, 2008, 2009, 2010 edition; and Los Angeles Board of Police Commissioners Merit Award for Service as Hearing Officer, 1987.

Publications and Speaking Engagements "Mediator Certification," DISPUTE RESOLUTION JOURNAL, 2008; "ADR v. the Bench: Why Are Neutrality Standards Different?," Alternatives to the High Cost of Litigation, CPR International Institute, May 2007; "Mediators Alert: Now Certification Goes Global," Alternatives to the High Cost of Litigation, March 2008; "When the Neutral's Dilemma Hits: Routine Problems, and the Not-So-Routine Repercussions of Common Arbitration Conflicts," ALTERNATIVES TO THE HIGH COST OF LITIGATION, CPR International Institute for Conflict Prevention & Resolution, vol. 25, no. 5, May 2007; Faculty, "Negotiation", Wharton School of Business Executive Education; "ADR v. the Bench: Why Are Neutrality Standards Different?," ALTERNATIVES TO THE HIGH COST OF LITIGATION, CPR International Institute for Conflict Prevention & Resolution, vol. 25, no. 4, April 2007; "Mediation: 20 Tips in 40 Minutes," 3rd PBI Institute, March 2007; "Powerful Persuasion: What Mediators Really Want to Hear," TRIAL MAGAZINE, vol. 42, issue 4, April 2006; "Telling Stories: Lessons from the Bible, Literature and Film Provide a Reference for Mediation Work," ALTERNATIVES TO THE HIGH COST OF LITIGATION, CPR International Institute for Conflict Prevention & Resolution, vol. 23, no. 10, Nov. 2005; "Think Outside the Box: Use Mediation Proactively," CORPORATE COUNSEL MAGAZINE, Jan. 2005; "Providing Alternatives to Litigation," WOMENSBIZ.US, Oct. 2004; "Seven Common Myths of ADR," METROPOLITAN CORPORATE COUNSEL, Sept. 2004; "Creating and Certifying the Professional Mediator - Education and Credentialing," AMERICAN JOURNAL OF TRIAL ADVOCACY, Cumberland School of Law of Samford University, vol. 28, issue 1, Summer 2004; "Seven Myths and Three False Truths About ADR," Pennsylvania Bar Institute, 2004; "Mediating the 'Palsgraf' Case," ADR CURRENTS, 12/01-02/02; "Pros and Cons of ADR," DISPUTE RESOLUTION JOURNAL, Summer 1997; "Mediator Credentialing," ARBITRATION & MEDIATION, Spring 1997; "Mediation Works," DISPUTE RESOLUTION

JOURNAL, April-June, 1995.

SPEAKING ENGAGEMENTS: Faculty, ABA/ADR Advanced Mediation Institute, Oct. 2009; Faculty, "Negotiation", Wharton School of Business Executive Education; "Resolution Matters: Managing Conflict Through the Use of Early Mediation," National Guardianship Association Conference on Guardianship, Oct. 2007; "Employment Mediation" Employment Practice Group, Morgan Lewis & Bockius, May 2007; "Mediation: 20 Tips in 40 Minutes," 3rd PBI ADR Institute, March 2007; "How to Psych Out Your Opponent," Philadelphia Trial Lawyers Association, November 2006; "Ethical Dilemmas of the Neutral," 8th Annual ABA Section of Dispute Resolution Conference, April 2006; "Mediating Cases in Litigation," Weber Gallagher Simpson Stapleton Fires & Newby LLP, May 2006; "Mediating Employment Cases," Spector Gadon & Rosen P.C., April 2006; "Stump the Mediator," 2nd PBI ADR Institute, March 2006; "ADR Spectrum," Sweeny & Sheehan, March 2006; "When Minds Don't Meet: Dealing With Difficult Moments in Mediation," International Academy of Mediators, Nov. 2005; "Negotiation and Mediation," Albertson' Regional Counsel Meeting, June 2005; "Psychological Impediments to Mediation Success," CPR Institute for Dispute Resolution, 2005; "Are the Federal Courts More Efficient at Resolving Disputes Than Arbitration Panels?," Federal Bench Bar Conference, 2005; "Mediation for Trial Lawyers," American College of Trial Lawyers, 2005; "Literature, Film and ADR", ABA ADR Section Meeting, 2005; "ADR & Intellectual Property Disputes," Pennsylvania Bar Institute, 2004; "Myths and False Truths of ADR," CPR Institute for Dispute Resolution, 2004; "Mediator Certification," IAM and ACCTM Spring Meetings, 2004; "Advanced Mediation and Advocacy Skills Training," ABA Section of Dispute Resolution, 2003; "Panel on ADR," Philadelphia Intellectual Property Lawyers Association, 2003; "The Lighter Side of Coverage: Bad Mediation," ABA Tort Trial and Insurance Practice Section, 2003.

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Experience Over 25 years as civil trial lawyer in business litigation, construction, real estate, insurance law and commercial lending. Ten years as an administrative law judge handling commercial disputes. Over 20 years as a mediator and arbitrator resolving complex commercial claims. Dispute resolution experience in contract, environment, construction, employment, personal injury and products liability, attorney and accounting malpractice, securities, insurance coverage and bad faith, franchise, class actions, and bankruptcy. Adjunct Professor at Cornell Law School, 1999-present. "Pennsylvania Super Lawyer," 2005, 2006, 2007 and 2008; "Best Lawyers in America," 2006, 2008 and 2009 edition; and Los Angeles Board of Police Commissioners Merit Award for Service as Hearing Officer, 1987.

Alternative Dispute Resolution Experience Mediated and arbitrated over 1500 claims, eg. \$90 million office-park construction project [delay damages, CPM scheduling]; \$75 million school district project [acceleration and compression damages]; acceleration damages claim by general contractor against pre-cast concrete subcontractor for failure to keep contract schedule; National Franchisee Association unfair business practice claim vs. Franchisor; termination of franchise agreement; software licensing dispute between IT companies; claim of system failure by NASD broker against clearing house; dispute over Stock Purchase Agreement valuation of stock due to environmental hazard and attendant clean-up cost; dispute over underground spill of petroleum contaminating soil and groundwater; dispute between pharmaceutical firms over inclusion of placebo form of product in asset purchase agreement; withdrawal of senior debt commitment by bank after reliance by network television; dispute over valuation of medical practices merging into county hospital; dispute between bank and insurer over reinsurance trust account; infringement of copyright and trade dress rights in commercial product; dispute over patent license assignments and income sharing; sexual harassment and retaliation claim against publicly traded company; and ADA claim against United States Air Force by civilian employee. Judge Pro Tem, Court of Common Pleas, Philadelphia, 1995-present; arbitrator, Montgomery County Court of Common Pleas, 1996-present. Panel Member: Philadelphia Commerce Court; EEOC Mediation Services Panel; General Services Administration Employment Dispute Resolution Panel; USA Track and Field Olympic Trials; Mediator, Federal Circuit Court of Appeals; and Mediator, U.S. International Trade Commission. International Mediation Institute Certified Mediator.

Alternative Dispute Resolution Training Sedona Conference, E-Discovery for Special Masters and Mediators, 2010; College of Commercial Arbitrators Annual Conference, 2009; Chartered Institute of Arbitrators, Advanced Arbitration/Fellow Training, 2009; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2009; Harvard Law School Project on Negotiation Mediation Pedagogy Conference, 2009; ABA ADR Section

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