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Philip Goldstein, Esq.

Brooklyn, New York

Current Employer-Title	ADR Office of Philip Goldstein, Full-time Independent Mediator, Arbitrator and Special Master New York City Asbestos Litigation (NYCAL) – Special Master
Profession	Arbitrator, Mediator
Work History	Full-time Independent Mediator/Arbitrator and Special Master, ADR Office of Philip Goldstein, 2018 – Present; Special Master, New York City Asbestos Litigation (NYCAL), 2022 - Present; Partner, McGuireWoods LLP f/k/a Ross & Hardies, 1998 – 2017; In-house Litigation Counsel, Orange & Rockland Utilities Inc., 1996 – 1998; Associate, Ross & Hardies, 1989 – 1996; Associate, Rogers & Wells, 1987 – 1989.
Experience	<p>Full-time Mediator, Arbitrator and Special Master since January 2018. Mediation experience includes over 100 cases, including dozens of matters virtually using Zoom since April 2020.</p> <p>Special Master, New York City Asbestos Litigation (NYCAL), effective January 3, 2022. Handle wide range of pre-trial matters, including resolution of discovery disputes, issuing rulings, conducting mediations and administering cases pre-trial for the Coordinating Judge.</p> <p>Before opening ADR practice, over 30 years of experience, at large and medium size law firms and as in-house counsel. Significant leadership experience including as Office Managing Partner for over seven years at AmLaw 100 Firm.</p> <p>Sophisticated and multi-faceted practice including: mass torts/toxic torts/personal injury, with a focus on asbestos cases nationwide; and complex commercial litigation and business litigation, with a focus on energy/utilities matters and indemnification disputes.</p> <p>Mass Torts/Toxic Torts/Personal Injury (NY Labor Law):</p> <p>Asbestos: For over 15 years, served as National Coordinating Counsel (NCC)/direct counsel for two Fortune 300 companies in asbestos litigation nationwide. Responsible day-to-day for all facets of the companies' representation, including support for associated insurance issues. As lead partner, supervised a network of local counsel and a multi-state team of attorneys, paralegals and staff and conducted settlement negotiations with plaintiff counsel nationwide.</p> <p>World Trade Center/9-11 Mass/Toxic Tort Claims: As co-lead partner, defended target defendant facing numerous claims in the 9/11 World Trade Center clean-up worker toxic tort litigation, pending in the United States District Court for the Southern District of New York.</p> <p>Liaison Counsel/Leadership: In both the New York City Asbestos Litigation and the World Trade Center litigation, actively participated as a member of defense liaison committees, responsible for overall strategy and interface with the courts and special masters.</p> <p>Commercial and Business Litigation: In tandem with the mass/toxic tort docket and since the</p>

inception of practice, over 30 years experience handling a variety of litigations, arbitrations, and mediations on behalf of plaintiffs and defendants in business and commercial matters pending throughout the United States.

Among other subject areas, had a particular focus on energy matters through representation of a publicly held energy company and other clients.

Matters (energy/utilities and non-energy) included:

Energy:

Class Actions related to a propane business, gas royalty issues and consumer fraud issues related to an ESCO (energy services company).

Litigation regarding sale to the client of allegedly defective pipe for a gas company's distribution system.

Analysis and strategy related to major energy contract disputes, including power purchase and commodity (coal) agreements; Article 78 proceeding against New York Public Service Commission related to disposition of real estate certiorari tax refund.

Environmental/Energy:

Represented power plant owner seeking renewal of state pollution discharge permits in proceedings before the New York State Department of Environmental Conservation and related court proceedings.

Defense of company in CERCLA/Superfund matters.

Commercial/Business Litigation, including: breach of contract and contract disputes, indemnification disputes, piercing the corporate veil/alter ego, real estate and trade secrets.

Mediator Experience

Mediated over 50 FLSA/NYLL wage and hour cases for the EDNY, SDNY and state courts.

Mediated business dissolution, personal injury, breach of contract, insurance, real estate, wage and hour (FLSA) and other matters as Special Master/Mediator, Appellate Division, 2nd Judicial Department Civil Appeals Mediation Program.

Mediated breach of contract/business tort, real estate and other cases as Mediator on the Supreme Court, New York County, Commercial Division Panel.

As Appellate Division/First Department Special Master, began mediating cases in the 1st Quarter of 2020.

Mediated cases as member of the AAA Asbestos Bankruptcy Trust Specialty Panel.

Co-mediated complex insurance coverage, complex law firm dissolution and personal injury matters.

As an advocate, successfully settled thousands of high-stakes cases related to asbestos and personal liability/injury through mediation and settlement negotiations. Also successfully mediated a \$30 million indemnification agreement dispute and multi-party mass tort/toxic tort World Trade Center matters (over 100 active matters included in global agreement).

Representative Issues Handled as a Mediator

Breach of contract, business torts, business dissolution, personal injury, real estate, insurance, wage and hour (FLSA) and other matters.

Mediator Style & Process Preferences

Flexible with approach depending on the desires of parties and counsel and the type of mediations. In certain matters, I blend facilitative and evaluative, although my evaluative techniques are generally reserved for later in the mediation session(s). Other matters lend themselves primarily to a facilitative approach. I do believe that my philosophy must yield to the parties' goals and desires, as mediation is fundamentally the parties' process, so we will have a discussion prior to the mediation

session(s) to ensure I conduct the mediation in accordance with the parties' wishes.

For counsel/parties desiring more of an evaluative approach, I would discuss whether Early Neutral Evaluation (ENE) might be more suitable. I am trained as an ENE practitioner (torts), and expect to be offering ENE as it is rolled out in 2021 by the New York State Court system.

Technology Proficiency	Computer proficient in various programs, including Zoom, MS Excel, MS Word and others.
Education	Boston University School of Law (J.D. cum laude - 1987); Brandeis University (B.A. cum laude - 1984).
Professional Licenses	Admitted to the Bar: New York (1988); U.S. District Court: Southern (1988), Eastern (1988) and Northern (1991) Districts of New York; U.S. Court of Appeals, Second Circuit (1994); U.S. Supreme Court (2012).
Professional Associations	Chair, New York City Bar Association ADR Committee, 3 year term commencing September 2021. New York State Bar Association, Dispute Resolution Section. Committee on Mediation. Co-Chair, Subcommittee, ADR and the Courts (2019-June 2020). Co-Chair, Working Group, Mentorship/Apprenticeship Program (ending 2020). New York State Bar Association, Committee on Arbitration. New York State Bar Association, Commercial and Federal Litigation Section. Committee on Arbitration and ADR. Mentor, New Lawyer Enrichment Program, 2019, 2022. American Bar Association, Section of Dispute Resolution. Association for Conflict Resolution, Greater New York Chapter.
Locations Where Parties Will Not be Charged for Travel Expenses	Yes. Mediating exclusively online using Zoom during the COVID-19 pandemic.
Mediation Rate	\$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Brooklyn, 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.