

CLAIRE P. GUTEKUNST
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Professional Experience

- INDEPENDENT MEDIATOR AND ARBITRATOR** April 2012-Present
Act as a neutral mediator and arbitrator in commercial and other disputes.
- SPECIAL MASTER FOR NEW YORK CITY** April 2012-June 2013
ASBESTOS LITIGATION, New York, NY
Issued orders concerning the adequacy and allocation of settlements where plaintiff is deceased; resolved disputes concerning discovery and trial readiness issues; conducted settlement conferences; and assisted administrative and trial judges in managing the dockets of all asbestos personal injury and wrongful death cases filed in New York City.
- PROSKAUER ROSE LLP**, New York, NY Sept. 1983-April 2012
Partner, Litigation & Dispute Resolution Department Nov. 1991-April 2012
Advocated for corporate, law firm and individual clients in resolving complex commercial disputes, in mediation, arbitration and state and federal court pre-trial, trial and appellate proceedings, in matters involving breach of contract (many in the context of sale of a business), common law and securities fraud, RICO, consumer class actions, accountant's liability, bankruptcy, insurance coverage, false advertising and theft of trade secrets, among other claims.

Education

- YALE LAW SCHOOL**, New Haven, CT 1983
J.D.
Articles Editor, *Yale Journal of World Public Order* (now
Yale Journal of International Law)
- BROWN UNIVERSITY**, Providence, RI 1980
A.B. *magna cum laude*, Political Science and Economics 1980
A.M. Economics

Bar Admissions

- NEW YORK** 1984
U.S. SUPREME COURT 1988
U.S. COURT OF APPEALS, SECOND CIRCUIT 1991
U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK 1985
U.S. DISTRICT COURT, EASTERN DISTRICT OF NEW YORK 1985

Alternative Dispute Resolution Activities

NEW YORK STATE SUPREME COURT, COMMERCIAL DIVISION

Volunteer Mediator	1997-Present
ADR Advisory Group	1999-2007; 2013-Present
Mediator Training	
2-day advanced mediator training course	2010
4-hour advanced mediator training course	2006
3-day training course	2002
1-day training course	1997

AMERICAN ARBITRATION ASSOCIATION

Storm Sandy Mediation Program – Mediator	2013-Present
Arbitrator Training – 2-day course	2013
Northeast Region General Commercial Advisory Committee	2000-2002

NEW YORK STATE BAR ASSOCIATION DISPUTE RESOLUTION SECTION

Vice Chair-Elect	2014-Present
Executive Committee Member-at-Large	2013-Present
NYSBA Executive Committee Liaison	2009-2013

INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION & RESOLUTION

Executive Advisory Committee	2003-Present
Arbitration Committee	2010-Present
Working Group on the CPR Protocol on Determination of Damages in Arbitration	
Working Group on the Guidelines for Early Determination of Issues in Arbitration	
National Task Force on Diversity in ADR	2006-Present
Proskauer Rose LLP Sustaining Member Representative	1991-2012
Advisory Committee for the New York City Panel	2004-2006
Annual Meeting Advisory Committee	Several years
Panels Diversity Committee	2003
Panels Advisory Group	2003
ADR Suitability Committee	2001

NEW YORK CITY BAR ASSOCIATION

Arbitration Committee	1984-Present
Arbitration Committee	2013-Present
Alternative Dispute Resolution Committee	1996-1999
Office of Court Administration Liaison Subcommittee	1998-1999

PROSKAUER ROSE LLP

Chair, ADR Committee	1990-2008
International Arbitration Practice Group	2009-2012

WESTCHESTER WOMEN'S BAR ASSOCIATION

Mediation Committee	2013-Present
Mediation Committee	2013-Present

Other Professional Affiliations & Public & Philanthropic Service

NEW YORK STATE BAR ASSOCIATION

Sustaining Member	1984-Present
Treasurer	2011-2013
Vice President, First Judicial District	2007-2011
Executive Committee Member-at-Large	2003-2006
Member of House of Delegates	2002-2006, 2007-2013
Committee on Membership	
Chair	2006-2011
Vice Chair	2002-2006
Member	2000-2002, 2011-Present
Special Committee on Rules for Consideration of Reports	
Co-Chair	2010-2011
Strategic Planning Committee	
Chair, Subcommittee on Membership	2010-2012
Commercial & Federal Litigation Section	
At-Large Member of Executive Committee	2006-Present
NYSBA Executive Committee Liaison	2003-2006
Committee on Diversity & Inclusion (formerly Committee on Minorities in the Profession)	
Member	2006-Present
NYSBA Executive Committee Liaison	2003-2006, 2007-2010
Dispute Resolution Section	
Executive Committee Member-at-Large	2013-Present
NYSBA Executive Committee Liaison	2009-2013
Women's Initiative	
Editorial Content Board	2013-Present
CPLR Committee	
NYSBA Executive Committee Liaison	2008-2009
Antitrust Section	
NYSBA Executive Committee Liaison	2007-2009
Special Committee on Court Structure & Judicial Selection	2004-2008
Gender Equity Task Force	
NYSBA Executive Committee Liaison	2005-2006
Special Committee on Cyberspace Law	
NYSBA Executive Committee Liaison	2003-2006
Task Force on Court Reorganization	1997-2003
Strategic Planning Advisory Committee	
Chair	1995-1997
Committee on Women in the Law	
Chair	1993-1996
Vice Chair	1992-1993

Subcommittee on Women in the Profession, Chair	1990-1993
Subcommittee on Ruth G. Schapiro Memorial Award, Chair	1992-1993
Member	1988-1992
Task Force on Membership	
Co-Chair	1995
Ad Hoc Committee on the Jury System	1993-2003
NEW YORK WOMEN'S BAR ASSOCIATION & WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK	1993-Present
NINTH JUDICIAL DISTRICT COMMITTEE TO PROMOTE GENDER FAIRNESS IN THE COURTS	2014-Present
NEW YORK STATE JUDICIAL SCREENING COMMITTEE	1997-2005
FIRST DEPARTMENT JUDICIAL SCREENING COMMITTEE	1997-2005
GOVERNOR'S TEMPORARY JUDICIAL SCREENING COMMITTEE	1995-1997
YWCA-NYC ACADEMY OF WOMEN LEADERS ADVISORY COUNCIL	
Chair	2004-Present
YWCA-NYC REENTRY EMPLOYMENT PROGRAM LEGAL ASSISTANCE COMMITTEE	
Chair	2000-2003

Honors & Awards

WHO'S WHO IN AMERICAN LAW	2014-2015, 2007-2008, 2005-2006 1998-1999
NEW YORK SUPER LAWYERS	
Alternative Dispute Resolution	2013
Business Litigation	2006-2011
WHO'S WHO IN AMERICA	2012
EMPIRE STATE COUNSEL	2007-2012
HONOREE OF YWCA-NYC, New York Liberty Inspiring Women Night	2009
WHO'S WHO OF AMERICAN WOMEN	2006-2007
YWCA-NYC MARY ROUSMANIERE GORDON AWARD	2006
YWCA-NYC ACADEMY OF WOMEN LEADERS	Inducted 1997
THE NEW YORK BAR FOUNDATION	Elected 1994
Maryann Saccomando Freedman Fellow	

Publications and External Presentations

New York State Bar Association Dispute Resolution Section Fall Meeting, "Dispute Resolution for 2013 and Beyond," November 5, 2013, Program Co-Chair; also Moderator: "The View from the Boardroom – Corporate Counsel Perspectives on Mediation"

Crowell & Moring Trial Excellence Program, September 10, 2013, Panelist: "Winning without Trial: Mediation"

Perrin Conferences – Litigating Asbestos Cases in Today's Environment, Featuring Insights from the Bench: The Judicial Perspective, December 6, 2012, Panelist: "Mastering the Art of Asbestos Claims Coordination and Mediation – The Role of the Special Master"

Perrin Conferences – Asbestos Litigation Conference: A National Overview & Outlook, September 10, 2012, Panelist: "Litigating Cases in Delaware and New York"

C. Gutekunst & C. De Guzman, "The Benefits of New York as an International Arbitration Venue," *Financier Worldwide Global Reference Guide: Litigation & Dispute Resolution 2011* (March 2011)

C. Gutekunst & R. Smallheer (based on First and Second Editions written by Stephen Rackow Kaye), "Final Arguments in Jury and Bench Trials," Ch. 44 in *COMMERCIAL LITIGATION IN NEW YORK STATE COURTS*, 3d Ed. (R. Haig, Editor) (West 2010)

New York State Bar Association Dispute Resolution Section and Entertainment, Arts & Sports Law Section Joint Fall Program, October 12, 2010, Moderator: "How To Maximize Results in Mediation"

New York State Bar Association Dispute Resolution Section and Labor & Employment Law Section Fall Meeting, October 3, 2009, Panelist: "What Do Advocates Want from the Arbitrator? From the Mediator? How Do Advocates Select a Neutral?"

C. Gutekunst, "Selecting an Arbitrator for a Commercial Dispute," New York State Bar Association Dispute Resolution Section and Labor & Employment Law Section Fall Meeting, Program Book (October 2009)

International Academy of Mediators, 2009 Spring Conference, April 15, 2009, Panelist: "Women in Power: When the Client and Advocate Are Women"

New York State Bar Association Committee on Alternative Dispute Resolution Annual Meeting Program, January 25, 2007, Panelist: "Winning Through Mediation – Know When To Hold 'Em and Know When To Fold 'Em: How To Be an Effective Advocate in Mediation"

American Arbitration Association, June 14, 2005, Panelist: "Selecting the Best Arbitrator for Your Case: Commercial or Construction"

American Bar Association Section of Dispute Resolution Conference, April 16, 2004, Panelist: "The Way You Wear Your (Neutral) Hat: Litigators Critique Neutrals"

C. Gutekunst, "Choosing a Mediator for a Commercial Dispute: Considering Qualities and Styles," American Bar Association Section of Dispute Resolution Conference, Program Book (April 2004)

CPR Institute for Dispute Resolution, 2003 Annual Meeting, January 31, 2003, Panelist: "Assessing Conflicts for ADR Suitability"

New York State Bar Association Committee on Alternative Dispute Resolution Annual Meeting Program, January 23, 2003, Panelist: "Uniform Mediation Act" and "Hot Topics in RUAA and UMA"

American Arbitration Association, June 12, 2002, Participant in Roundtable Discussion: "How To Save Time and Money in Arbitration: Users Speak Up," published in *Dispute Resolution Journal*, Aug.-Oct. 2002, at 27

Association of the Bar of the City of New York Committee on Alternative Dispute Resolution ADR Luncheon, June 3, 2002, Panelist: "What Is Mediation? The Emergence and Consequences of Multiple Processes"

New York State Unified Court System 2001 Judicial Seminar, July 10, 2001, Panelist: "Jury Reform in New York and Across the Nation: Ideas from the Jury Summit and Real Live Trials"

C. Gutekunst, "View from the Jury Box – The System Is Not Perfect, But It's Doing Pretty Well," 73 *New York State Bar Association Journal*, June 2001, at 35

Jury Summit 2001, hosted by New York State Unified Court System and The National Center for State Courts, Feb. 2, 2001, Panelist: "Communicating with Jurors"

New York State Bar Association Committee on Alternative Dispute Resolution Annual Meeting Program, January 26, 2001, Panelist: "Mediation Ethics: What an Attorney Needs To Know"

American Arbitration Association, June 14, 2000, at Fordham Law School, Panelist: "ADR . . . Everybody's Doing It"

C. Gutekunst and G. Hoffman, "Focus on Confidentiality – For Mediators, Practitioners, Definitive Guidance Lacking," *New York Law Journal*, May 30, 2000, at 9, col. 3

C. Gutekunst, "A Mediation Clause in Every Commercial Contract," *New York Law Journal*, March 2, 2000, at 3, col. 1

Sun Company Law Department ADR Seminar, December 17, 1996, Speaker: "ADR Overview"