



Elan E. Weinreb, Esq.

Panelist Video

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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.

Experience

In 2022, served as a juror in *Cote v. Eysler et al.*, No. 605643/2017 (Sup. Ct. Nassau County) (McCormack, J.S.C.), a 12-day medical malpractice trial involving complex medical and legal issues.

In 2022, using a mix of litigation and mediation skills and techniques, represented defendant LLC commercial property owner in resolving contentious, multi-party contract/real estate dispute (\$3 million amount-in-controversy).

In 2022, represented husband-and-wife potential defendant sellers in settling real estate dispute involving the sale of their Long Island residence.

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.

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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.

Alternative Dispute Resolution Experience

In 2023, served as mediator in six-figure real property dispute involving two not-for-profit religious organizations (WIP).

In 2023, served as arbitrator in seven-figure AAA personal injury arbitration (WIP).

In 2023, served as mediator in appellate-level six-figure fee-splitting dispute involving two law firms (WIP).

In 2023, served as mediator in high six-figure personal injury/product liability dispute (WIP).

In 2023, served as mediator in facilitating resolution of appellate-level real property damage dispute (\$1 million amount-in-controversy).

In 2022, served as mediator in facilitating resolution of six-figure dispute involving two solo practitioners.

In 2022, served as arbitrator in nine-party AAA arbitration involving parties and counsel located in several states.

In 2021, mediated 10 of 13 unresolved issues in litigation spanning more than five years (approximate \$1.2 million amount-in-controversy).

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

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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 using 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 three-year structured settlement of this dispute in 2020 (with client having remitted final settlement payment in early 2023).

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 24 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.

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 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.

Alternative Dispute Resolution Training

AAA, ACE 23 – Panelist Safety and Security, 2023; NY Law School, Symposium: ADR and Diversity, 2023; AAA, Awarding Attorney's Fees, Costs and Interest in Arbitrations, 2023; New York State Bar Association ("NYSBA"), Using ADR to Address Racial, Ethnic and Socio-Economic Disparities in Heirs' Property Ownership, 2022; NYSBA, Tough Calls and Recurrent Issues in Arbitration, 2022; NAM, Avoiding Impasse and Maximizing Outcomes in Mediation, 2022; NY Law School, Getting to Maybe: The Intersection of ADR and Adult Learning, 2022; Nassau County Bar Association ("NCBA"), Mediation Simulation of a Securities

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Industry Employment Dispute, 2022; NY State Academy of Trial Lawyers ("NYSATL"), The Secrets of Multi-Party Defendant Labor Law Mediations, 2022; American Bar Association ("ABA"), Mediating a Federal Case: Practice Tips for Judges & Lawyers, 2022; NCBA, Mediating a Personal Injury Case: A Roundtable Discussion, 2022; Int'l Instit. for Conflict Prevention & Resolution ("CPR"), Arbitration Advocacy in the Virtual and Hybrid World, 2022; NCBA, Implicit Bias: Past, Present and (How to Avoid in) the Future, 2022; National Academy of Continuing Legal Education ("NACLE"), Beth Din Arbitration in the 21st Century, 2022; AAA, ACE 22 - Process Essentials for AAA Arbitrators, 2022; AAA, 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; 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; 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.

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).

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Licensed Notary in New York: eNotary (commission obtained in 2023) and Traditional Notary (commission renewed in 2022).

Professional Associations

American Bar Association (ABA) (Member of Section of Dispute Resolution); Association for Conflict Resolution Greater New York Chapter (ACR-GNY); 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) (Former Co-Chair, NYCLA ADR Committee); New York State Bar Association (NYSBA) (Member of Dispute Resolution Section); West Hempstead Chamber of Commerce.

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).

Recent Publications & Speaking Engagements

The Weinreb Law Firm, PLLC ("TWLF"), "The Basics of Part 146 Court-Annexed ADR", 2022 (slide presentation given at NYCLA 45th Annual Civil Trial Practice Institute);

TWLF, "The Basics of Post-Pandemic Part 137 Arbitration", 2022 (slide presentation given to over 75 attendees of joint NYCLA and NY Office of Court Administration statewide virtual Part 137 arbitration training);

TWLF, "Table of State Neutral Compensation Rules and Statutes", 2022 (comprehensive hyperlinked Google Sheet covering neutral compensation in fifty states (last updated February 13th));

TWLF, "Finding Peace of Mind: Settlement Conference Guidance for Special Masters", 2022 (slide presentation given to NYCLA volunteer judicial assistants (a/k/a Special Masters));

TWLF, "Super Plumbing, Inc. v. Zorba" (five-scenario impasse-breaking roleplay exercise), 2022;

TWLF, "Perpetual Motions: A NYCLA Part 137 Attorney-Client Fee Dispute Resolution Program Mediation Roleplay Exercise", 2020;

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

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

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

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

Training Programs as Faculty or Moderator: NY Law School, Dispute Resolution Processes Course (with Prof. Theo Cheng, Esq.) (Faculty - Arbitration and Mediation Roleplay Exercises Facilitator (both intersession and during semester), 2023 (WIP) & 2022; NYCLA, Commercial Lease Disputes: To Litigate or Arbitrate; Which Is the Best Way to Resolve Them? (Faculty), 2022; NYCLA, 45th Annual Civil Trial Practice Institute (Faculty), 2022; NYCLA & NY Office of Court Administration, Joint Committee On Fee Disputes & Conciliation Part 137 Program: Fee Dispute Arbitration Training (Organizer and Faculty - Speaker, "The Basics of Post-Pandemic Part 137 Arbitration"), 2022; NYCLA, Special Masters Training (Faculty - Speaker, "Finding Peace of Mind: Settlement Conference Guidance for Special Masters"), 2022; NYCLA, Breaking the Impasse in Private and Court Mediations (Faculty, Organizer, and Author, Group Roleplay Exercise Entitled "Super Plumbing, Inc. v. Zorba"), 2022; NYCLA, 44th Annual Civil Trial Practice Institute (Faculty), 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.

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 (on Long Island)

Citizenship

United States of America

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Languages

English

Locale

Garden City, New York, United States of America

Compensation

Hearing:	\$480.00/Hr
Study:	\$360.00/Hr
Travel:	\$200.00/Day
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 party-neutral dispute resolution agreement.

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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

AAA CONSUMER ARBITRATION EXPERIENCE: Since 2021, served or currently am serving as arbitrator in 3 AAA cases involving six to seven-figure personal injury or property damage claims.

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 29 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."

As one senior arbitrator has commented (original recommendation available upon request), these cases are "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, [the assigned arbitrator] also has . . . 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."

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."

Experience

In 2022, served as a juror in *Cote v. Eysler et al.*, No. 605643/2017 (Sup. Ct. Nassau County) (McCormack, J.S.C.), a 12-day medical malpractice trial involving complex medical and legal issues.

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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.

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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; 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.

Professional Associations

American Bar Association (ABA) (Member of Section of Dispute Resolution); Association for Conflict Resolution Greater New York Chapter (ACR-GNY); 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) (Former Co-Chair, NYCLA ADR Committee); New York State Bar Association (NYSBA) (Member of Dispute Resolution Section); 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).

Licensed Notary in New York: eNotary (commission obtained in 2023) and Traditional Notary (commission renewed in 2022).

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).

Recent Publications &

The Weinreb Law Firm, PLLC ("TWLF"), "The Basics of Part 146 Court-Annexed

Speaking Engagements

ADR", 2022 (slide presentation given at NYCLA 45th Annual Civil Trial Practice Institute);

TWLF, "The Basics of Post-Pandemic Part 137 Arbitration", 2022 (slide presentation given to over 75 attendees of joint NYCLA and NY Office of Court Administration statewide virtual Part 137 arbitration training);

TWLF, "Table of State Neutral Compensation Rules and Statutes", 2022 (comprehensive hyperlinked Google Sheet covering neutral compensation in fifty states (last updated February 13th));

TWLF, "Finding Peace of Mind: Settlement Conference Guidance for Special Masters", 2022 (slide presentation given to NYCLA volunteer judicial assistants (a/k/a Special Masters));

TWLF, "Super Plumbing, Inc. v. Zorba" (five-scenario impasse-breaking roleplay exercise), 2022;

TWLF, "Perpetual Motions: A NYCLA Part 137 Attorney-Client Fee Dispute Resolution Program Mediation Roleplay Exercise", 2020;

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

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

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

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

Training Programs as Faculty or Moderator: NY Law School, Dispute Resolution Processes Course (with Prof. Theo Cheng, Esq.) (Faculty - Arbitration and Mediation Roleplay Exercises Facilitator (both intersession and during semester), 2023 (WIP) & 2022; NYCLA, Commercial Lease Disputes: To Litigate or Arbitrate; Which Is the Best Way to Resolve Them? (Faculty), 2022; NYCLA, 45th Annual Civil Trial Practice Institute (Faculty), 2022; NYCLA & NY Office of Court Administration, Joint Committee On Fee Disputes & Conciliation Part 137 Program: Fee Dispute Arbitration Training (Organizer and Faculty - Speaker, "The Basics of Post-Pandemic Part 137 Arbitration"), 2022; NYCLA, Special Masters Training (Faculty - Speaker, "Finding Peace of Mind: Settlement Conference Guidance for Special Masters"), 2022; NYCLA, Breaking the Impasse in Private and Court Mediations (Faculty, Organizer, and Author, Group Roleplay Exercise Entitled "Super Plumbing, Inc. v. Zorba"), 2022; NYCLA, 44th Annual Civil Trial Practice Institute (Faculty), 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.

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 (on Long Island)

**Citizenship
Languages
Locale**

United States of America

English

Garden City, New York, United States of America

Compensation

Cancellation Period: 0 Days

Comment: Compensation rates, established by the AAA, are set forth in the applicable Consumer Arbitration Rules.



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Panelist Video

[View Video](#)

Current Employer-Title

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

Mediation Profession

Mediator, Attorney

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.

Experience

In 2022, served as a juror in *Cote v. Eysler et al.*, No. 605643/2017 (Sup. Ct. Nassau County) (McCormack, J.S.C.), a 12-day medical malpractice trial involving complex medical and legal issues.

In 2022, using a mix of litigation and mediation skills and techniques, represented defendant LLC commercial property owner in resolving contentious, multi-party contract/real estate dispute (\$3 million amount-in-controversy).

In 2022, represented husband-and-wife potential defendant sellers in settling real estate dispute involving the sale of their Long Island residence.

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

Elan E. Weinreb, Esq.
Neutral ID : 5199568

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.

Experience as a Mediator

Served as a mediator in many cases involving business organizations and individuals. Approximately half of these cases involve attorney-client fee dispute arbitrations that are first sent to mediation on consent of the parties, and binding stipulations of settlement have been executed resolving all of them.

In 2023, served as mediator in six-figure real property dispute involving two not-for-profit religious organizations (WIP).

In 2023, served as mediator in appellate-level six-figure fee-splitting dispute involving two law firms (WIP).

In 2023, served as mediator in high six-figure personal injury/product liability dispute (WIP).

In 2023, served as mediator in facilitating resolution of appellate-level real property damage dispute (\$1 million amount-in-controversy).

In 2022, served as mediator in facilitating resolution of six-figure dispute involving two solo practitioners.

In 2022, served as a Part 146 Supreme Court, New York County online/virtual commercial mediator in resolving insurance premium dispute.

In 2022, served as mediator in resolving attorney-client fee dispute concerning the initiation of uncontested divorce proceedings.

In 2021, assisted parties, one of whom was traveling in Greece, in virtual 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.

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

In 2020, as an appellate division Special Master and a court-appointed mediator with the New York State Unified Court System Part 146 program, mediated complex, six or seven-figure multi-party disputes. Due to the COVID-19 pandemic, mediation of these cases necessitated extensive experience with and use of Online Dispute Resolution ("ODR") technologies (including but not limited to Zoom), resources, and practices.

From 2015 to the present, served as a mediator in the NYCLA FDRP in cases having combined total amounts in controversy exceeding \$100,000. Each of these disputes raised for consideration the quality of underlying attorney representation in the context of various matters, including but not limited to commercial, family/matrimonial, immigration, and securities litigation, as well as transactional work such as business incorporations and preparation of trusts and estates documents.

From 2021 to the present, at the request of NYCLA's General Counsel, directed and supervised revamp and overhaul of the NYCLA FDRP to conform with ODR guidelines promulgated by the New York Unified Court System Office of Court Administration ("OCA") and trained over seventy prospective NYCLA FDRP mediators and arbitrators to assist with backlog of cases occasioned by the COVID-19 pandemic.

Prior to 2014, successfully mediated contentious six-figure trust dispute among a mother and four sisters located in different states and Mexico, assisted in negotiating settlement of a multi-million dollar partnership litigation after commencing arbitration in rabbinical court (Beth Din), and assisted in preparation of corporate executives for bankruptcy mediation.

**Representative Issues
Handled as a Mediator**

To date, all handled mediations have involved claims, defenses, or allegations of breach of contractual or quasi-contractual relationships/issues implicating unjust enrichment, and slightly more than half have additionally involved claims or allegations of breach of fiduciary duty, legal malpractice, deceit, fraud, misrepresentation, and conversion. Claims or allegations of business organization/corporate governance misconduct, medical malpractice, negligence, property damage/trespass, personal injury, product liability, wrongful death, piercing of the corporate veil, specific performance, restitution, or similar other equitable relief, and declaratory judgments establishing the rights and responsibilities of parties (particularly with respect to insurance coverage) have also been encountered on occasion.

**Multi Party Mediation
Experience**

In 2022, using a mix of litigation and mediation skills and techniques, represented defendant LLC commercial property owner in resolving contentious, multi-party contract/real estate dispute (\$3 million amount-in-controversy).

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In 2020, as an Appellate Division Special Master and as a mediator with the New York State Unified Court System Part 146 program, mediated (virtual and hybrid) two multi-party medical malpractice, negligence, and wrongful death cases involving four and twelve parties, respectively.

Years of Practice as a Mediator 8

Total Number of Cases Mediated 37

Mediation Experience as an Advocate or Party Served as an advocate for an individual client in two New York County Dental Society ("NYCDS") mediations involving NYCDS' Peer Review arbitration program.

Represented an individual client who had brought a multi-faceted New York Civil Rights Section 80-b (Gifts made in contemplation of marriage), conversion/replevin, and unjust enrichment action in Nassau County Supreme Court against her ex-boyfriend in a five-hour mediation conducted at a Community Dispute Resolution Center located in Long Island.

In 2004, as a Kaye Scholer LLP associate, assisted team of attorneys in representing a large corporate nutritional supplements client in a bankruptcy mediation related to litigation then pending in the United States Bankruptcy Court for the Southern District of New York.

Mediation Philosophy I ardently believe in the following definition and foundational principles of mediation: "a process in which a neutral, third-party (the mediator) works with the parties to reach a mutually agreeable settlement of their dispute. The mediator may assist the parties and their counsel in formulating the terms of their settlement. While his or her role is to aid in facilitating a settlement agreeable to the parties, he or she does not have authority to impose a resolution on the parties."

At the same time, I am not a purely facilitative mediator but rather identify as a "protean" or "chameleon" (the term I prefer) one. In this regard, I consciously refuse to align with any of the "big three" styles of mediation (i.e., facilitative, evaluative, and transformative). Instead, I choose to adapt rather than to adopt by dynamically combining the techniques of all three styles at any time in the mediation process (and sometimes outside of it as well) as circumstances change.

Mediation References David C. McElrath, Esq., (914) 948-4500, dmcelrath@omcdoc.com; Patricia L. Murrell, Esq., (845) 567-0177, pmurrellesq@gmail.com; Sarah E. Pizzola, Esq., (845) 471-4455, spizzola@sspp-law.com; Lance Grossman, Esq., (212) 571-4649, lsglawoffices@verizon.net; James Trainor, Esq., (212) 392-4957, jt@jamestrainorpc.com; Michael Totaro, Esq., (917) 693-2012, mtotaro@nysif.com; Kyle A. Seiss, Esq., (845) 291-1900, kseiss@cjl-law.com; Tiffany Ma, Esq., (212) 832-3890, tma@youngandma.com; Donald J. Kravet, Esq., (646) 248-5460, dkravet@kvnnylaw.com; Richard G. Gertler, Esq. (516) 228-3553, gertler@gertlerlawgroup.com, Lloyd Weinstein, Esq., (516) 802-5330,

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ljw@theweinsteingroup.net; Elisa Rosenthal, Esq. (Mentee/Co-Mediator), (516) 743-9988, rosenthallawllc@gmail.com; Danielle B. Laibowitz, Esq. & Nica B. Strunk, Esq., (631) 482-9925, danielle@nicabstrunk.com & nica@nicabstrunk.com; Joseph R. Bjarnson, Esq. & Joseph Brees, Esq., (516) 228-1300, jbjarnson@sahnward.com & jbres@sahnward.com; Steven I. Rubin, Esq., (516) 340-1174, rubin@rpgrklaw.com (defense counsel who performed post-jury service interview after conclusion of Cote v. Eysler et al., No. 605643/2017 (Sup. Ct. Nassau County) (McCormack, J.S.C.), a 12-day medical malpractice trial).

Alternative Dispute Resolution Training

AAA, ACE 23 – Panelist Safety and Security, 2023; NY Law School, Symposium: ADR and Diversity, 2023; AAA, Awarding Attorney's Fees, Costs and Interest in Arbitrations, 2023; New York State Bar Association ("NYSBA"), Using ADR to Address Racial, Ethnic and Socio-Economic Disparities in Heirs' Property Ownership, 2022; NYSBA, Tough Calls and Recurrent Issues in Arbitration, 2022; NAM, Avoiding Impasse and Maximizing Outcomes in Mediation, 2022; NY Law School, Getting to Maybe: The Intersection of ADR and Adult Learning, 2022; Nassau County Bar Association ("NCBA"), Mediation Simulation of a Securities Industry Employment Dispute, 2022; NY State Academy of Trial Lawyers ("NYSATL"), The Secrets of Multi-Party Defendant Labor Law Mediations, 2022; American Bar Association ("ABA"), Mediating a Federal Case: Practice Tips for Judges & Lawyers, 2022; NCBA, Mediating a Personal Injury Case: A Roundtable Discussion, 2022; Int'l Instit. for Conflict Prevention & Resolution ("CPR"), Arbitration Advocacy in the Virtual and Hybrid World, 2022; NCBA, Implicit Bias: Past, Present and (How to Avoid in) the Future, 2022; National Academy of Continuing Legal Education ("NACLE"), Beth Din Arbitration in the 21st Century, 2022; AAA, ACE 22 - Process Essentials for AAA Arbitrators, 2022; AAA, 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; 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; 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,

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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.

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).

Licensed Notary in New York: eNotary (commission obtained in 2023) and Traditional Notary (commission renewed in 2022).

Professional Associations

American Bar Association (ABA) (Member of Section of Dispute Resolution); Association for Conflict Resolution Greater New York Chapter (ACR-GNY); 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) (Former Co-Chair, NYCLA ADR Committee); New York State Bar Association (NYSBA) (Member of Dispute Resolution Section); West Hempstead Chamber of Commerce.

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).

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).

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Training Programs as Faculty or Moderator: NY Law School, Dispute Resolution Processes Course (with Prof. Theo Cheng, Esq.) (Faculty - Arbitration and Mediation Roleplay Exercises Facilitator (both intersession and during semester), 2023 (WIP) & 2022; NYCLA, Commercial Lease Disputes: To Litigate or Arbitrate; Which Is the Best Way to Resolve Them? (Faculty), 2022; NYCLA, 45th Annual Civil Trial Practice Institute (Faculty), 2022; NYCLA & NY Office of Court Administration, Joint Committee On Fee Disputes & Conciliation Part 137 Program: Fee Dispute Arbitration Training (Organizer and Faculty - Speaker, "The Basics of Post-Pandemic Part 137 Arbitration"), 2022; NYCLA, Special Masters Training (Faculty - Speaker, "Finding Peace of Mind: Settlement Conference Guidance for Special Masters"), 2022; NYCLA, Breaking the Impasse in Private and Court Mediations (Faculty, Organizer, and Author, Group Roleplay Exercise Entitled "Super Plumbing, Inc. v. Zorba"), 2022; NYCLA, 44th Annual Civil Trial Practice Institute (Faculty), 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

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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.

Locations Where Parties Will Not be Charged for Travel Expenses Nassau County (on Long Island)

Citizenship United States of America
Languages English
Locale Garden City, New York, United States of America

Compensation

Hearing: \$480.00/Hr
Study: \$360.00/Hr
Travel: \$200.00/Day
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 party-neutral dispute resolution agreement.

Elan E. Weinreb, Esq.
Neutral ID : 5199568