

**ANDREW M. THALER, ESQ.**  
**Cullen and Dykman LLP**  
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**(I) Profession: Attorney/Mediator/Chapter 7 Bankruptcy Trustee**

Admissions:

New York State Bar Association, 1984  
U.S. District Court Eastern District of New York, 1984  
U.S. District Court Southern District of New York, 1986  
U.S. Court of Appeals Second Circuit, 1997  
U.S. Supreme Court, 1999  
U.S. Court of Appeals Federal Circuit, 1999  
U.S. Court of Federal Claims, 1999  
U.S. Court of Appeals for the Armed Forces, 1999

**(II) Professional Organizations**

- **Nassau County Bar Association Member since 1984 - Active**
  - Bankruptcy Law Committee 1984-present (Chair 1990-1992) - Active
  - ADR Committee 2004-present (Chair 2008-2010) – Active Sub-Committee (2022-present)
  - Grievance Committee 2002-present
  - Board of Directors 2002-2004 (3 year term)
  - Former Committee Member: Finance, Long Range Planning, Pro Bono, Bylaws, Nominating
- **Theodore Roosevelt American Inn of Court since 2002 - Active**
  - President 2010-2011
  - Executive Committee Member, CLE Coordinator 2002-2005; Former Program Co-Chair - Chair of Law School Student Mentor Program 2010-present
- **New York City Bar Association Member 2011-2016**
  - Member Committee on Bankruptcy & Corporate Reorganization 2011-2016 - inactive
- **Attorney Roundtable** (Treasurer 2007-2013) - active
- **Association of Boutique Law Firms** - active
- **Nassau Lawyers Association of Long Island, Inc.** - active
- **American Bankruptcy Institute** - active
- **National Association of Bankruptcy Trustees** - active
- **American Bankruptcy Institute** - active

**(III) General Professional Experience**

- Partner, **Cullen and Dykman LLP** (2024 – present)
- Founding Member of **Thaler Law Firm PLLC** (2013-2023)
- Practice of law concentrated on bankruptcy, mediation, commercial litigation, corporate law and real estate
- Chapter 7 Panel Bankruptcy Trustee in the Eastern District of New York 1990-present
- Founding Partner of **Thaler Gertler LLP** 1997-2013
- Bankruptcy Department Managing Attorney at Goldman, Horowitz & Chernoff 1985-1997

**(IV) Experience and Familiarity with Bankruptcy Law**

- Member of Mediation Register United States Bankruptcy Court Eastern District of New York
- Practiced bankruptcy law since 1984 representing Chapter 7 Trustees, Debtors in Chapter 7, 11, and 13, Creditors, and Creditor Committees
- Presided over 25,000 Chapter 7 cases since 1990 as Trustee
- Represented parties in appeals to the Second Circuit and have orally argued in that court
- Represented Plaintiffs and Defendants in litigation, including objections to discharge and dischargeability of debts, (fraud, matrimonial, etc.) preferences and fraudulent conveyances, contested claims objections
- Represented Banks in vacating stay, cash collateral, defense of avoidance actions and other proceedings
- Represented Landlords to recover real property, be paid use and occupancy, resolution of administrative claims, motion to assume and/or reject commercial leases
- Represented clients in connection with contested matters in Chapter 11 and 7 cases including contested offer for Debtor's assets in Chapter 11 case
- Represented large cooperative corporation in connection with bankruptcy filing of owner of substantial number of units
- Represent Chapter 7 Trustee in administration of Chapter 7 liquidation cases.

**(V) Mediation Training/Programs**

- Anti-Bias Training for ADR Neutrals 3/30/23 (Office of Court Administration)
- Mediation A View from the Insiders 1/11/23 (The Nassau Lawyers Association of Long Island)
- Mediating a Personal Injury Case: A Roundtable Discussion 6/15/22 (Nassau Academy of Law)
- Personal Injury Mediation Training 7/29/21 ( 6 hours, Nassau Academy of Law)
- Presumptive ADR – Where Are We Now? 4/21/21 (Nassau Academy of Law)
- Resolving Disputes through Mediation: Helping Your Clients Navigate the Courts in a Pandemic 10/29/20 (Nassau Academy of Law)
- Anatomy of a Virtual Mediation 6/25/20 (Nassau Academy of Law)
- Presumptive ADR: Commercial Litigation, Real Estate and Employment Law Focus 1/23/20 (Nassau Academy of Law)
- Mediation Advocacy Nassau Academy of Law (11/13/19)
- Mediation Manipulation New York State Dispute Resolution Association, Inc. in conjunction with US District Court E.D.N.Y (11/1/19)
- Mediation Matter Trends Successes and Disappointments in Court Sanctioned Mediation 2/28/19 (Nassau Academy of Law)
- Mediation and Arbitration Insights 11/28/18 (Nassau Lawyers Conference)
- Power Imbalance in the Wake of Trauma (11/5/18) (US Federal District Court EDNY/Columbia Law School)
- Neuroscience in Mediation and Negotiation Nassau Academy of Law (4/24/18)
- Nassau County Bar Arbitrators and Mediators Panel (4/3/17)
- Fair Standards Labor Act (FSLA) Mediation Training (9/2016-7hrs) Co-Sponsored by the Federal Bar Association E.D.N.Y. Chapter and the United States District Court E.D.N.Y.
- Best Practices for Mediation and Settlement Conferences in and out of Court Room (1/2016) Nassau County Bar Association
- Plan Mediation in Bankruptcy (6/2014)
- Sandy Storm Mediation Training (5/2014)
- The Art of Mediation: A Cost-Effective Alternative to Judicial Determinations with Hofstra University School of Law (4/2014)
- Mediation Skills Workshop (10/2013)
- Alternatives in Art Law; The International Struggle for Antiquities, Eastern District of New York (7/2013)

- ADR Workshop, Using Neuroscience & Other Techniques (4/2013)
- Advanced Mediation Training for the Commercial Division with Nassau Academy of Law (5/2011) 16 hour course
- Mediation, Financing & Professional Compensation in Chapter 11 Matters with Nassau Academy of Law (4/2010)
- ADR Workshop, The Win-Win Solution: Guaranteeing Fair Shares to Everyone with the United States District Court, Eastern District of New York (2/2007)
- ADR Workshop, Avoiding Litigation about Mediation, United States District Court, Eastern District of New York (10/2006)
- Dean's Hour: XE Factor: What You Need To Resolve Dispute Fast with the Nassau County Bar Association (5/2006)
- Mediation for Dispute Resolution with Hofstra University School of Law (10/2005)
- National Association of Bankruptcy Trustee (NABT) Alternate Resolution Mediation (8/2005)
- Continuing Legal Education Program Mediation in Bankruptcy with New York County Lawyers' Association (11/2004)
- Nassau County Supreme Court, Commercial Division, Mediation Program (2/2003)
- Nassau County Commercial Division in Collaboration with the Nassau County Bar Association Mediation Training Program (12/2002) 24-hour course

#### **(VI) Mediation Experience and Familiarity with Bankruptcy Law**

- I have mediated numerous matters to successful resolution over more than 20 years as either a party selected or Court appointed mediator in bankruptcy cases and as a member of the Mediation Panel - Commercial Division of Nassau County Supreme Court.
- In 2014 I was appointed to the mediator panel in the Hurricane Sandy case, E.D.N.Y.
- In 2013 I was appointed to mediate over 100 claw back cases in the Agape World, Inc. Ponzi scheme, E.D.N.Y. Bankruptcy Case No. 09-70660.
- Member Subcommittee on Mediation for the Lawyers' Advisory Committee for the Bankruptcy Court Eastern District of New York (2017-present)
- I have served as a Court Appointed Part 137 Attorney Fee Dispute Arbitrator for over 10 years under the New York State Fee Dispute Program

#### **(VII) Area of Expertise**

- Bankruptcy and Insolvency, Real Estate, Business and Commercial matters

#### **(VIII) General Pertinent Business or Legal Experience including Mediation Presentations Given**

- Negotiated hundreds of Settlements as Chapter 7 Trustee on numerous issues and adversary proceedings
- Served as Chapter 11 Operating Trustee
- Panel Member – When And How a Case is Sent – A Quick Case Study (Eastern District of New York Bankruptcy Court Chapter 11 Lawyers Advisory Subcommittee on Mediation 7/20/22)
- Panel Member playing the role of Mediation Advocate – *Post- Pandemic Bankruptcy Mediations: A New Chapter and New Solutions* which included an hour and a half long Mock Fraudulent Conveyance Mediation. The program was sponsored by the New York County Lawyers Association Alternative Dispute Resolution Committee with panel leads Hon Elizabeth Stong U.S. Bankruptcy Court E.D.N.Y. and Hon Melanie Cyganowski (Ret. Chief Judge E.D.N.Y.) (5/21/21)
- Panel Member playing the role of Plaintiff's Counsel/Mediator Advocate in a Bankruptcy Court sponsored 90 minute virtual Mock Mediation- "*Mediating a Fraudulent Conveyance Action: A View from the Inside*" at which Chief Bankruptcy Judge Alan Trust and Louis Scarcella played the litigants and Judge Elizabeth Stong served as Moderator. (3/26/21)
- Panel Member U.S. Bankruptcy Court Eastern District New York Brown Bag Mediation Workshop Brooklyn

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- Division with Bankruptcy Judge Elizabeth S. Stong (5/31/17)
- Panel Member U.S. Bankruptcy Court Eastern District New York Brown Bag Mediation Workshop Central Islip Division with Judges Alan Trust and Louis Scarcella (5/19/17)
- All About Arbitration & Mediation (5/2014) Joint Committee Meeting Alternative Dispute Resolution /Bankruptcy Committees of Nassau County Bar Association with Hon. Bankruptcy Judges Alan S. Trust and Louis A. Scarcella E.D.N.Y.
- Family Law Mediation Program (speaker) at Nassau County Family Court (3/2014)
- Mediation Program (panelist) entitled *Alternative Dispute Resolution: Resolving an Estate-Related Commercial Dispute* with the Theodore Roosevelt Inn of Court (3/2014)
- Mock Commercial Program (panelist) entitled *The Art of Mediation: A Cost Effective Alternative to Judicial Determinations* with Theodore Roosevelt Inn of Court (3/2014)
- Mock Mediation Program (panelist) addressing guardianship issues with Alternative Dispute Resolution and Elder Law Committees (2/2014)
- Mock Mediation Program (panelist) entitled *Keeping Family Feuds (and other Fights) Out of Court* with Alternative Dispute Resolution, Community Relations and Public Education Committees (10/2013)
- Mediation Program (panelist) entitled *Using Neuroscience & Other Techniques To Overcome Impasse in Mediation* with Alternative Dispute Resolution Committee (4/2013)
- Mediation Training for the Commercial Division (speaker) with Nassau Academy of Law (4/2011)
- The Art & Future of Mediation: a Cost Efficient Judicial Alternative (speaker) with Hofstra University School of Law (12/2008)

**(IX) Other Pertinent Information**

- Received Top Pro Bono Provider Recognition by Nassau Suffolk Law Services/The Safe Center access to Justice (2023)
- Awarded designation of Access to Justice Champions by the Nassau County Bar Association for donation of free legal assistance to Nassau County residents who cannot afford legal representation (2013)
- Named one of New York top attorneys in Bankruptcy & Creditor/Debtor Rights by New York/Metro Super Lawyers (2012-2016)
- Named one of Long Island's "Top Legal Eagle" by Pulse Magazine (2010-2016)
- Assigned Martindale Hubbell's highest "AV" rating
- Recognized as Pro Bono Attorney of the Month (May 2002 and September 2007)
- Member of Mediation Panel - Commercial Division of Nassau County Supreme Court (2003-present)
- Awarded Nassau/Suffolk Law Services, Inc. Partner in Justice Award for pro bono service to indigent (2003)
- Dean of Nassau County Bar Association's Academy of Law (2001-2002)
- Named Pro Bono Attorney of the Year by Nassau County Bar Association (1991)
- Lecturer on bankruptcy related issues including First American Title Insurance Company of New York, St. John's University Metropolitan College Tax Institute, Nassau Academy of Law, Sterling Educations Services, New York Society of Certified Public Accountants (Nassau Chapter), Interchange Credit Association, Worldwide Land Transfer Title Insurance Company
- Court appointed Part 137 Attorney Fee Dispute Arbitrator – New York State Fee Dispute Program

## **Publications**

- *An Attorneys Role in Mediation* Nassau Lawyer The Journal of the Nassau County Bar Association October 2016 Edition Vol. 66, No 2
- *Examiners in Bankruptcy Cases A Guide for Examiners, Courts and Practitioners* (Author of Chapter 3 - *The Examiner: Powers and Limitations*) 2013-2014 Edition Thomas Reuters West Law and The Association of the Bar of the City of New York
- *The Pendulum Swings: N.Y. Debtor's Benefit From New Bankruptcy Exemptions* Nassau Lawyer The Journal of the Nassau County Bar Association
- *Introductory Guide to Matrimonial Issue in Bankruptcy* Nassau Lawyer The Journal of the Nassau County Bar Association
- Various other articles over the years on bankruptcy related topics published in the Nassau Lawyer
- Thaler Law Firm PLLC Website Blog articles on bankruptcy ([www.athalerlaw.com](http://www.athalerlaw.com))

## **(XI) Fee Structure (Compensation and Expense Reimbursement)**

- \$500 per hour plus out of pocket and travel costs.
- For individual cases where the parties cannot afford the standard fee, fees may be reduced on a case by case basis.

## **(XII) Pro Bono Preference: Central Islip**