Elan E. Weinreb, Esq.

The Weinreb Law Firm, PLLC

Current Employer-Title

The Weinreb Law Firm, PLLC – Managing Member, Arbitrator, and Mediator

Profession

Attorney, Arbitrator, Mediator, Negotiator, Neutral Evaluator, and Settlement Counsel

Work History

Managing Member/Arbitrator and Mediator, The Weinreb Law Firm PLLC (TWLF), 2014-Present; Head of Litigation, Counsel, Senior Associate, Katlowitz & Associates, 2009-2013; Public Service Attorney/Special Counsel, New York City Law Department - Office of the Corporation Counsel - Queens Tort Division, 2007-2009; Senior Associate/Associate/Summer Associate, Kaye Scholer LLP (now Arnold & Porter Kaye Scholer LLP), 2001-2009.

Consumer Experience

ATTORNEY-CLIENT FEE DISPUTE EXPERIENCE: Since 2015, served as an arbitrator (both sole and on three-arbitrator panels (in both Wing and Chair capacities) and mediator in 28 cases as part of the New York County Lawyers Association's (NYCLA) Part 137 Attorney-Client Fee Dispute Resolution Program (FDRP), and in 2020, was asked on account of extensive technical expertise and skills by NYCLA General Counsel Anthe Maria Bova, Esq., to assume responsibility for revitalizing and revamping the FDRP to become a totally remote/online program on account of the pandemic.

The FDRP is effectively a consumer-driven program: consumers of legal services—clients—request arbitrators to assess the reasonableness of fees charged by the attorneys with whom these clients have contracted to provide legal services via retainer agreements/engagement letters, which are legally-binding contracts. As such, contract interpretation is at the very heart of the program.

LEMON LAW EXPERIENCE: Since 2016, have served as an arbitrator in 21 cases with Better Business Bureau National Program's BBB AUTO LINE, "one of the largest and longest-running dispute resolution programs in the United States [that] help[s] consumers and businesses resolve vehicle warranty, lemon law, and class action disputes in a hassle-free, timely, and cost-effective manner." (See https://bbbprograms.org/programs/all-programs/bbb-autoline).

Several members of the BBB AUTO LINE staff--specifically Jennifer Rowley, Meryl Vento, and, most recently, Elizabeth Edwards (contact information for all three are available upon request)--have provided excellent arbitrator performance recommendations. Specifically, Ms. Rowley indicated the following in a January 2019 letter of recommendation (also available upon request):

"I have worked as an arbitrator trainer for the BBB AUTO LINE arbitration program for the last eighteen years, and Elan Weinreb is one of a small handful of individuals I have trained that truly made a lasting impression. He was an exemplary student and has served reliably as an arbitrator over the last two years. I think it must be the optimal combination of keen intellect combined with a

remarkably affable demeanor that makes him such a successful arbitrator and someone I know my colleagues and I hold in very high esteem.

Many of the . . . arbitration cases assigned to Mr. Weinreb have been procedurally complicated, factually complex, high stakes, and emotional. In addition to assessing and applying the New York Lemon Law and BBB AUTO LINE arbitration rules, Mr. Weinreb also has had to contend with technical expert reports, multiple witnesses appearing at hearings (some by telephone), and distinct program summaries and new vehicle limited warranties for each auto manufacturer involved. Noteworthy also is Mr. Weinreb's professional demeanor in conducting hearings, as well as his sharp analytical skills and attention to detail in issuing decisions. His decision quality has been outstanding. In fact, our program recently decided to pilot an off-site hearing strategy allowing arbitrators to hear cases in their own professional offices. We selected Mr. Weinreb to be our very first arbitrator to test out this new approach. In short, we trust this arbitrator!"

NEW YORK STATE DENTAL ASSOCIATION (NYSDA) ARBITRATION EXPERIENCE: Successfully represented client in two hearings and one internal appeal held over 2018-19 conducted under the auspices of the New York State Dental Association's Peer Review and Quality Assurance Program, which "provides a confidential, impartial and timely way to resolve complaints about the appropriateness and quality of dental treatment provided by NYSDA-member dentists." (See https://www.nysdental.org/member-center/legal-resources/peer-review).

Experience

In 2021, using a mix of litigation and mediation skills and techniques, represented defendant landlord affected by pandemic in resolving five-figure dispute with plumbing corporation with minimal court involvement and within seven months of corporation having filed suit.

In 2020, settled contentious, five-year multi-million dollar shareholder derivative litigation on behalf of large not-for-profit corporate defendant/counter-claimant client involving motion, deposition, trial, and appellate practice, as well as diverse and complicated areas of procedural and substantive New York state and federal law, including but not limited to provisional remedies, breach of fiduciary duty, corporate malfeasance necessitating removal as an officer or director, the equitable remedy of accounting, unlawful/ultra vires conveyances, assignments, or transfers, lack of standing, statutes of limitation, the business judgment rule, ratification, tortious interference with contract and business relations, libel, slander, failure to join a necessary party, waiver, collateral, equitable, and judicial estoppel, replevin, breach of contract, fraud, fraudulent inducement, unjust enrichment, constructive trust imposition, and appellate general and motion practice.

In 2018, obtained a significant five-figure judgment after inquest requiring appearance of individual plaintiff single mother in court, concluding contentious three-year civil litigation involving conversion, return of gifts made in contemplation of marriage pursuant to New York Civil Rights Law Section 80-b, unjust enrichment, counterclaims for defamation and prima facie tort, an ultimately unsuccessful mediation conducted by two community co-mediators, motion, discovery, trial, and post-trial practice.

Prior to 2014, supervised and directed junior associates and law school interns in all phases of litigation, conducted 11-day evidentiary hearing in contentious multi-million dollar corporate litigation that was resolved in favor of multiple clients, obtained two Yellowstone injunctions for corporate client in multi-million dollar commercial lease litigation, prepared individual client for and conducted inquest resulting in entry of five-figure judgment in client's favor, negotiated settlement of six-figure product liability property damage dispute with opposing counsel, lead intra-firm and extra-firm document review teams, and provided trial team support on a robust range of state and federal civil litigation matters, including but not limited to breach of contract, insurance, real estate, bankruptcy, antitrust, uncontested divorce, product liability, personal injury, and wrongful death actions.

Arbitrator and Mediator, International Institute for Conflict Prevention and Resolution (CPR) Panel of Distinguished Neutrals - New York City ADR Panel (2021); Mediator, New York State Unified Court System Part 146 Supreme Court, Nassau County Commercial Division Alternative Dispute Resolution Program Roster of Neutrals (2019); Special Master, Appellate Division, Supreme Court of the State of New York, Second Judicial Department Mandatory Mediation Program (MMP) (2019); Public Arbitrator, Financial Industry Regulatory Authority (FINRA) (2019); Mediator, New York State Unified Court System Part 146 Supreme Court, New York County Commercial Division Alternative Dispute Resolution Program Roster of Neutrals (2018); Senior Arbitrator, BBB Auto Line Program, New York City and Long Island Regions (Lemon Law/Vehicle Warranty Claims) (2016); Arbitrator and Mediator, Nassau County Bar Association Alternative Dispute Resolution Panels (2016); Arbitrator and Mediator, NYCLA New York State Part 137 Attorney-Client Fee Dispute Resolution Program (FDRP) (2015).

Alternative Dispute Resolution Experience

Currently serving as arbitrator in nine-party AAA arbitration involving parties and counsel located in several states.

In 2021, assisted parties in private mediation with resolving 10 of 13 unresolved issues in litigation spanning more than five years involving an amount-in-controversy of approximately $1.2 million.

In 2021, assisted parties in Part 146 Supreme Court, Nassau County online/virtual mediation in settling contentious litigation spanning eight years in two courts involving claims or counterclaims for breach of contract, corporate veil piercing, ultra vires conduct, unjust enrichment, fraudulent conveyances, and account stated.

In 2020, as Co-Chair of the New York County Lawyers Association's (NYCLA) ADR Committee, organized and conducted a 15-CLE-credit inaugural combined arbitration and mediation training for NYCLA's Part 137 Attorney-Client Fee Dispute Resolution Program (NYCLA FDRP).

In 2020, as an Appellate Division Special Master and a mediator with the New York State Unified Court System Part 146 program, virtually mediated complex, six or seven-figure multi-party disputes involving breach of contract, insurance coverage, medical malpractice, negligence, and wrongful death claims. Due to the COVID-19 pandemic, mediation of these cases necessitated expertise in Online Dispute Resolution (ODR) technologies such as Zoom, resources, and practices.

In 2019, represented individual client in five-figure arbitration concerning payment of a real estate sale commission and successfully negotiated settlement of this dispute in 2020.

From 2016 onwards, served as an arbitrator on 21 cases with the BBB Auto Line Program. These cases are often procedurally complicated, factually complex, high-stakes, and emotional, requiring assessment and application of the New York Lemon Law, principles of contract law, BBB Auto Line arbitration rules, and contending with technical expert reports, multiple witnesses appearing at hearings (some by telephone), and new vehicle limited warranty language.

From 2015 onwards, served as a solo arbitrator, chair, and wing on three-arbitrator panels, as well as a mediator, in the NYCLA FDRP in over 23 cases having combined total amounts-in-controversy exceeding $275,000. These disputes involved the quality of underlying attorney representation in commercial, family/matrimonial, immigration, and securities litigation, as well as transactional work such as incorporations and preparation of trusts and estates documents. Currently, as Co-Chair of NYCLA's ADR Committee, was recently appointed by NYCLA's General Counsel to direct and supervise revamp and overhaul of the NYCLA FDRP to conform with ODR guidelines promulgated by the New York Unified Court System Office of Court Administration and train prospective NYCLA FDRP mediators and arbitrators.

Arbitrator and Mediator, International Institute for Conflict Prevention and Resolution (CPR) Panel of Distinguished Neutrals - New York City ADR Panel (2021); Mediator, New York State Unified Court System Part 146 Supreme Court, Nassau County Commercial Division Alternative Dispute Resolution Program Roster of Neutrals (2019); Special Master, Appellate Division, Supreme Court of the State of New York, Second Judicial Department Mandatory Mediation Program (MMP) (2019); Public Arbitrator, Financial Industry Regulatory Authority (FINRA) (2019); Mediator, New York State Unified Court System Part 146 Supreme Court, New York County Commercial Division Alternative Dispute Resolution Program Roster of Neutrals (2018); Senior Arbitrator, BBB Auto Line Program, New York City and Long Island Regions (Lemon Law/Vehicle Warranty Claims) (2016); Arbitrator and Mediator, Nassau County Bar Association Alternative Dispute Resolution Panels (2016); Arbitrator and Mediator, NYCLA New York State Part 137 Attorney-Client Fee Dispute Resolution Program (FDRP) (2015).

Alternative Dispute Resolution Training

ACE 21 – Impartiality: Do You Know Where Your Biases Are?, 2021; CPR, Imperfect Impartiality: How Neutrals Can Combat Implicit Bias, 2021; CCA, Using the Pre-Hearing Conference to Win Your Commercial Arbitration, 2021; NCBA (with NYS Unified Court System), Personal Injury Mediation Training, 2021; NYCLA, International Arbitration: What Attorneys Need to Know, 2021; NY State Academy of Trial Lawyers ("NYSATL"), Harnessing Neuroscience and Technology: Presenting Powerfully in Trial and Mediation, 2021; NYSATL, Successful Mediation: Moving from Gridlock to Settlement, 2021; NYSATL, The Ethics and Art of Settlement at Mediation, 2021; NCBA, Arbitrating in a Virtual World, 2021; CPR (via NY Law School), No Need to Resolve If You Can Prevent, 2021; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2021; AAA Arbitration Awards: Safeguarding, Deciding & Writing

Awards, 2021; NCBA, Narrative Mediation: The Surprising Links Between News Media & Mediation, 2020; NCBA, Town Hall Meeting with New York State, County, and Appellate Division ADR Coordinators, 2020; ABA, The Ultimate Guide to Online Dispute Resolution for Advocates, 2020; NYCLA, 2-Day Advanced Divorce Mediation Training – Part 146 Approved for 16 Hours of Additional Mediation Training, 2020; New York State Academy of Trial Lawyers, Resolving Coverage Disputes in Mediation, 2020; ABA, How to Effectively Conduct "Zoom" Trials During the COVID-19 Pandemic and Beyond, 2020; NYSBA, How-To: Effective Representation of Clients During Video Mediation, 2020; National Academy of Continuing Legal Education ("NACLE"), Hot Topics in Beth Din Jurisprudence, The Rabbinical Court in the American Legal System: Procedures & Processes, and The Beth Din of America and Agunah Prevention, 2020; NCBA, Presumptive ADR: Commercial Litigation, Real Estate and Employment Law Focus, 2020; New York State Unified Court System Office of Court Administration, Neutral Evaluation Skills Workshop for Supreme Court – Civil Term, New York County, 2019; NCBA, Mediation Advocacy, 2019; NCBA, Presumptive ADR: Torts and Medical Malpractice Focus, 2019; New York State Dispute Resolution Association, A Mediator's Ethical Responsibility in Cases Involving Sexual Harassment, 2019; Mediation Matters: Trends, Successes and Disappointments in Court-Sanctioned Mediation, 2019; NACLE, Business Alternative Dispute Resolution, 2018; New York Women's Bar Association, ADR Options in Supreme Court, New York County, 2018; Federal Bar Association, Eastern District of New York, Mediation Advocacy Training, 2018; New York State Dispute Resolution Association, Ethics for Mediation Advocates, 2018; NCBA, Neuroscience in Mediation and Negotiation, 2018; ABA, Illumination of Bias: Practical Strategies for Recognizing and Reducing Implicit Bias in the Practice of Law, 2018; NCBA, Mediation in the Southern and Eastern Districts of New York, 2017; NCBA, Mediating E-Discovery Disputes, 2017; NCBA, Turning the Tables on Litigation: Mediation Advocacy, 2017; NCBA, Advanced Mediation: Moving Towards Mastery, 2016; NYSBA, Dispute Resolution Commercial Mediation Training Program, 2016; NYCLA, Part 137 Attorney-Client Fee Dispute Resolution Program Training, 2015; New York Center for Interpersonal Development, Basic Mediation Training, 2015; NYSBA, Dispute Resolution Commercial Arbitration Training, 2015.

Professional Associations

American Bar Association (ABA) (Member of Section of Dispute Resolution); Jewish Lawyers Association of Nassau County; Nassau County Bar Association (NCBA) (Prominent Member, NCBA ADR Committee and Former Co-Chair, NCBA ADR Promotional Council); New York County Lawyers Association (NYCLA) (Co-Chair, NYCLA ADR Committee); New York State Bar Association (NYSBA) (Member of Dispute Resolution Section); Garden City Chamber of Commerce; West Hempstead Chamber of Commerce.

Professional Licenses

Admitted to the Bar: New York (2003), New Jersey (2002); U.S. District Court: Eastern (2004) and Southern (2004) Districts of New York, District of New Jersey (2003).

Education

Benjamin N. Cardozo School of Law Yeshiva University (JD, magna cum laude-2002); Yeshiva University (BA, summa cum laude, History-2000); Isaac Breuer College of Hebraic Studies, Yeshiva University (AA, Valedictorian, Hebrew Language and Literature-2000).

Publications and Speaking Engagements

The Weinreb Law Firm, PLLC, "Table of State Neutral Compensation Rules and Statutes", (comprehensive hyperlinked Google Sheet covering neutral compensation in fifty states), 2021 (last updated November 1st);

The Weinreb Law Firm, PLLC, "The Basics of Part 146 Court-Annexed ADR", (slide presentation given at NYCLA 44th Annual Civil Trial Practice Institute), 2021;

The Weinreb Law Firm, PLLC, "Perpetual Motions: A NYCLA Part 137 Attorney-Client Fee Dispute Resolution Program Mediation Roleplay Exercise", 2020 (original roleplay exercise drafted for use at inaugural NYCLA Part 137 mediation training);

The Weinreb Law Firm, PLLC, "The Basics of Post-Pandemic Part 137 Mediation", 2020 (comprehensive slide presentation given to over 90 participants in inaugural NYCLA Part 137 mediation training);

NYCLA, Employment and Wage & Hour Mediation Training Program (Faculty – Featured speaker in "Virtual Mediation: Key Issues and Considerations" program segment), 2020;

TWLF YouTube Channel, "'Law You Should Know' – ADR & ODR in the Age of COVID-19", (legal radio show), 2020;

NCBA, "Anatomy of a Virtual Mediation", 2020;

TWLF YouTube Channel, "NYCLA ADR Committee Mock Mediation with Susan Guthrie", (video modeling best ODR practices), 2020;

The LI Law Podcast, "Why Arbitration and Mediation Are Better Options Than Litigation to Resolve Disputes", (legal podcast), 2019;

TWLF YouTube Channel, "'Law You Should Know' – Part 137 Attorney Client Fee Dispute Resolution Program (FDRP)", (legal radio show), 2019;

TWLF YouTube Channel, "'Law You Should Know' – Making and Breaking Contracts", (legal radio show), 2018;

TWLF YouTube Channel, "'Law You Should Know' – Arbitration Agreements", (legal radio show), 2017;

The Weinreb Law Firm, PLLC, "The Basics of Commercial Mediation", (slide presentation given to West Hempstead Chamber of Commerce), 2017;

TWLF YouTube Channel, "'Law You Should Know' – Commercial Alternative Dispute Resolution", (legal radio show), 2016;

TWLF News & Views, "The Chameleon Mediator", (discussing personal mediation philosophy and the need to adapt throughout the mediation process),

2016;

Nassau Lawyer, "One Size Does Not Fit All – Ten Reasons Why Commercial Litigators Should Consider Commercial Mediation", 2016.

Training Programs as Faculty or Moderator: NYCLA, 44th Annual Civil Trial Practice Institute (Faculty - Speaker, "The Basics of Part 146 Court-Annexed ADR"), 2021; How We Kept Things Running During a Pandemic: The ODRs - Awards Honoring New York Unified Court System ADR Personnel (Lead Host and Moderator), 2021; NYCLA, Joint Committee On Fee Disputes & Conciliation Part 137 Program: Fee Dispute Arbitration Training (Faculty - Speaker, "The Basics of Post-Pandemic Part 137 Mediation"; Author, Group Roleplay Exercise Entitled "Perpetual Motions"), 2020; NYCLA, Starting and Maintaining a Successful ADR Practice in the Age of COVID … and Beyond (Moderator), 2020; NYCLA, Entrenchment Mediation Training: For Mediators in Court-Annexed Mediation Programs (Moderator), 2020; ABA, Regional Negotiation Competition - Competition Faculty (Judge), 2020; NYCLA, Employment and Wage & Hour Mediation Training Program (Faculty – Featured Speaker in Program Segment Entitled "Virtual Mediation: Key Issues and Considerations"), 2020; NCBA, Anatomy of a Virtual Mediation (Faculty – ODR Video Roleplay Exercise Participant), 2020; NYCLA, The Basics of Online Mediation for Dispute Resolution Professionals (Faculty – ODR Video Participant and Video Producer), 2020; NYCLA, Christian, Islamic, and Jewish Dispute Resolution in the NY/Metropolitan Area (Moderator), 2020, NYSBA, Advanced Commercial Mediation Training (Faculty – Roleplay Exercise Facilitator), 2019; Benjamin N. Cardozo School of Law, Intraschool Negotiation Competition (Judge), 2019; ABA, ABA National Representation in Mediation Competition (Mediator), 2016.

Awards and Honors

New York County Lawyers Association's Kobak Prize, 2021 (presentation at https: //www.youtube.com/watch?v=o3W9BHw_-n0); Selected to Super Lawyers® (2020-2021); Selected to Super Lawyers® Rising Stars (2013-2019); Avvo Clients' Choice Award (2014-2015, 2018-2019); Empire State Counsel Award, New York State Bar Association (2007-2008); Pro Bono Achievement Award, Kaye Scholer LLP (2006-2007); Order of the Coif, Cardozo Chapter (2002).

Locations Where Parties Will Not be Charged for Travel Expenses

Nassau County

Citizenship

United States of America

Languages

English

Locale

Garden City, New York, United States of America

Compensation

Hearing:	$600.00/Hr
Study:	$450.00/Hr
Travel:	$100.00/Hr
Cancellation:	$1200.00/Day
Cancellation Period:	3 Days
Comment:	Charges for all incurred expenses such as copying/printing,

postage, meals, and shipping.

Amenable to offering flat rates on a case-by-case basis that shall be set forth in writing in a formal arbitration agreement.