

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

As of November 12, 2013

James E. Daniels
187 Hicks Street, #3A
Brooklyn, New York 11201
Telephone: (718) 858-7571
No fax
Email: danielsj@mac.com
www.danielsmediation.com

I. Profession	Accrediting Agency/Jurisdiction	Admission Date
Attorney	State of New York, Second Department:	1966
	United States District Court: EDNY	1969
	SDNY	1969
	D Conn	1992
	United States Courts of Appeals: Second	1969
	Sixth	1991
	United States Tax Court:	1998
	United States Supreme Court:	1982

II. Professional Organizations

New York County Lawyers' Association (NYCLA). Member of Arbitration and ADR Committee. Since 2010, Chair of the Joint Committee on Fee Disputes and Conciliation, responsible for handling attorney-client fee disputes under the New York State Unified Court System Part 137 program for New York and Bronx Counties.

Martindale-Hubbell® Peer Review Rating™: AV® Preeminent™.

Active service as member of American Arbitration Association's Mediation Panel and Commercial Arbitration Panel.

Since appointment in 2009, active service as Special Master for the New York State Supreme Court, Appellate Division, First Department, conducting pre-argument mediation conferences.

Active member of panel of mediators for New York State Supreme Court, First Department, Commercial Division.

III. General Professional Experience

From 2005 to date, practice has been exclusively devoted to service as mediator and arbitrator. Career as practicing attorney was devoted to litigating complex business disputes in federal and state courts at trial and appellate levels and in ADR forums throughout the country. Partner at Reed Smith LLP, Feb 2004 to June 2005; partner at Hall Dickler LLP, 1992 to Jan 2004; partner at Warshaw Burstein Cohen Schlesinger & Kuh, 1983 to 1992; partner at Donovan Leisure Newton & Irvine, 1973 to 1983, and associate, 1968 to 1973; trial attorney in Antitrust Division, United States Department of Justice, 1966 to 1968; law clerk to Hon. M. Joseph Blumenfeld, United States District Court, District of Connecticut, 1965 and 1966.

IV. Experience and Familiarity with Bankruptcy Law

Have counseled clients on various bankruptcy issues that arose periodically in the context of business litigation practice, particularly with respect to automatic stay provisions of bankruptcy proceedings and to impact of bankruptcy on intellectual property licenses and other transfers of intangible property.

V. Mediation Training

ADR Dept. of the U.S. District Court, Eastern District of NY, How Mediation Works for Both Parties and the Courts to Expedite Resolution, 2012; New York Supreme Court, Commercial Division, Queens County, Commercial Mediation Training Workshop, 2007; New York Supreme Court, Commercial Division, Advanced Mediation Training Program, New York County, 2006; United States Bankruptcy Courts for the Southern and Eastern Districts of New York, Advanced Negotiation and Mediation Skills Training, 2005. Attended AAA sponsored Advanced Commercial Mediation Institute (ACMI) program in Austin, Texas in September 2008.

Have often served as trainer/ role play facilitator in mediation programs sponsored by the New York State Supreme Court and at Hofstra, St John's and Fordham Law Schools.

VI. Mediation Experience

Starting in 2006, have conducted approximately 80 mediations resulting in settlement of a wide variety of business disputes, most often arising out of license agreements, sales/distribution contracts, and partnership and key employee arrangements, as well as IP infringement claims. In the last several years, mediated disputes arose out of the following business areas, among others: advertising services; software and web site creation and management in health care; video games; financial services; jewelry; restaurants; music recording, performance and publishing; valuation for buy-out purposes of longtime co-owner's interest in photography business; fashion industry; manufacture of fine linens for sale through major retail and catalog outlets; storage and sales of fine wines; baseball ticket/licensing sales; infringement of IP rights for smartphones;

book publishing and related rights; scope of insurance coverage under commercial general liability policies; commercial real estate; attorney-client fees.

Multi Party Mediation Experience: Several disputes involving insurers, insureds and potentially liable third parties with various competing interests in coverage; claims against former employees and new employers alleging breach of contractual duties and tortious interference; dispute among several parties with potentially competing interests in a motion picture production company; claims arising out of commissions earned in licensing theatrical production; claims arising out of disputed entitlement to commissions on commercial real estate sale.

VII. Areas of Expertise

Intellectual property, especially copyrights, trademarks, trade dress, trade secrets, publicity/privacy rights. Contracts involving the licensing of IP rights. The fields of advertising and marketing. More generally, business disputes involving licensing and sales agreements.

VIII. General Pertinent Legal Experience

For the last eight years exclusively devoted to active work as mediator and arbitrator of complex business disputes, primarily for the American Arbitration Association and on Court panels. Career litigating complex business disputes of all kinds throughout the country. From a substantive law perspective, cases have involved a broad range of intellectual property issues as well as a general cross-section of general business disputes. Clients have engaged in many different entertainment and advertising/marketing businesses, such as music publishing, records, motion picture production and distribution, home video, television program production, and the Internet.

IX. Other Pertinent Information

Periodic speaker and articles writer on topics related to ADR and IP.

X. Fee Structure

\$325 per hour for mediation sessions and follow-up substantive communications. No charge for time spent dealing with preliminary logistics or for local travel time.

XI. Pro Bono Preference

Brooklyn