

MOLLY KLAPPER, Esq.
720 Fort Washington Avenue
New York, NY 10040
Tel: (212) 795-5541; cell (917) 301-2958
Fax: (212) 795-5542

June 26, 2009

E-Mail: MediatorExpert@AOL.Com

I. Profession: Attorney, Mediator

Bar Admission	Jurisdiction	Date of Admission
Attorney	New Jersey State & District of New Jersey	1987
Attorney	New York State Bar, App. Div., 1 st Dept.	1989
Attorney	U.S.D.C. S.D.N.Y., E.D.N.Y	1989
Attorney	U.S. Supreme Court	1991
Attorney	U.S. 2d Circ. Ct. of Appeals	1992
Attorney	U.S.Court of International Trade	2006
Attorney	U.S. 3d Circ. Ct. of Appeals	2007

II Professional Organizations Date of Admission Active/Inactive Status

NJSBA, Member, Director, ADR section, Program Chair (responsible for bringing speakers on interesting topics to our monthly meetings).	2004	active
NYSBA, Member, ADR section , Publications Committee Editor of Section, " <i>Creative Impasse-Breaking Techniques: When all Else Fails,</i> " in <u>Mediation and Arbitration</u> book.	2008	active
Member Bankruptcy Committee	1990-96	inactive
NYCBA (formerly ABCNY), Member Adm. L. Committee (2004) Co-Chair Adm. Law program; 8 credit CLE Program; (2000) Guest Lecturer, Legal History Committee's Movie Series, "To Kill a Mockingbird."	1989	inactive
Member, ADR Section	2009	active
ABA, member Administrative Law section Speaker, Midyear Conf, "Informal Rulemaking under Interstate Compacts"; Contributing Editor, ABA's <i>Adm. & Regulatory News</i> , 2005, Spring, Summer and Fall eds.;	2005;	active
Member, ADR section	2007	active
Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution	2005	active
NYSBA, Member, ADR section , Publications Committee Editor of Section, "Creative Impasse-Breaking Techniques: When all Else Fails" in book on <u>Mediation and Arbitration</u>	2008	active
Member Bankruptcy Committee	1990-96	inactive

APIW (Association of Professional Insurance Women within the Ins. & Reins. Industry) Contributing Editor to <i>Insider</i> Newsletter, article on "Mediation," Fall, 2003, on "Arbitration," Winter 2003; APIW, President's Circle Award.	1988	inactive
Middlesex County Bar Association, member	2006	active
Bergen County Bar Association	2008	active

III General Professional Experience

I have been a litigator for more than ten years, eight of which were as an associate with one of the largest defense insurance firms in the country. In that capacity, I dealt with a wide range of cases and matters, ranging from liquidating insurance companies, successfully gathering assets for insolvent insurance companies, product liability cases, securities; employment cases; contract and construction matters; landlord-tenant cases; to defending hospitals in medical malpractice cases and attorneys and accountants in legal malpractice cases. My experience further includes clerking for the Presiding Justice of the Appellate Division of the Superior Court of New Jersey and interning for a Federal District Court Judge.

For the past nine years I have been mediating complex commercial cases for various courts and private organizations. These include, but are not limited to the New York Supreme Court, Commercial Division, the New Jersey Superior Court Civil General Equity and Probate cases, the Bankruptcy Court for the Districts of New Jersey and the Southern and Eastern Districts of New York. Private organizations include, the American Arbitration Association, FINRA (NASD and the NYSE), the Better Business Bureau, and for Executive Mediators. In addition to mediating and arbitrating cases, I serve as an Administrative Law Judge for the Taxi & Limousine Commission (Appeals Unit) and for the past four years have been teaching Administrative Law as an Adjunct Professor of Law at Touro Law School. I also serve as a Court Evaluator since 2004 for the NYS Supreme Court.

IV Experience and Familiarity with Bankruptcy Law

As a litigator, I represented for a number of years the Liquidator of the New York State Insurance Department and was responsible for gathering the assets of insolvent insurance companies. In that capacity, I argued before the Bankruptcy Court and succeeded to have the trustee turn over to the Liquidator nearly a million dollars in trust funds. It required making a 2004 motion for a deposition and drawing up various settlement documents. I was also involved in seeking a bankruptcy stay in another matter. One of the briefs I wrote on behalf of the Liquidator resulted in a published decision by U.S. District Court Judge, Pierre Leval (Corcoran v. Universal Re, 713 F. Supp. 77 (S.D.N.Y. 1989)).

V. Mediation Training:

Mediation Workshop	Harvard Law School	5 days
Basic Mediation Training	ABCNY	4 days

Transformative Mediation	Hofstra Law School	2 days
Mediating Employment Discrimination	USDC S.D.NY	1 day
Dispute Resolution Consortium	SPIDR	1 day
Housing Court Mediation	NYS. Sup. Ct.	3 hrs
Mediating Health Care Disputes	ABCNY	2 hrs.
Keys to Conflict Resolution	ABCNY	2 hrs.
Advanced Mediation: 3 hours Listening without Ego	Fed. Interagency ADR Working Grp.	3 hours
Mediating Consumer Disputes	Better Business Bureau	1 day
Training for Arbitrators	Better Business Bureau	11 hours
Training for Arbitrators	NASD	11 hrs
New Chairperson Training	NASD	11 hours
Small Claims Court	N.Y.S. Supreme Court	1 day

As the Programs Chair of the ADR section of the New Jersey State Bar Association, I have brought many leaders in the field to address our group on topics of interest.. For example, I brought Professor Len Riskin, author of a Mediation Textbook, Professor Richard Reuben, Professor Steven Brams, author of the book on the Win-Win solution and on such relevant topics, as, for example, International Mediation and Mediating with the IRS.

As a mediator for the New Jersey Courts, I have fulfilled every year the annual requirement to take a four credit Advanced Mediation Skills course . At Touro Law School, I have for several years served as master mediator for end-of- semester exercises for its mediation class. As a member of the American Inns of Court, its monthly meetings always include a program on how to hone your mediation skills.

VI Mediation Experience:

American Arbitration Association, Mediation Roster, since 2008.

Editor of Section on “*Creative Impasse-Breaking Techniques: When all Else Fails,*” in textbook on Mediation and Arbitration, for the New York State Bar Association,

Alternate Dispute Resolution Section, 2009.

New York State Supreme Court, Commercial Division, since 2000.

NASD (National Association for Security Dealers), since 2002.

New Jersey Superior Court, Civil General Equity and Probate Cases, since 2003.

U.S. Bankruptcy Court for the S.D.N.Y. since March 2005.

U.S. Bankruptcy Court for the E.D.N.Y. since September 2005.

Executive Mediators, since 2008.

IRS Roster of Mediators and Arbitrators for Post Appeals Mediation (PAM), since 2008.

Better Business Bureau since 2002.

Served as Coach for NASD and the U.S. Bankruptcy Court for the Eastern and Southern Districts in March and September 2005.

Served as Master Mediator for ADR Class at Touro Law School, in April, 2005.

Lectured at Potsdam University, Germany, "On Mediating with the Government," June 2004.

Authored article for APIW *Insider* Newsletter on "Alternate Methods of Settling Insurance Disputes: Mediation," which appeared in the Fall 2003 edition.

VII. Area of Expertise:

All kinds of commercial disputes, including but not limited to employment, discrimination, home improvement, construction, condominium and coops, breach of contract, real estate, insurance coverage; conflicts between insurance carriers, reinsurance, securities, car leasing contracts, legal fees, medical and legal and accountant malpractice, and family business disputes.

I have enjoyed mediating over 500 cases.

VIII. General Pertinent Business or Legal Experience:

As an associate for one of the largest defense insurance firms in the country, I was exposed to a wide variety of matters, which included in addition to my litigation experience described in paragraph III, experience in corporate matters, such as drafting buy and sell agreements, employment agreements, arbitration agreements, and various other corporate documents. I thus have both litigation and transactional experience which comes in handy in mediating and arbitrating cases.

In addition to mediation, I also serve as an arbitrator for NASD, the NYSE, for lemon law cases for the New Jersey Superior Court, and the Better Business Bureau. I also served as a Small Claims court arbitrator for a number of years.

I have been active in various bar associations. As a current member of the New York State Bar Association's Alternate Dispute Resolution Section, I am editing a section on "Creative Impasse-Breaking Techniques in Mediation: When all Else Fails," to be included in a Mediation and Arbitration book. At the 2005 ABA Midwinter Conference, I presented a paper on "Informal Rulemaking under Interstate Compacts." I am also a contributing editor to the ABA's *Administrative & Regulatory Law News* and my articles on New York State and/or NYC Adm. Law have been published in its spring, fall and winter editions. In 2004, I served as co-chair of a full day program on Adm. Law at the ABCNY.

I have won prizes for some of my articles and have also written for the New York Law Journal "Outside Counsel" column and book reviews. One of the book reviews published in 2006 was "On Commercial Mediation in Europe." A case for which I wrote the winning brief was featured as the "Decision of the Day" in the New York Law Journal.

IX. Other Pertinent Information:

In addition to my J.D. I hold a Ph.D. in English literature and have taught English writing and literature classes at several Universities. I have also authored two well-received monographs on English Literature.

I speak and read German.

My extraordinarily varied background and experience in both the law and the humanities contribute to my unique ability to deal with different personalities and help resolve complex cases.

X. Fee structure: \$400.00 an hour includes expenses and disbursements.

