

Featured Panel: CPR's CPA, Taxation & General Counsel Panels

Early spring heralds the due date for taxes. The CPR Institute's more than two dozen specialty panels include the Certified Public Accountants, Taxation and General Counsel panels, with experts who can help companies resolve disputes emerging from this filing deadline as well as other disputes in these areas.

The CPA Panel comprises U.S. certified public accountants with experience in complex commercial matters. These neutrals' expertise includes forensic accounting, valuation, and professional malpractice by accounting firms. Most have served in ADR cases with large claims or had extensive experience auditing or consulting with large clients.

Taxation disputants may also want to consult CPR's Taxation Panel. This panel is exclusively composed of highly experienced attorneys capable of handling the complexity of corporate tax disputes.

Carlos A. Romero Jr., the founding partner of Post & Romero in Miami, and one of the founding members of the Miami International Arbitration Society, has been applying his broad business, CPA background, and dispute resolution skills in complex accounting disputes in different industries.

Romero notes, "[w]hether the dispute is between a national local-exchange carrier and a clearinghouse of all nationwide collect calls, between a reinsurer and a reinsured, between a national hospital chain and a national health insurer, between a publicly traded health insurer and a Medicare HMO, or a commercial divorce of owners of a multi-million dollar business, these disputes invariably involve multiple years of unreconciled accounting issues on multiple

fronts and, also, the integrity of the database and information system—oftentimes coupled with badges of fraud or abuse. Understanding the specific range of issues, the level of proof sought by the parties, and the limitations of the information systems and database plays a critical role (at the inception of the proceeding) in designing the parameters of the proceeding and discovery. The most satisfying results are obtained from the adoption of novel methods for streamlining discovery to provide truly meaningful and relevant information. In all disputes, however, I have found that promoting and maximizing mutual cooperation and agreement to be the most valuable tool that I have ever exploited."

CPR's General Counsel Panel consists of current or former general counsel at companies like AT&T Corp., Credit Suisse Group AG, Siemens AG, ConocoPhillips Co., Morgan Stanley, Pfizer Inc., General Electric Co., and other Fortune 500 corporations. Their experience offers essential perspective and skills for efficient corporate conflict management.

David M. Brodsky, the principal at Brodsky ADR LLC in New York, is a member of the CPR General Counsel Panel. He also is a former Managing Director and General Counsel-Americas at investment bank Credit Suisse First Boston, and a former senior litigation partner at Schulte Roth & Zabel, and Latham & Watkins. Brodsky has represented and advised general counsels in litigation and in investigations, as well as written and lectured on the role of general counsels and their potential liability as so-called gatekeepers on corporate disclosure issues.

Of his more than 40 years of experience, Brodsky says, "I have been engaged in the

representation of a variety of corporate entities, most of which have had inside general counsel, and I have been a general counsel myself. I've also represented general counsel individually. The combination of these experiences enabled me to relate well to general counsels, to see the situation from their perspective, and thus to understand the unique problems they face when dealing with senior management, boards of directors, other stakeholders, and outside counsel, as well as to help formulate potential resolutions of problems in their representation of their corporate clients. I bring these same attributes to my role as arbitrator and mediator in disputes involving general counsels."

Walter Gans is an arbitrator and mediator in New York City. Gans, a former Siemens GC, says that he "undertook to institutionalize ADR within the company, and we were one of the original corporate founders of CPR and the first foreign-based multinational enterprise to



Walter Gans

sign and actually invoke the corporate ADR pledge. It was of paramount importance to us to select neutrals, whether as mediators or arbitrators, who had an understanding not only of the business issues in dispute but the culture in which the dispute arises and an appreciation for time and cost efficiencies. We found there was a paucity of qualified neutrals who could provide those attributes to the resolution of disputes. I now have the opportunity to endeavor to practice what I was preaching."

For further information about these or other CPR Panels of Distinguished Neutrals please contact Mara Weinstein, Special Counsel and Panels Manager at mweinstein@cpradr.org.

—Mara Weinstein, CPR Institute



Carlos A. Romero Jr.



David M. Brodsky