



Mediator Full Profile



George Gluck

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United States

Experience Qualification Path

6226

Mediation locations

United States - NY

Mediation languages

English

Current position and background

POSITION:

Independent Mediator and Arbitrator, 2001-present

BACKGROUND:

Member of the New York and Ontario (Canada) Bars.

Weil, Gotshal & Manges LLP, Partner, 1994-01;

Skadden, Arps, Slate, Meagher & Flom LLP, International Counsel, 1990-94;

Corporate attorney in New York City during the 1980s.

Full biography available online at: www.gluckadr.com

GENERAL EXPERIENCE:

Full-time ADR neutral since 2001.

More than twenty years of broad corporate, commercial and international legal experience in common law and civil law jurisdictions in the United States, Canada and Europe, including: mergers and acquisitions (private and public companies) as well as related banking and financial transactions; development, acquisition and financing of energy projects; negotiation of electrical power purchase agreements, and oil & gas concession, exploration and joint operating



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agreements; extensive experience in telecommunications, including acquisition, financing and general representation. Significant corporate experience, including negotiation and drafting of partnership, joint venture, and shareholder agreements; employment and executive compensation agreements; licensing, copyright and distribution agreements. Securities and capital markets experience (public and private offerings of debt/equity) and private equity (both fund sponsors and investors). Represented sovereign States and investors in Central Europe in the privatization of telecommunications, electrical and gas utilities, and various companies in aviation, pharmaceuticals, tire, lighting, and consumer staples.

Main mediation practice areas

- * Corporate
- * Commercial
- * Mergers & Acquisitions
- * Finance
- * Securities
- * Telecommunications
- * Energy (Oil & Gas, Electrical Power Generation and Distribution)
- * International Commercial (Civil and Common Law)
- * Employment

Mediation experience

GENERAL:

Served as a mediator in domestic and international commercial disputes including: breach of contract, surety, negotiable instruments, commercial real property development, sovereign immunity, cargo claim, rights to attached assets and torts. Appointed as a mediator for court-ordered mediations in cases pending in the United States District Court, Southern District of New York.

REPRESENTATIVE ISSUES HANDLED AS A MEDIATOR:

Mediator for domestic and international disputes including: a dispute in connection with the attached bank account in Switzerland of a Central Bank, involving litigation in the U.S. and Switzerland; a regional bank's claim against a software company for deficiencies in proprietary software; dispute between a foreign State and a municipality involving issues of sovereign immunity; litigation involving a property developer and an insurance company regarding a performance bond obligation; claim by an investment bank for advisory fees relating to M&A transactions; claim for a breach of a Master Electric Supply Agreement; accounting dispute between a telecommunications company and a reseller under a Carrier Services Agreement; suit relating to a private placement of securities in the United States by a Japanese corporation; suits involving sexual harassment, age, retaliation, hostile work environment, race discrimination.

MULTI PARTY MEDIATION EXPERIENCE:

Derivative suit by minority shareholder against a major franchise operator, its directors, and the trustees of majority stockholder; cargo damage from alleged breach of a maritime contract of carriage; suit among contractor, subcontractor, insurance companies and other third parties



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concerning the construction of a gas pipeline; class action involving the cancellation of a financial instrument by an international financial service company; suit by a medical practitioner against a regional medical center and a large physician's group alleging illegal restraint of trade.

Description of mediation style

Mediation is a process of assisted or facilitated negotiation. As a corporate /international attorney with more than twenty years' experience in negotiating high value, multi-party, cross-cultural and complex transactions, I am able to provide insight and offer practical solutions to the parties at critical junctures when negotiations might otherwise break down.

I prepare for the mediation by requesting and thoroughly studying a detailed mediation statement from each of the parties, including relevant underlying documents. I normally confer with attorneys and/or the parties prior to the mediation in order to better understand the issues and their positions. During the mediation, I encourage full participation by party representatives as well as their respective attorneys.

I do not have a pre-determined approach to individual mediations, but rather allow the dynamics of the mediation process to naturally move the negotiations forward, generally starting with a facilitative style, and then moving toward reality testing. Although the process usually culminates in an evaluative approach, it is the parties who ultimately determine whether -- and to what extent -- the evaluative approach is employed.

Code of professional conduct

AAA/ABA/ACR Standards of Conduct for Mediations

Complaint process

IMI Professional Conduct Assessment Process

Professional indemnity insurance

Underwriters at Lloyd's, London

Limit: \$1 million per claim

Feedback digest

This Feedback digest summarizes feedback from 13 attorneys relating to 12 mediations since May 2007, covering a wide variety of disputes for which George Gluck served as mediator.

George was consistently rated at the highest level (5) for his skill and ability as a mediator and most respondents indicated a high likelihood that they would appoint him for a future mediation.

Without exception, the respondents indicated that they would recommend him as a mediator to others.

George was rated very highly for both his demeanor and mediating style as well as for his substantive skills. One respondent commented upon his "excellent skills at interpreting and construing contracts". It was also noted that George "focused upon the economic reality of the case and how settlement would be in everyone's best interest. It worked." Others commented upon his ability to effectively explain the respective positions of the parties to the principals.



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One attorney noted that George exhibits both fairness and balance and was "instrumental in bringing the parties together" in a case where counsel "did not feel that a settlement would be reached as the parties were so far apart..." This was because George was able to point out the strengths and weaknesses of the parties' positions and "make each of the parties more realistic about its demands". When asked to identify the skills that made a decisive difference to the outcome, one respondent wrote: "Success is the best indicator of Mr. Gluck's ability as a mediator. None of the parties or counsel thought that the case could be settled and yet we all walked away with a settlement." This comment is consistent with another response, which identified George's tenacity and dedication to the process as significantly contributing to a positive outcome.

There were no negative comments or assessments.

Maria Sclafani
ADR Case Administrator
United States District Court-SDNY

Professional affiliations

MEDIATION PANELS:

American Arbitration Association (AAA), CPR International Institute for Conflict Prevention & Resolution (CPR), United States District Court, Southern District of New York, ADR Chambers International (ADR Chambers)

ARBITRATION PANELS:

AAA; CPR; International Centre for Dispute Resolution (ICDR); London Court of International Arbitration (LCIA); U.S. and Canadian Panels of the International Chamber of Commerce (ICC); Vienna International Arbitration Centre (VIAC); ADR Chambers

ARBITRATION COMMITTEES:

Fellow, College of Commercial Arbitrators; International Bar Association (Arbitration Committee); American Bar Association (Section of Dispute Resolution); National Arbitration Committee of the Canadian Chamber of Commerce; New York State Bar Association (Arbitration and Mediation Committees; Subcommittee on Discovery in Arbitration and International Arbitration Task Force).

References

Available on request

Mediation education and training

CPR International Institute for Conflict Prevention & Resolution; United States District Court, Southern District of New York.

Mediation publications



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Numerous publications and speaking engagements in the United States and Europe on international business issues.

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.