



# Mediator Full Profile



## Mr. Daniel Margolis

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American Arbitration Association

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United States

## Experience Qualification Path

Category 2: American Arbitration Association

## Mediation locations

United States - DC

## Mediation languages

English

## Current position and background

Daniel Margolis is an attorney based in Washington, DC, where he now practices exclusively in the field of alternative dispute resolution, serving as an arbitrator and a mediator in commercial disputes. He is a graduate of the Harvard Law School and the Johns Hopkins University. He started his career as a trial attorney in the Antitrust Division of the US Department of Justice, and after entering into private practice he served as a trial lawyer and legal advisor for fifty years, specializing in antitrust, business and administrative law. He was a partner for many years in the firm of Bergson, Borkland, Margolis & Adler, and subsequently, for thirteen years, as a partner in the firm of Patton Boggs LLP.

**Legal Experience:** During his years in private practices as an attorney, his clients included corporations and trade associations in various industries including: aluminum; auto and auto parts manufacturing; banking; chemical manufacturing; credit cards; grocery supermarket chains; motion picture production distribution and exhibition; natural gas pipelines; ocean shipping; oil tanker operations; paper and plastic manufacturing and packaging; pharmaceuticals; television and radio network broadcasting.

**ADR Experience:** Mr. Margolis has more than twenty years experience in dispute resolution as a mediator and as an arbitrator. He serves on the roster of arbitrators and mediators of the American Arbitration Association, including its panel for large complex cases and its Special Federal Communications Commission Arbitration Panel; the International Institute for Conflict Prevention & Resolution, including its US-China Business Mediation Panel; and as an arbitrator for the FINRA Dispute Resolution program. He is frequently appointed as a mediator by the Dispute Resolution Programs of the US Courts for the District of Columbia, both in cases awaiting trial in the US District Court and in cases on appeal to the US Court of Appeals; and by



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the Multi-Door Dispute Resolution Division of the Superior Court of the District of Columbia. International ADR Experience: Mr. Margolis has served as a mediator in cross-border disputes involving commercial contracts between private companies and also between private companies and foreign state-owned enterprises. He is a Senior Advisor and occasional lecturer on competition law and alternative dispute resolution for the International Law Institute in Washington, DC and abroad.

## Main mediation practice areas

Areas of particular experience as a mediator: Commercial contracts including franchise agreements, product distribution agreements, telecommunications, credit card agreements, intellectual property licensing, satellite program carriage agreements, real estate development, energy generation and distribution, stock options, cellular telephone exchange agreements, legal malpractice, compliance with government regulatory requirements.

## Mediation experience

During the past twenty years Mr. Margolis has mediated more than 100 cases. Often millions of dollars were at stake with multiple parties' interests involved. His experience years includes service as mediator in several complex matters involving private party disputes with US federal regulatory agencies, including EPA, the Departments of Energy, Interior, and Defense, NASA, NLRB, the Federal Energy Regulatory Commission, and the US Treasury's Office of Foreign Asset Control; various breach of contract disputes including matters involving technology and telecommunications licensing agreements; litigation between an oil company, developers and property owners over responsibility for remediation of contaminated property, clean-up costs and damages; a stock option vesting case; three employment law cases, two seeking damages for alleged race or age discrimination, and a class action seeking overtime benefits; four private international law cases (three involving private parties suing foreign governments, and one involving enforcement of an arbitral award).

## Description of mediation style

Mediation is a flexible process that facilitates negotiation and resolution of disputes. Unlike litigation, it is not a process for deciding the merits of a dispute and imposing a resolution on the parties. In mediation, the mediator serves as a neutral third party whose role is to assist the parties in reaching a mutually acceptable solution.

Mediation permits the parties to retain complete control over the resolution of their dispute. It allows them to maintain privacy and confidentiality, to achieve a result that may be beyond the scope of normal judicial resolution, and one that may preserve relationships.

As a mediator, I work to manage the process and assist the parties in their negotiations. I often meet with the parties and/or their counsel in private caucuses prior to the commencement of the first joint session. I strive to earn the trust and respect of the parties; to bring freshness and flexibility into the negotiations; and to facilitate difficult communications. To maximize my effectiveness, I work with the parties in private caucus encouraging them to educate me, candidly and confidentially, as to their positions on the merits of the dispute, of their perceptions as to litigation risk, and of their respective goals and thoughts as to an acceptable outcome. I do not disclose confidential information that I learn from a party in private caucus unless specifically authorized to do so. I also avoid offering my views as to the likely outcome of



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the dispute if it were to be litigated or arbitrated, unless requested to do so. I see my role primarily as a facilitator helping the parties achieve an acceptable and sometimes creative solution, one that has recognized value to all concerned.

## Code of professional conduct

Applicable Codes of Professional Conduct include those of the District of Columbia Bar; the American Bar Association; and the IMI.

## Complaint process

IMI Professional Conduct Assessment Process

## Professional indemnity insurance

American Bar Association Section of Dispute Resolution Professional Liability Insurance Through Complete Equity Markets, Inc. Coverage \$1,000,000.

## Feedback digest

Reviewer: STAFF AAA/ICDR ( imireviewer@adr.org )

Latest Update: 2011-04-20 20:49:24

Mediator: Mr. Daniel Margolis

Reviewer: AAA/ICDR Staff  
imireviewer@adr.org

Last Update: April 20, 2011

This Feedback Digest has been updated to include 14 Feedbacks in 14 Mediations as of April 20, 2011.

Parties and counsel who have used Daniel Margolis would overwhelmingly use his services again and would, without hesitation, recommend him to others. Typical of the comments reflecting Mr. Margolis' acceptability are: (i) I would be pleased to use Dan Margolis again. Mr. Margolis was very professional, knowledgeable, and hard-working. He has a calm, unflappable disposition; (ii) Dan is very able in identifying legitimate areas of disagreement; (iii) Mr. Margolis is an extremely fair negotiator. In addition to being a consummate professional and extraordinarily cordial human being, he is quite deft at helping parties appreciate the relative strengths and weaknesses of their positions; (iv) He was thoughtful and patient. He understood the complicated issues and interests, and proposed workable solutions; (v) Mr. Margolis is an experienced mediator whose skills are of the highest quality; (vi) In my experience with the mediation process, I would rank Mr. Margolis among the very best of mediators; (vii) He is one of the hardest working mediators around. He worked hard to dissect the issues while following steps to analyze the dispute; (viii) He was very thorough, diligent and helpful; and (ix) Dan was very easy to work with, nonthreatening and patient.

Mr. Margolis' mediation skills and abilities are rated as highly effective. Typical of feedback received in this regard are: (i) He had the ability to see strengths and weaknesses in each



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party's position; (ii) In a very contentious matter with difficult parties, Mr. Margolis showed an ability to engage with each of the parties and to keep the parties talking, thus facilitating a resolution; (iii) His patience and willingness to stick with the case for as long as it took to reach a resolution were particularly helpful; (iv) Mr. Margolis was extremely diligent. He listened well, understood the issues, and made constructive suggestions concerning settlement possibilities; (v) He quickly mastered a complex set of facts and provided some very creative thinking on potential resolutions; (vi) He was good at thinking outside the box and solution-oriented, bringing a breadth of knowledge and taking a common sense approach; (vii) He was calm and patient and brought a good perspective to the situation; and (viii) He was very smart and helpful, and really understood the case. He had good suggestions that inspired confidence.

Mr. Margolis is also highly regarded for his ability to effect a positive outcome. For example, one provider of feedback noted that even when the parties were at an apparent impasse, he continued to work with us and make himself available for subsequent conferences by phone and in person. While another noted that Mr. Margolis' most decisive trait that led to a settlement was his persistence. In a very kind way he just kept at it, and when one or more of the parties seemed to reach an impasse, he did not give up. He kept making constructive suggestions that eventually led to a complete resolution. I doubt that this case would have settled when it did, but for the skill of Daniel Margolis. It was also noted in another matter that Mr. Margolis was absolutely amazing in his dedication and creativity. This was one of the hardest groups of parties and lawyers to work with, but he brought together an agreement where all the parties thought it to be impossible.

Costs were widely reported as reasonable in the context of the value of the disputes mediated by Mr. Margolis, and in general a very high degree of satisfaction was reported.

No reportable negative comments have been received since Mr. Margolis' designation as an IMI Certified Mediator.

## Professional affiliations

Member, District of Columbia Bar and the American Bar Association. Fellow, College of Commercial Arbitrators. On the roster of mediators of the American Arbitration Association; the International Institute for Conflict Prevention & Resolution; the United States Court of Appeals and District Court for the District of Columbia; and the Superior Court for the District of Columbia.

## Fee rate

Rates negotiable.

## References

References supplied upon request.

## Mediation education and training

Details supplied upon request.

## Mediation teaching and mentoring



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Occasional lecturer on Alternate Dispute Resolution programs at the International Law Institute, Washington, DC. Frequently serves as mentor and/or judge at law school mediation and arbitration competitions at the American University Law School in Washington, DC.

**Note: This Mediator Profile is intended to offer guidance to users of mediation services about the competency, skills, styles and potential suitability of the IMI Certified Mediator featured above. The Reviewer, the Mediator and IMI are attempting to present fair, balanced and objective information but none are to be held responsible for reliance on the information given. Users of mediation services are encouraged to pursue further research before selecting the IMI Certified Mediator, including contacting references and conducting an interview with the Mediator before making a selection.**