

**Contact** American Arbitration Association

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**Michael T. Walsh, Esq.**

**Current Employer-Title** Boundas, Skarzynski, Walsh & Black, LLC - Co-Founder and Principal

**Profession** Mediator, Arbitrator, Attorney

**Work History** Co-Founder and Principal, Boundas, Skarzynski, Walsh & Black, LLC, 2003-present; Partner and Member of Executive Committee, Peterson & Ross; Founder and Partner Walsh & Sheehan, LLP ; Partner, Heidell, Pittoni, Murphy & Bach ; Assistant General Counsel and Officer of Skandia American Reinsurance Corporation; Associate, Martin, Clearwater & Bell.

**General Experience** AV (Highest) Rated Attorney with over 30 years experience in Civil and Commercial Disputes.

Designated as ALTERNATIVE DISPUTE SUPER LAWYER in NEW YORK METROPOLITAN AREA for 2009, 2010 and 2011.

SEE WEBSITE MICHAEL WALSH ADR for full description of Mediation Experience, Expertise as well as RECOMMENDATIONS

Extensive experience in Resolution of Professional Liability Disputes, including Attorneys, Accountants, Insurance Brokers and Agents, as well as Directors and Officers (including Non-Profit); was member of the Steering Committee for the Eastern Region (of the United States) of the Professional Liability Underwriting Society. Resolved and Settled Attorney Malpractice Issues included Real Estate Transactions, Labor Union Representation, Workmen's Compensation and Retirement Issues, Securities Law, Tax and IRS Issues , as well as Labor Law and Personal Injury Representation.

Involved in Insurance, Excess Insurance and Reinsurance Coverage issues, including Allocation of loss among multiple insurers, Primary/excess issues, Trigger issues and number of occurrences, Exhaustion of policy limits, Toxic torts and hazardous waste coverage, Casualty and environmental coverage, Professional liability coverage, Employer liability coverage, Various other first and third-party coverage, Mass Tort Actions (Asbestos and Repetitive Stress Injury), Environmental and Product Liability Issues, Allocation and Occurrence Issues, Lead Paint and Products Liability Matters, Personal Injury Claims, as well as Finite Risk and Rescission Actions; exposure on these matters ranged between \$20,000 and \$25 million. Entities involved in these cases included Fortune 500 Companies, School Districts, Churches, Product Manufacturers and Distributors, Professional Sports Teams, as well as Law Firms and Insurance and Reinsurance Brokers.

Other areas of practice include Defense and Resolution of Clergy Sexual Misconduct

Cases, First Amendment Issues, Personal Injury and Premises Liability (Plaintiffs and Defendants), Employment Discrimination, RICO Claims, and the Representation of the Estate of a recognized art world master in a high profile action to recover compensation and other rights related to the artist's work from Museums, Auction Houses and other Art Collectors.

Personal injury Experience includes Representation of Plaintiffs and Defendants in Automobile and Construction Accidents, Slip and Falls, Medical Malpractice and Product Liability Matters.

Certified Mediator and Arbitrator, ARIAS US; Member of Commercial Mediation Panels, New York State Supreme Court, New York and Westchester Counties.

**Experience as a Mediator** Has served as mediator in over 40 Mediations involving: commercial matters, including sports arena leasing, payment for architecture plans on large scale commercial development and issues regarding search firm representation and merger of the parties involved in the initial search, Healthcare Disputes, as well as Accounting malpractice claims. Also served as mediator in legal malpractice matters based upon contract drafting and representation on pension and retirement rights, Partnership Dissolutions and Personal Injury Claims as well as disputes over artwork ownership, including litigation over ownership of Artwork of Yoko Ono.

**Representative Issues Handled as a Mediator** Commercial contract issues involving leasing of sports arena suites including claims in excess of \$1 million for failure to fulfill lease obligation.

Legal malpractice matters involving commercial representation on contract drafting of airport lounge agreement with claimed damages over \$2 million.

Litigation over the Ownership of Artwork of Yoko Ono.

Personal Injury Claims ranging in value from \$25,000 to \$5 million.

Dispute over payment for architecture plans on large scale commercial development and issues regarding search firm representation and merger of the parties involved in the initial search. Plaintiff search firm sought in excess of \$40 million based upon quantum meruit theories.

Legal malpractice matters based upon claims of mishandling of pension and disability benefits of public officials as well as Real Estate Title issues;

Action for dissolution of a well known NYC Bar/Restaurant and ownership of Trademark of Bar Name; action resulted from conflict between owners of LLC, including "Celebrity Bartender."

Disputes over Property and Business Interruption Coverage as a result of Superstorm Sandy.

**Multi Party Mediation Experience** Most cases mediated involved multiple parties.

**Years of Practice as a Mediator** 6

**Total Number of Cases Mediated** 42

**Mediation Experience as an Advocate or Party** Has served as an advocate in 16 mediations involving: Commercial Disputes, insurance and reinsurance coverage matters in excess of \$25,000 and up to \$50 million; reinsurance and insurance broker issues; and issues over the ownership of artwork worth in excess of \$25 million on behalf of the estate of a world -famous deceased artist.

**Mediation Philosophy** Strong belief in convincing the parties that the mediation experience is not one of "competition", that it is the parties' procedure (not the Mediator's) in attempting to work out a reasonable solution and avoiding costs of further litigation.

While aware that some cases cannot be successfully mediated, I am extremely persistent and will attempt to facilitate a solution until all reasonable avenues have been explored.

I have had success in mediation as a party advocate and mediator and firmly believe the process can work if both sides are in relatively good faith in approaching the process.

**Mediation References** Michael E. Norton, mn@nortonlawassociates.com,(212) 297-0100; Maris Buckner, ADR Coordinator NY Supreme Court, New York County Commercial Division, mbuckner@courts.state.ny.us; (646) 386 - 3020; David W. Smith, david\_smith@ggrca.com, (212) 754-7516; additional references provided upon request.

**Alternative Dispute Resolution Training** New York State Bar Association Dispute Resolution Section Meeting, 2013; The New York City Bar, Securities Arbitration & Mediation Hot Topics 2012 "The" Program for Attorneys, Experts, Arbitrators & Mediators, 2012; AAA Webinar, How to Become a More Innovative Neutral or Advocate: Applying Cutting Edge Innovation Management Techniques to Your ADR Practice, 2012; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2011; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2011; AAA Webinar, Muscular Arbitration: Trimming the Fat out of Arbitration, 2011; NYC Bar Association, Advanced Commercial Mediation Training, 2010; NY City Bar Association, Basic Mediation Training: Conflict Resolution Theory and Techniques, 2009; AAA Securities Arbitrator Training.

**Professional Licenses** Admitted to the Bar, New York, 1980; U.S. District Court, Southern and Eastern Districts of New York, 1980.

**Professional Associations** New York State Bar Association (Alternative Dispute Resolution Section, Subsection on Mediation); American Bar Association (Litigation Section; Alternative Dispute Resolution Section); ARIAS US (Law Committee Member); Association of Insurance and Reinsurance Run-Off Companies (Former Publications Committee Member and Chair, Advance Planning Sub-Committee).

**Education** University of Notre Dame (AB-1973); St. John's University (JD-1979).

**Awards and Honors** "SUPER LAWYER" in the New York Metropolitan Area in ALTERNATIVE DISPUTE RESOLUTION in the Years 2009, 2010 and 2011 and in Insurance Coverage Matters in the Year 2007 (awarded to only 5% of attorneys); Recipient of AV Rating (Highest Available) from Martindale Hubbell since 1995.

**Publications and Speaking Engagements** Moderator, "Reinsurance Claims and Loss Management," RAA, 2009; Summary of ALS v. AGM Marine Constructors, ARIAS-US, 2008; Summary of Reliance v. Raybestos, ARIAS-US, 2008; Special Editor, Commutations, AIRROC Matters, Summer 2007; moderator, "A Roundtable Discussion: The Dynamics of the Commutation Process Examined through Multiple Lenses," AIRROC Matters, Summer 2007; moderator, "Reinsurance Claims and Collections," American Conference Institute, 2003; "How Far is the Reinsurer Required to Follow the Fortunes of its Reinsured?," American Conference Institute, 2002; "Non-Profit Directors and Officers Liability Issues," Professional Liability Underwriting Society National Convention, 1995; "Why Not Arbitrate Coverage Disputes, The Review," THE INSURANCE ADVOCATE, July 1988, and THE REVIEW, January 1988; co-author, "Reinsurance Aspects of the Model Holding Company Act," American Bar Association Tort and Insurance Practice Session, 1987; "Under the Volcano - 1987 NAII Reinsurance Issues."

**Mediation Rate** \$375 Per Hour

Includes study/preparation time; travel time outside NY metropolitan area billed at \$200 per hour.

**Citizenship** United States of America

**Locale** New York, NY