



## David A. Reif

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### PROFESSION

- Commercial arbitrator and mediator, focusing on franchise/distribution, corporate governance, financial services, insurance, valuation and trust disputes; Special Master; mediator in electronic discovery matters. Applying four decades of experience in investigating, preparing and trying jury and courtside cases to help parties resolve difficult disputes through mediation and arbitration.

### WORK HISTORY

- Full-time Neutral, Mediator, Arbitrator, and Special Master, 2016 to Present
- Adjunct Professor, Quinnipiac University School of Law (Civil Procedure), 2019 and 2020
- Partner, McCarter & English, LLP, 2003 - 2015
- Principal, Cummings and Lockwood, 1999 - 2003
- Principal, Susman, Duffy and Segaloff, PC, 1990 – 1999
- Reif & Manke, P.C.; Reilly, Peck, Raffile and Lasala
- Wiggin and Dana in prior years

### ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

*This list gives examples of experience; it is not all-inclusive.*

- Sole and panel arbitrator in numerous franchise disputes arising out of alleged breaches of payment obligations, breach of franchise standards, violations of State franchise acts and regulations, transfer of franchisee's operations, Franchise Disclosure Documents, and cessation of franchisor operations
- Sole arbitrator in arbitration arising out of disputes among joint venture participants in entertainment venture arising from termination of event
- Sole arbitrator in multiple matters related to alleged breaches of terms of credit facilities
- Panel arbitrator in numerous matters arising out of broker-dealer and customer relationships in the securities industry
- Panel arbitrator in dispute arising out of sale of business of broker/dealer, including issues related to valuation of business
- Panel arbitrator in valuation of practice of financial advisor
- Panel arbitrator in dispute related to contract for the provision of regulated transportation services
- Panel arbitrator in loss valuation proceeding for recovery under maritime insurance policy arising from major vessel fire
- Sole arbitrator in matter arising out of alleged breach of obligations under buy-sell agreement, including non-compete, non-solicitation, and trade secret obligations

- Mediator, special master and advocate in single and multi-day mediations arising from matters involving claims of medical negligence, legal malpractice, breach of fiduciary duty, products liability, construction defects in condominium development, financial transactions related with claims of lender liability, franchise and distribution disputes, motor vehicle and other personal injury claims, and minority ownership rights
- Certified Civil Rights Investigator, Association of Title IX Investigators (ATIXA)

## **ARBITRATION AND MEDIATION TRAINING**

- Dispositive Motions in Arbitration – ABA Dispute Resolution Section, Dec. 2020
- "The Viability of Virtual Arbitration: Reviewing Trends, Sharing Experiences and Debating Best Practices", New York Arbitration Week, November 2020
- Advanced Mediation and Arbitration in Global Commerce, AAA-ICDR, October/November, 2020
- Civil Rights Investigator Training, Association of Title IX Administrators (ATIXA), resulting in Certification, 2019
- Fordham Law School, New York International Arbitration Week, 2019
- FINRA training for arbitrators, January 2018
- Quinnipiac Law School Summer Mediation Course, 2018
- Safeguarding, Deciding & Writing Awards, 2017
- AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2017
- 2017 Joint Colloquium on International Arbitration, AAA-ICDR/ICC/ICSID, New York, 2017
- EDiscovery for Arbitrators, AAA/Association of EDiscovery Neutrals, New Orleans, December 2017
- Pepperdine Conference on Mediation STAR Training, three days, Malibu, California, 2016

## **LITIGATION EXPERIENCE**

- Forty-three years of jury and court-side trial experience and arbitration advocacy in Connecticut and nationally
- **Sample Matters** –
  - Representation of beer wholesalers in litigation, including temporary relief, arising from purported termination of distribution rights in several counties, raising issues of good cause and valuation of brand rights
  - Representation of franchisors and manufacturers in litigation and negotiations related to termination of distribution and franchise agreements in the United States and internationally
  - Representation of parties in multiple lender liability actions
  - Representation of investor in securities and common law fraud action arising from failure of an oil exploration partnership
  - Representation of importers in refusals by carriers to deliver European and Asian steel under warehouse receipts
  - Representation of electronics importers related to delays in delivery resulting from West Coast port slowdowns
  - Multiple representations of customers and broker/dealers in NASD and FINRA arbitrations
  - Representation of obligors and counterparties to letters of credit in litigation relating to the call of the letters
  - Representation of parties in multiple matters related to the dissolution of non-public companies, including minority rights and valuation of interests

- Representation of beneficiaries in litigation related to trustee’s self-dealing and failure to invest trust funds in good faith
- Representation of defendant in class action arising out of rent-to-own contracts
- Representation of manufacturer of medical supplies in litigation arising under Anti-Kickback statute in relation to reverse auction transactions and portals
- Representation of automotive OEM components manufacturer in obtaining injunctive relief against termination of its supply of raw materials and parts by sub-supplier
- Firmwide chair of Franchise and Distribution Group
- Management of major electronic discovery projects for multiple partners – Co-chair of Firmwide Electronic Discovery Group

## **PROFESSIONAL LICENSES**

- Admitted to Bar, Connecticut

## **ASSOCIATION MEMBERSHIPS**

- American Board of Trial Advocates (peer selected)
- American Bar Association, Connecticut Bar Association
- Association for Conflict Resolution
- Fellow – American College of E-Neutrals
- Fellow Emeritus, Litigation Counsel of America
- Silicon Valley Arbitration and Mediation Center

## **PANEL ASSOCIATIONS**

- Certified Civil Rights Investigator, Association of Title IX Administrators (ATIXA)
- American Arbitration Association, Commercial, Large and Complex Case, and Consumer Arbitration Panels
- Center for Alternative Dispute Resolution, Commercial Arbitration Panel
- American Health Lawyers Association, Arbitration Panel
- FINRA, Arbitration Panel (Chair Qualified)
- Silicon Valley Arbitration and Mediation Center

## **EDUCATION**

- Lafayette College, BA
- Harvard Law School, J.D.

## **PUBLICATIONS & SPEAKING ENGAGEMENTS**

- “ADR Highlights”- a three times a week update on current ADR cases (September 2020 to date)
- Presentation – Connecticut Bar Association, Alone Together Is the New Normal: Benefits and Pitfalls of Video Mediation (2020)
- Presentation – Connecticut Bar Association Franchise Section, Problems in Valuing Franchises (2019)
- Presentation – Connecticut Bar Association ADR Section – Overview of the Uniform Arbitration Act (2018)

- Presentation - Connecticut Bar Association Legal Conference, Advocacy Skills in Commercial Arbitration (2016)
- Presentation – Arbitration: What Issues Are Decided by Arbitrators and Which Are Decided by the Court, Connecticut Bar Association, Litigation Section, New Haven (2015)
- Presentation – Guidance? The Supreme Court of Class Arbitration and Removal, Trial Attorneys of America, Chicago (2015)
- Presentation – Who Determines Class Action Arbitrability – International Association of Defense Counsel, Mid-year Meeting, Marco Island (2015)
- Presentation - Electronic Discovery Basics, Connecticut Superior Court Judicial Continuing Education (2011)
- Who Resolves Class Arbitrability – Newsletter, Alternative Dispute Resolution Committee, International Association of Defense Counsel, reprinted Defense Counsel Journal (2014)
- Discovery of Electronically Stored Information, Chapter 13, A Practical Guide to Discovery and Depositions in Connecticut (2nd Ed.) (2013) Massachusetts Continuing Legal Education, Inc.
- eDiscovery: Four Important Lessons from the Restaurant Business, Inside Counsel (2012)

#### **CIVIC ACTIVITY**

- Board of Directors (2014 to present) and Vice Chair (2020 to present), New Haven Legal Assistance Association
- Board of Trustees, Lafayette College (Student Affairs and Governance Committees) (2014-2019)
- Member, Connecticut Client Security Fund (Appointment by Connecticut Chief Justice) (2019 to present)
- Treasurer and Board member, CLICC – a non-profit linking incarcerated persons with their children through literacy (2019 – present)

#### **HONORS**

- Top 10 Connecticut Lawyers and Top 100 New England Lawyers, 2013-2015 (year of retirement), Super Lawyers