



AAA Mediation.org™

## Walter W. Kocher, Esq.

Livingston Manor, New York

**Current Employer-Title** Self-employed - Attorney

**Profession** Attorney - Dispute Resolution

**Work History** Attorney, Self-employed, 1994-present; Adjunct Faculty, Ohio State College of Law, 1995-96; Vice President/General Counsel, Borden, Inc., 1979-94; Assistant General Counsel/Corporate Counsel/Litigation Counsel, Borden, Inc., 1969-79; Attorney, Stauffer Chemical, 1968-69; Attorney, Pfizer, Inc., 1963-68; Attorney, Mudge Stern Baldwin & Todd, 1959-63.

**Experience** More than 40 years litigation experience including six years specializing in dispute resolution. Participated in a large spectrum of business transactions, corporate governance and litigation including acquisitions, mergers, dispositions, licensing, antitrust, employment, environmental, product liability, toxic tort and intellectual property. Advocate and neutral in many international and domestic business arbitrations, mediations and litigation including the development of, and participation in, the 1982 Borden-Texaco mini-trial/mediation, resulting in a multi-million dollar business resolution. While Vice President and General Counsel of Borden, the chemical division had its own exploration program. As a result, the law department participated in numerous transactions relating to the purchase, sale, swap, transportation, and processing of natural gas. Also familiar with joint operating agreements, lease obligations/royalties/owner matters, and gas processing. Environmental expertise in allocation of responsibility, risk assessment, deminimis settlements, toxic torts, indoor air quality and hazardous waste. Toxic tort experience includes claims arising from asbestos, UFFI, formaldehyde, VCM and numerous other chemicals. Familiar with federal environmental statutes including Federal Food, Drug and Cosmetic Act, FIFRA, CERCLA, RCRA, Clean Water Act, ADR Act, TSCA, Clean Air Act, Safe Drinking Water Act, SARA, among others. Adjunct Faculty, Ohio State College of Law, 1995-96.

**Mediator Experience** Has served as a mediator for the Ohio State and Federal court mediation programs since 1986, mediating numerous personal injury, breach of contract, and employment claims. Has conducted four to six mediations a year under these programs. Since 1994, has been a full time mediator/arbitrator conducting mediations on an ad hoc basis as well as through various mediation programs, such as the U.S. Postal Service Redress Program, and under the auspices of the American Arbitration Association and other ADR providers. The disputes have involved individuals as well as large and small companies and have included improper discharge claims as well as the interpretation of joint venture, acquisition, supply, distribution agreements and other basic contracts. The amounts have ranged up to six figures. As examples, one case involved the State of Ohio and a road maintenance contractor. Another case involved two partners that had a falling out and were attempting to divide up the business without destroying it. A third involved a former key employee who wanted to be compensated for the company's use of his intellectual property. The Postal Service Redress Program allows employees an avenue to be heard on work related questions, such as shift allocation, promotions and suspensions.

**Representative Issues Handled as a Mediator** The legal issues involved in employment cases have included improper discharge, failure to allow disability claims, and allegations of sexual harassment. Contract issues have included tortious interference, scope of the contract, compliance or non-compliance with the terms, and alternatives to

termination. In all cases the scope of damages has been a key issue.

<b>Mediator Style &amp; Process Preferences</b>	I am a firm believer in mediation as a practical, effective way of resolving disputes. As an arbitrator, while hearing the parties' presentation, I often think that if the parties had truly focused on mediation, I would not be here now. My role in mediation is as a facilitator not an evaluator. I avoid evaluating a parties' position or providing legal advice. As a mediator, it is necessary to be familiar with, understand, and to be able to evaluate the factual and legal issues that arise, but more importantly to be able to focus the parties on resolution, despite their belief that they have strong legal support for their position, and clearly expect to prevail on the merits. I believe the mediator should act as the catalyst in bringing the parties together in their attempt to resolve a dispute. The mediator needs to focus the parties on the benefits of resolving the dispute and explore creative ways of bridging the gap between the parties' interests. A key is convincing the parties, including counsel, that resolution is in the interest of both parties.
<b>Education</b>	Fordham University (BS-1956); University of Michigan (JD-1959); New York University (LLM-1968)
<b>Professional Licenses</b>	Admitted to the Bar: New York, 1960; Ohio, 1974; U.S. District Court: Southern and Eastern Districts of New York; Southern District of Ohio; U.S. Court of Appeals: Second, Sixth and Seventh Circuits; U.S. Supreme Court, 1965
<b>Professional Associations</b>	American Bar Association (ADR Section; Business Section; Litigation Section; ADR Committee, Past Co-Chair); American Corporate Counsel Association (Past Board of Directors, Central Ohio Chapter, Past Board of Directors, President); American Judiciary Society (Past Board of Directors); Food and Drug Law Institute (Past Board of Directors); Columbus Bar Association (ADR Committee; International Committee; Professional Committee); Ohio State Bar Association; Ohio Supreme Court (Dispute Resolution Committee); International Bar Association (Business Law Section; Corporate Counsel Committee, Past Chair).
<b>Recent Publications &amp; Speaking Engagements</b>	"Joint Ventures in East Asia," chapter, CONSIDERATIONS IN THE RESOLUTION OF DISPUTES ARISING IN JOINT VENTURES, Graham and Trotman and International Bar Association, 1992; presenter and participant in numerous American Bar Association, International Bar Association, and Ohio State programs on ADR, 1982-present.
<b>Mediation Rate</b>	\$350 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America, Switzerland
<b>Locale</b>	Livingston Manor, 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.