



AAA Mediation.org™

Eric H. Holtzman, Esq.

Bay Shore, New York

Current Employer-Title Eric H. Holtzman, Attorney At Law

Profession Attorney

Work History Attorney, Law Office of Eric H. Holtzman, 1981 – Present; Associate, John M. Kenney P.C., 1979 – 1981; Associate, Farrell Fritz P.C. (formerly Farrell, Fritz, Pratt, Caemmerer & Cleary, P.C.), 1976 – 1979; Associate, Fritz O'Brien & Farrell, 1976; Associate Regional Counsel, U.S. Federal Energy Administration Region II, 1975; Deputy Assistant Attorney General, New York State Department of Law, 1974; Associate, Roth & Winograd, 1972 – 1973.

Experience At present, all professional time is devoted to serving as a neutral in both arbitrations and mediations -- in both Commercial and Construction Industry matters. Previously, nearly 50 years' experience as a civil litigator and trial attorney in a diverse and sophisticated practice typically involving multi-million dollar disputes. Professional time in the most recent past was devoted to: (a) commercial litigation and transactions, including commercial disputes, partnership transactions, partners' disputes and dissolutions (including law firms and other professional practices) and corporate transactions, shareholders' disputes and dissolutions; (b) real estate litigation and transactions including both commercial and residential real estate transactions, commission agreement disputes and lease litigation (including litigation involving buyers, sellers, developers, builders, and brokers); (c) construction litigation including representations of owners, contractors and materials suppliers; and (e) other litigation including Federal, State, and Surrogate's Court litigation. Substantive professional experience has also included: commercial disputes between petroleum marketers (including refiners) and their dealers with respect to supply and lease issues; self-insured products liability defense, self-insured environmental defense; transportation of hazardous materials and trade regulation. Has also served as counsel for fully integrated oil companies, for major regional petroleum marketers (gasoline, fuel oil and LP gas), for major automotive components manufacturers, and for construction companies, building trades subcontractors and material suppliers. Has served as national coordinating counsel for an international automotive components manufacturer with respect to multi-jurisdictional design defect litigation, typically involving catastrophic or fatal injuries. Additional experience in insurance coverage matters involving automobile, homeowners', general liability, professional liability and life insurance policies. For more than 40 years, rated "AV" by Martindale-Hubbell Law Directory and, for at least 30 years, included in that publisher's Bar Register of Preeminent Lawyers.

Mediator Experience Member of the Panel of Mediators for the Commercial Division of the Supreme Court of the State of New York (Suffolk County); Mediator for the United States District Court Eastern District of New York Full Panel and Storm Sandy Mediation Panel; Mediator Product Liability Claims Against Motors Liquidation Corporation (f/k/a "General Motors Corporation) United States Bankruptcy Court Southern District of New York; Mediator AAA-NYS Department of Financial Services Storm Sandy Mediation Program; Mediator for the Attorney-Client Grievance Mediation Program, Tenth Judicial District, State of New York; Mediator for the District Courts of Suffolk County; and community mediator EAC Mediation Center. Has mediated, to successful conclusion, dozens of disputes between property owners and insurers arising from damages sustained in Storm Sandy; scores of disputes involving breach of contract claims, disputes between adjoining landowners,

landlord and tenant disputes, property damage claims, disputes between contractors and owners, disputes between contractors and subcontractors, disputes between professionals (architect, certified public accountant, attorneys and clients), equine disputes, and wrongful death claim against a motor vehicle manufacturer. Has also mediated, to successful conclusion, dozens of grievances between clients and attorneys.

**Representative Issues
Handled as a Mediator**

Issues have included: insurance coverage and damages sustained in Storm Sandy; wrongful death products liability claim; architect's fees; accountant's fees; attorney's fees; law firm dissolution; hotel owners' partnership dispute; equine breeders' partnership dispute; franchise owners' partnership dispute; construction disputes; and property damage claims.

**Mediator Style & Process
Preferences**

Mediation is an extraordinarily powerful process. It repairs severed relationships and achieves for its parties a "just result" as they themselves define that term. When undertaken in good faith by committed participants, and when assisted by a neutral dedicated to thoroughly and creatively exploring every potentiality for agreement, disputes once believed unable to be settled, can be, and most often are, resolved to the satisfaction of the parties. I am committed to working creatively and tirelessly to help similarly committed parties explore every potentiality for resolution of their dispute. I am cognizant of, and respectful of, the principle that parties choose ADR (and, particularly, mediation) because it works swiftly, efficiently and economically. My formal training is as a facilitator. However, I believe a mediator's evaluation can often move the matter forward, when all parties desire his evaluation. My successes are divided approximately equally between facilitative and evaluative roles. I bring commitment, passion, energy, creativity, and positive thinking to the mediation table. I am hopeful that participants will also bring these qualities, as well as their good faith, to that table, too.

Education

University of Minnesota (JD-1972); University of Rochester (AB-1969)

Professional Licenses

Admitted to the Bar: New York (1973); U.S. District Court: Southern and Eastern Districts of New York (1977); U.S. Court of Appeals: Second (1979), Eleventh (1992), and Sixth (1994) Circuits

Professional Associations

American Bar Association; New York State Bar Association; Suffolk County Bar Association (Grievance Committee; Fee Dispute Resolution Committee, Co-chair). Prior memberships with Bar Association of Nassau County; Brooklyn Bar Association; and Defense Research Institute.

**Recent Publications &
Speaking Engagements**

Speaker, "Grievances & Fee Disputes", Suffolk County Bar Association, November 2011; speaker, "Selected Topics in Alternative Dispute Resolution", Suffolk Cty Bar Assn, April 2004; speaker in American Bar Association and New York State Bar Association programs related to civil litigation topics including effective cross-examination of expert witnesses in products liability litigation and advanced civil motion practice.

Mediation Rate

\$485 Per Hour

Languages

English

Citizenship

United States of America

Locale

Bay Shore, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.