



Mediator Full Profile



F. Peter Phillips

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Montclair, NJ, 07042

United States

Experience Qualification Path

Category 2: CPR Institute

Mediation locations

United States - NJ

Mediation languages

English

Current position and background

F. Peter Phillips is an arbitrator, mediator and consultant practicing through Business Conflict Management LLC in Montclair, New Jersey (www.BusinessConflictManagement.com). He has arbitrated or mediated over 100 matters since March 2009. He is also Director of the ADR Skills Program, and Adjunct Professor, at New York Law School. He is listed on Panels at CPR Institute, the American Arbitration Association, FINRA, Administrative Office of the Courts of New Jersey, the Federal District Courts for the Southern District of New York and for New Jersey, Milan Chamber of Commerce, EDNY and DNJ Bankruptcy Courts, and other bodies. He is accredited by the New Jersey Association of Professional Mediators.

Mr. Phillips is Chair of the Dispute Resolution Committee of the Business Law Section of the American Bar Association and a member of the UIA World Mediation Forum, the Marie Garibaldi ADR Inns of Court, and the International Bar Association (Mediation and Arbitration Committees). He formerly served as Senior Vice President of CPR Institute, which he continues to serve as Special Consultant. He has appeared on programs and conducted workshops internationally. He is author of, or contributor to, five books, five films, and many articles on business applications of ADR.

Mr. Phillips is a cum laude graduate of Dartmouth College and a magna cum laude graduate of New York Law School. Prior to joining CPR Institute in 1998, he was associated with the law firms of Cahill Gordon & Reindel and Schulte Roth & Zabel LLP, both of New York City. Mr. Phillips is married to actress Elaine Bromka. He is an active member of the Cornwall (NY) Monthly Meeting of the Religious Society of Friends (Quakers) and the New York Yearly



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Meeting, on which he has served as Clerk of the Committee on Conflict Transformation.

Main mediation practice areas

General Commercial, Franchise, Insurance/Reinsurance, Employment

Mediation experience

More than 100 mediations since March 2009

Description of mediation style

I do not subscribe to a particular style of mediation. I deal with the disputants in the best way to result in a satisfactory outcome. That may require various approaches, even during different stages of the same mediation.

Code of professional conduct

IMI Code of Professional Conduct
CPR Code of Conduct for Attorneys as Mediators
UIA Code of Conduct for Mediators

Complaint process

IMI Professional Conduct Assessment Process

Professional indemnity insurance

Lloyds Arbitrators and Mediators Professional Liability Insurance, USD 100,000 per claim, USD 300,000 aggregate, USD 500 deductible

Feedback digest

Reviewer: Bleemer Russ (rbleemer@cpradr.org)
Latest Update: 2012-04-20 17:41:48

Mediator's Feedback Digest Reviewer:

Russ Bleemer
Editor, Alternatives
CPR Institute
New York City
www.cpradr.org

This Feedback Digest is based on five feedbacks in five mediations, with the initial submissions in 2009. This Feedback Digest has been supplemented in 2012 by another five recommendation letters.

This Digest initially was based on comments in three mediations that occurred during 2009, and two on dates that were unspecified by the participants commenting on Peter's work. Three of the five matters initially constituting this Feedback Digest involved franchising issues. Two of



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the 2012 recommendations refer to participating in multiple mediations with Peter as the neutral; the other three refer to a sole mediation experience.

All four of the reviewers using the IMI-supplied form gave Peter the highest rating when asked whether they would use Peter's services again, and all said they would recommend Peter to others. In the 2012 group, all also strongly recommended Peter's work, and all either stated or suggested based on satisfaction with their experience that they would enlist Peter's mediation services again. None of the 2012 recommendations, all of which were written in December 2011, were prepared on the IMI form.

Peter received the highest rating for skills and abilities from all four of the IMI form reviewers. One commented that Peter "was very skillful at explaining the advantages and disadvantages of the positions taken by each side," while another cited his ability to move parties forward.

As a result of the outcome and Peter's work, all of the four parties using the IMI comment form walked away from the mediation with the highest possible satisfaction ratings for the process itself, and the results. All four of the parties indicated that they had had previous mediation experience.

One of the four 2009 parties indicated that it did not resolve most of its issues as a result of the mediation, but still gave the highest possible satisfaction ratings about the process and Peter's work. That party wrote, "[I]t is my view that the parties are almost always better off reaching their own agreement than having a third party make a determination for them. Mediation gives them the opportunity to do this."

The fifth 2009 reviewer chose to submit a short E-mail note to assess Peter's mediator work. The note reflected a similar satisfaction with the process Peter conducted. The reviewer is a contractor often associated with new building development. The reviewer, noting that Peter "successfully mediated a four-party case involving some very interesting and convoluted issues," concluded, "I found Mr. Phillips to be very persuasive and thorough in the two-week follow-up after the mediation in getting the case resolved."

One of the 2012 recommendation letter writers was updating his 2009 comments, and had worked with Peter in two additional matters. "Both matters involved complex trademark and contractual issues," the commenter wrote, "which Mr. Phillips skillfully navigated to assist the parties. During the course of mediating these matters, Mr. Phillips adeptly handled a broad range of problems, character issues, and personality conflicts."

One 2012 recommender stated that he had "voluminous experience" with many neutrals, and Peter had what he "consider[s] some of the best skills in a mediator." He noted, in particular, the environment Peter created for the parties that encouraged a party-directed drive to a mediation solution.

Every 2012 recommendation letter discussed and complimented Peter's ability to relate to the parties and counsel and his effect as a mediator on setting a tone for the ADR sessions.

Four of the mediation recommenders have agreed to be available as references. Please contact the Mediator's Feedback Digest Reviewer at the E-mail address above for the contacts.



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No negative comments have been received since Peter's designation as an IMI Certified Mediator.

This review was updated on April 20, 2012.

Professional affiliations

Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution
New Jersey Association of Professional Mediators
American Bar Association, Business Law Section (Chair, Dispute Resolution Committee) and Dispute Resolution Section
Union International des Avocats, World Mediation Forum
International Bar Association (Arbitration and Mediation Committees)

Panel Listings:

CPR Panels of Distinguished Neutrals (Insurance, Franchise, Entertainment and Employment)
American Arbitration Association Expedited Arbitration Panel
FINRA Panel of Arbitrators and Panel of Mediators
Panel of Mediators, New Jersey Administrative Office of the Courts
Mediation Panel, U.S. Bankruptcy Court for the Eastern District of New York and for the District of New Jersey
Panel of Mediators, US District Court for the Southern District of New York and the District of New Jersey
Panel of Mediators, China Council for Promotion of International Trade
Panel of Arbitrators and Panel of Mediators, Beijing Arbitration Commission
International Mediator Panel, Milan Chamber of Commerce

Fee rate

USD 350 per hour for commercial mediation (whether preparation or session -- no travel time charged)
Other fee arrangements upon request
Reimbursement for expenses reasonably and actually incurred

References

Available upon request

Mediation education and training

"Mediating the Litigated Case," Straus Institute for Dispute Resolution, Pepperdine University School of Law, 2008
Cross-Cultural Negotiation, ITIM, 2007
Multiparty Negotiation Skills, CPR Institute/Harvard PON, 2007
Mediator Trainer, CPR Institute (Co-Trainer with Dwight Golann), Beijing, 2005
Mediator Training, CPR Institute (Lewis and Singer), 1998

Mediation teaching and mentoring

Director of ADR Skills Program and Adjunct Professor, New York Law School



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Guest Lecturer: Fordham University School of Law, NYU School of Law, Pepperdine University School of Law, Columbia University, Cardozo Law School. Frequent speaker at programs for U.S. corporations, law firms and trade associations. Invited speaker at numerous international conferences (i.e., Geneva, Buenos Aires, Moscow, Beijing, Hong Kong, Shanghai, Paris, London, Warsaw, Lagos, Chamonix, Toronto, Dubai).

Approved Mediation Mentor, New Jersey Administrative Office of the Courts

Mediation publications

Films:

Writer and Co-Director of four films on use of mediation in corporate/community conflict, available at www.AccessFacility.org

Writer and Presenter, "Conflict in Monthly Meetings: Crisis or Opportunity?" available at www.YouTube.com or www.NYYM.org

Books:

Contributor, Alternative Dispute Resolution (Insurance Institute of London, 2010)

Mediation Techniques (IBA 2010) Chapter, "Reality Testing"

Alternative Dispute Resolution Practice Guide (Roth et al. editors) (West 2014 Supp.) Chapter 33, "International Mediation and Conciliation"

Managing Franchise Relationships Through Mediation (CPR 2009)

Resource Book for Managing Employment Disputes (CPR 2004)

How Companies Manage Employment Disputes (CPR 2002)

Articles and Monographs:

"There is a World Elsewhere: Preliminary Studies on Alternatives to Interest-based Bargaining," 13 *Cardozo J. Conflict Resol.* 413 (2012)

"Mediating Corporate/Human Rights Disputes in the Tumultuous Sea of Social Networking: Do You Have What it Takes?" with Jorge Daniel Taillant, *IBA Mediation Newsletter* (September 2011)

"Recent Developments in Commercial Mediation in China," *New York Dispute Resolution Lawyer* (Spring 2010)

"Corporate Social Responsibility and Non-Judicial Remedies for Human Rights Violations: Is It Time for the Dog that Didn't Bark?" *IBA Mediation Newsletter* (April 2009)

"Diversity in ADR: More Difficult to Accomplish Than First Thought" *Dispute Resolution Magazine* Vol. 15 Issue No. 3 (Spring 2009)

"Commercial Mediation in China: the Challenge of Shifting Paradigms" *Contemporary Issues in International Arbitration and Mediation: The 2008 Fordham Papers* (2009)

"How to Stop Costly Litigation from Ruining Your Results" (with Paul Moss) *FAC* (February 2007)

"How Conflict Resolution Emerged within the Commercial Sector" *Alternatives to the High Cost of Litigation* (January 2007)

"ADR as a Tool for Management and for Corporate Governance" *International Bar Association Mediation Committee Newsletter* (December 2006)

"ADR: It Remains a White, Male Game" *The National Law Journal* (November 27, 2006)

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



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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.