

United States Bankruptcy Court
Eastern District of New York

Mediation Register

May 22, 2023

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I.	Profession	Accrediting Jurisdiction	Date of Admission
	Attorney	New York State	1984
		S.D.N.Y.	1985
		E.D.N.Y.	1985

II. Professional Organizations

American Bankruptcy Institute
New York City Bar Association

III. General Professional Experience

For almost four decades, I have specialized in bankruptcy law and have extensive experience in the field of dispute resolution as well. I have mediated over 200 adversary proceedings of all sizes and serve on the mediation panels of the bankruptcy courts in the Eastern and Southern Districts of New York and Delaware. In addition, I have also defended and prosecuted hundreds of preference and other avoidance actions.

As a corollary, I have wide-ranging experience in all aspects of bankruptcy practice, representing creditors committees, investors, equity committees, debtors and other parties in bankruptcy courts throughout the United States.

Since 2020, I have had my own practice specializing in bankruptcy and mediation as the Law Office of Eric Haber, PLLC and also serve as in-house counsel to Wharton Property Advisors, Inc. Prior to that I was a special counsel in the Bankruptcy & Restructuring Group at Cooley LLP from 2006-2019. From 1998 to 2005, I worked at Kronish Lieb Weiner & Hellman LLP, which was merged into Cooley.. Previously, I was a partner at Siegel Sommers & Schwartz L.L.P. from 1996 to 1998 and an associate at that firm from 1989 to 1985. Initially, I was a staff attorney at the U.S. Securities & Exchange Commission from 1984 to 1989.

I graduated from Harvard College with a B.A., cum laude in 1979. In 1983, I graduated from the New York University School of Law with a J.D.

IV. Experience and Familiarity with Bankruptcy Law:

I have wide-ranging experience in all aspects of bankruptcy practice and avoidance action litigation, representing creditors committees, investors, equity committees, debtors and other parties in bankruptcy courts throughout the United States. Further, I have extensive experience as a mediator of adversary proceedings which is discussed in detail in Sections V and VI below

V. Mediation Training

- Selected Ethics Issues in Mediation & Settlement Negotiations (OnDemand), NYC Bar Association (2.0 hours), June 2022
- Effective Mediation Advocacy: Skills and Strategies for Litigators (Webcast), NYC Bar Association (2.0 hours), September 2021
- Advanced Mediation Training Program, CPR/Institute of Conflict Prevention & Resolution, January 2009, (13 hours)
- Mediation Ethics: Is Your Practice at Risk; Workshop on Understanding Mediation Ethics and Workshop II: Application of Mediation Ethics, The New York State Dispute Resolution Association, March 2009, (3 hours)
- Neuroscience in Mediation and Negotiation, New York City Bar, March 2018 (2.5 hours)
- Dispute Resolution Section Fall 2007 Meeting, New York State Bar Association, November 2007 (6 hours)
- Faculty, 2011 Inaugural Bankruptcy Mediation Training, American Bankruptcy Institute (39.5 hours)

VI. Mediation Experience

I have an extensive mediation practice specializing in the area of preference and other avoidance actions as noted. Further, I have mediated hundreds of adversary proceedings and have resolved cases of all sizes seeking recoveries from \$10,000 to \$19 million in a wide variety of industries. Bankruptcies in which I have mediated adversary proceedings include Sears, Dean Foods, Fred's, Delphi Automotive Systems, WP Steel, Quebecor World (USA), Greenwich Sentry Partners, Value City Department Stores, Kodak, Greenfield Energy, Tower Manufacturing, BearingPoint, The Penn Traffic Company, Ultimate Electronics, Tweeter Electronics, MPC Computer and MAXjet Airways.

I serve on the mediation panels in the bankruptcy courts for the Southern District of New York and the District of Delaware, and have also conducted mediations for cases filed in California and Texas.

Successful mediations I have handled include:

- Resolution of preference actions seeking recovery of \$19 million and \$2.4 million when serving as mediator in the Quebecor World (USA) bankruptcy case. Mediated over 50 preference actions in the Quebecor proceeding.
- Resolution of preference actions seeking recovery of \$7.1 million and \$2.1 million when serving as mediator in the Delphi Automotive Systems bankruptcy case.
- Resolution of preference action seeking recovery of \$3.0 million when serving as mediator in the WP Steel bankruptcy case.
- Resolution of preference actions seeking recovery of \$1.7 million and \$500,000 when serving as mediator in the BearingPoint bankruptcy case.

As a result of my experience litigating preference cases, I have a deep understanding of the strategies to be employed in such litigation from a variety of different perspectives which I apply to my mediation work. For example, I represented three defendants in the Circuit City bankruptcy case in separate adversary proceedings in which the trustee sought to recover approximately \$30 million, \$11 million, and \$2.5 million. All three cases were successfully resolved at mediation.

In addition, I have taught at the American Bankruptcy Institute's Mediation Training Seminar at St. John's University. Based upon my experience as a mediator, I wrote "How to Achieve a Successful Mediation" (Legal OnRamp, 2012) In addition, I have also spoken before numerous trade groups regarding the preference laws, including the American Bankruptcy Institute, the New York Institute of Credit and the Knowledge Congress.

VII. Expertise

Bankruptcy, Dispute Resolution, and Litigation

VIII. General Pertinent Business or Legal Experience

As demonstrated above, I have extensive experience as both a practitioner and as a mediator in the bankruptcy field.

IX. Other Pertinent Information

See above

X. Fee Structure (Compensation and Expense Reimbursement)

Available upon request

XI. Pro Bono Preference

Brooklyn

v I/NY