

# Bennett G. Picker

## Senior Counsel

Philadelphia, PA

215.564.8054

bpicker@stradley.com



Ben Picker has an active ADR practice, serving both as a mediator and arbitrator in business disputes and as a trainer in mediation and negotiations. He has successfully resolved several hundred domestic and international disputes with a cumulative value of several billion dollars. He has served as a mediator and arbitrator in complex business disputes in corporate and commercial transactions, asset/stock purchase agreements, securities, employment, environmental, ERISA, intellectual property, health care, real estate, products liability, bankruptcy, construction, class actions, professional liability, and shareholder and partnership disputes.

In 2010, Ben received the American Bar Association's "Lawyer as Problem Solver Award." He was recognized for his unprecedented insight into new avenues of dispute resolution. The award is presented annually to an individual or institution demonstrating profound creativity in problem solving.

Ben is a member of the National Panel of Distinguished Neutrals and the Employment Panel of the CPR International Institute for Conflict Prevention & Resolution; a member of the Commercial Mediation, Arbitration, International and National Class Action Panels of the American Arbitration Association; a fellow of both the American College of Civil Trial Mediators and the International Academy of Mediators and is certified by the International Mediation Institute. He is the author of *Mediation Practice Guide – A Handbook for Resolving Business Disputes (Second Edition)* published by the American Bar Association Section on Dispute Resolution, and has written numerous books and articles on mediation and arbitration.

Over several prior decades, Ben represented plaintiffs and defendants in a wide range of commercial cases, including contract, securities and class action disputes, employment (discrimination, harassment, tenure, restrictive covenants and wrongful discharge), uniform commercial code, product liability, professional liability (law firms and accounting firms) and complex commercial matters.

An active participant in the Philadelphia Bar Association, Ben served as the Association's chancellor and as chairman of the Association's board of governors, judiciary committee and appellate courts committee. He is a founder and advisory board member of Pennsylvanians for Modern Courts and a former member of the Pennsylvania Trial Court Nominating Commission (First Judicial District).

Ben was also named a Pennsylvania Super Lawyer annually since 2004 by a vote of his peers. In addition, he was selected annually since 2005 to be included in the editions of *The Best Lawyers in America*, regarded as a definitive guide to

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## FOCUS

Alternate Dispute Resolution

## BAR ADMISSIONS

Pennsylvania

## EDUCATION

J.D., Columbia University School of Law  
International Law Program, Hague  
Academy of International Law

B.A., *magna cum laude*, Temple  
University



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legal excellence in the United States, and was named the *Best Lawyers' 2014*, 2013, 2012 and 2011 Philadelphia Area ADR "Lawyer of the Year" based on an exhaustive peer-review of legal abilities of other lawyers in their specialties. Only a single lawyer in each specialty in each community is honored as "Lawyer of the Year." Ben was also recognized as one of the world's leading commercial mediators in the "International Who's Who of Commercial Mediation" 2014 - 2017. The only Pennsylvania honoree, he was selected for providing "fantastic service." Also recognized as the outstanding lawyer in mediation by the American and Pennsylvania Bar Associations (see "Recognitions").

## ALTERNATE DISPUTE RESOLUTION

### ADR Certifications and Panels

- Distinguished Fellow, International Academy of Mediators
- Fellow, American College of Civil Trial Mediators
- Member, National Panel of Distinguished Neutrals (Mediation and Arbitration), CPR International Institute for Conflict Prevention & Resolution
- CPR National Employment Panel
- Member, Master Mediator Panel (Middle Atlantic/Northeast) of AAA
- Member, Commercial Arbitration and Mediation Panels of American Arbitration Association (AAA)
- AAA Large Complex Case Panel
- AAA National Class Action Arbitration Panel
- ICDR Mediation Panel (International Centre for Dispute Resolution)
- Member, Mediation Panel of Court of Arbitration for Sport (Lausanne, Switzerland)
- Member, Mediation Panel of Singapore International Mediation Centre
- Member, Mediation Panel of Florence International Mediation Centre
- Certified Mediator, International Mediation Institute (Netherlands)
- Certified Mediator, U.S. District Court for the Eastern District of Pennsylvania

### ADR Boards

- Executive Advisory Committee, CPR International Institute for Conflict Prevention & Resolution
- Advisory Council of the Straus Institute for Dispute Resolution of Pepperdine University School of Law
- Former Member, Editorial Board, *Dispute Resolution Magazine* (published by ABA Section of Dispute Resolution), 2013 - 2017
- Former Member, Board of Directors (2001-2013) and Executive Committee (2008-2012), American Arbitration Association
- Former Co-Chair, National Mediation Committee, American Arbitration Association

The logo for Stradley Ronon, featuring the name "STRADLEY" in a serif font above "RONON" in a larger, bold serif font. A stylized "R" icon is positioned to the left of the "R" in "RONON".

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## ADR Service

- Representative of International Mediation Institute to the United Nations Economic and Social Council (ECOSOC), 2014 - 2017

## ADR Lectures and Training

Ben has served as a lecturer/trainer (ADR, mediation and negotiations) in programs sponsored by American and Pennsylvania Bar Associations, Practising Law Institute, Center for Dispute Resolution (United Kingdom), CPR International Institute for Conflict Prevention & Resolution, American Arbitration Association, Association of Corporate Counsel, Wharton School of the University of Pennsylvania, American College of Civil Trial Mediators, International Academy of Mediators, Villanova Law School, Temple University Law School and at numerous in-house legal departments of corporations throughout the U.S.

For Ben's Statement on Personal Mediation Philosophy, please visit [http://www.stradley.com/~media/Files/Publications/2014/Picker\\_Bio\\_Personal\\_Philosophy.pdf](http://www.stradley.com/~media/Files/Publications/2014/Picker_Bio_Personal_Philosophy.pdf) and for his user feedback from the International Mediation Institute, please visit <https://imimmediation.org/bennett-picker>.

## Representative Issues Resolved in Mediation and Arbitration

Ben has served as a mediator and arbitrator in numerous complex business disputes, including the following representative cases:

- several hundred million dollar claim by a public company against a major accounting firm in connection with its audit (alleged wrongful issuance of going concern letter)
- claims by a state insurance commissioner against a national law firm for alleged breaches of fiduciary duties
- dispute between two healthcare institutions involving alleged breaches of affiliation agreement (mediation resolved dispute and also permitted parties to dissolve a joint medical practice)
- dispute arising out of employment termination of key executives of a public company
- alleged breach-of-asset purchase and continuing supply agreements
- several hundred million dollar claim by trustee in a bankruptcy against multiple parties involving claims of breaches of fiduciary duties, fraud and equitable subordination
- claim by a manufacturing company against a manufacturer of component parts which were recalled worldwide
- alleged fraud involving computer software licenses
- several hundred million dollar claim against numerous North American and European insurance companies by owners of satellite which exploded in space
- numerous claims against accounting firms in connection with audits – including claims for breaches of fiduciary duties and violations of GAAP and GAAS



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- claims by a trustee of a public company in bankruptcy against officers and directors and the company's accounting firm for damages arising from deepening insolvency
- claims by minority shareholders of the corporation against majority shareholders for breaches of fiduciary duties and "minority oppression"
- numerous shareholder, partnership and real estate disputes involving competing contentions on valuation issues
- collective actions by employees asserting rights under the Fair Labor Standards Act
- dispute over worldwide distribution of patent royalties involving two pharmaceutical companies which jointly developed and marketed the product
- claims of wrongful termination, employment discrimination and contract right to tenure by a university professor
- allegations of patent infringement, misappropriation of "know how" and breaches of exclusivity and territoriality provisions of a patent license agreement between U.S. and European companies
- copyright infringement claim against an author by a competing publication
- claims by limited partners in real estate investments against a general partner for misallocation of profits from pooled sale of properties
- claims against a national law firm for damages arising from alleged conflicts of interest and failure to disclose certain relationships
- high nine-figure claim by client against law firm for alleged inadequate due diligence in connection with an acquisition
- substantial claim against large healthcare institution for alleged violation of PA whistleblower statute
- nine-figure claims for breach of contract by purchaser of numerous pools of many thousands of subprime mortgages (against originator of mortgages)

## SELECT PUBLICATIONS

### Books/Book Chapters

- Author, "Managing Business Disputes Through Mediation" chapter in *Managing Business Risk: A Practical Guide to Protecting Your Business*, published in 2014 by Kogan Page
- Author, *Mediation Practice Guide: A Handbook for Resolving Business Disputes (Second Edition)*, published in 2003 by the American Bar Association Section on Dispute Resolution
- Author, *Guía Práctica Para La Mediación (Spanish Edition of Mediation Practice Guide)*, published in 2003 by Centro Empresarial de Mediación y Arbitraje (Mediation and Arbitration Center of Buenos Aires)
- Co-author with Jack Foltz (former chair of American Corporate Counsel Association), Chapter on ADR in multi-volume series, *Successful Partnering Between Inside and Outside Counsel*, published in Fall 2000 by



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West Group, Inc. and American Corporate Counsel Association

- Author, *Mediation Practice Guide: A Handbook for Resolving Business Disputes (First Edition)*, published in 1998 by Pike and Fischer, Inc., a subsidiary of the Bureau of National Affairs, Inc. and the ABA Section on Dispute Resolution

## Articles

- “Are Legal Disputes Just About Money? Answers from Mediators in the Front Line,” *Alternatives* (October 2017)
- “Mediation v. Court Truth,” Blog of International Academy/Mediators, IAMED.org (May 2017)
- “How to Become a Successful Mediator,” keynote address delivered in 2015 at a conference in Florence, Italy, sponsored by the International Mediation Institute and published on mediate.com and imimmediation.org (July 2015)
- “Cognitive Barriers to Success in Mediation,” *The Metropolitan Corporate Counsel* (December 2010), co-authored with Gregg Relyea
- “Preparation: The Key to Successful Outcomes in Mediation,” *Alternatives, CPR International Institute for Conflict Prevention and Resolution* (February 2010)
- “The 10 Most Common Mistakes Made by Mediation Advocates,” *The Legal Intelligencer* (April 19, 2007)
- “Navigating The Mediation Process: Overcoming Invisible Barriers to Resolution,” *Dispute Resolution Journal, American Arbitration Association* (Vol. 61, No. 3, August-October 2006)
- “Strategies for Successful Mediation,” *Alternatives, CPR International Institute for Conflict Prevention & Resolution* (June 2006), transcript of comments at CPR’s Annual Meeting
- “Experts Identify ADR Trends and Best Practices,” *The Metropolitan Corporate Counsel* (January 2006)
- “EDR: Make the Investment, Reap the Rewards,” *The Metropolitan Corporate Counsel* (August 2003)
- “How to Best Aid Negotiations by Breaking Down Barriers,” *Alternatives, CPR International Institute for Conflict Prevention & Resolution* (December 2001)
- “Breaking Negotiation Barriers Through Mediation,” *The Legal Intelligencer* (October 22, 2001)
- “Bennett G. Picker: A Professional ADR Practitioner Speaks,” *The Metropolitan Corporate Counsel* (August 2000)
- “Negotiation vs. Litigation,” *The Philadelphia Business Journal* (October 1999)
- “ADR: New Challenges, New Roles, New Opportunities,” *Temple Law Review* (Vol. 72, No. 4, Winter 1999)
- “25 Practice Tips for Mediation,” *The Philadelphia Lawyer, PBA Quarterly Magazine* (Vol. 59, No. 4, Winter 1996)



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- “Mediation: The Sleeping Giant of ADR” and “Innovative ADR - One Meridian Plaza Fire Litigation: A Study in Cooperative Litigation Management,” (Course Materials of PBA/PICPA Sponsored Seminar, October 1995)
- “New Plan to Reduce Litigation Costs,” *Corporate Legal Times*, (Vol. II, No. 13, December 1992)
- “Family Responsibility Policies for Law Firms,” *PLI Course Handbook Series No. 560* (1990)
- “Amend the Pennsylvania Constitution: Eliminate Partisan Judicial Elections,” *Philadelphia Business Journal* (July 13, 1987)
- “Insider Trading: A Policymaking Priority for Directors,” *Directors & Boards* (Vol. II, No. 4, Summer 1987)
- “Partnership Agreements: Legal and Practical Considerations,” *PLI Course Handbook Series No. 520* (1989)
- Course materials for more than 50 presentations on ADR, mediation, arbitration and negotiations

## RECOGNITION

- Philadelphia Bar Association, “PNC Achievement Award”
- *National Law Journal*, “ADR Champion,” 2017
- Pennsylvania Bar Association, Sir Francis Bacon Alternative Dispute Resolution Award, 2017
- *The Legal Intelligencer*, Lifetime Achievement Award for pioneering mediation and leading diversity and pro bono initiatives, 2015
- Appointed by the International Mediation Institute as a representative to the United Nations Economic and Social Council, 2014 - 2017
- American Bar Association Section on Dispute Resolution, “Lawyer as Problem Solver Award,” 2010
- American Arbitration Association Outstanding Director Award, 2005
- Meritas Grahovac Award for Vision and Leadership, 2006
- Pennsylvania *Super Lawyers* annually since 2004
- *The Best Lawyers in America* annually since 2005
- *The Best Lawyers in America*, Philadelphia Mediation “Lawyer of the Year,” 2018
- *Best Lawyers’ Philadelphia Area ADR* “Lawyer of the Year,” 2012, 2013 and 2014
- One of the “World’s Leading Commercial Mediators,” *International Who’s Who of Commercial Mediation*, 2014 – 2017
- Awards for service as:
  - Co-Founder of Pennsylvanians for Modern Courts, 1988 (Presented by Justice Harry Blackman)
  - Chairman of Federal Court Celebration of the Bicentennial Bill of



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Rights, 1987 (Presented by Chief Justice Warren Burger)

- Chancellor of the Philadelphia Bar Association and Co-Founder of the Bar's pro bono program - "Philadelphia VIP," 1986 (Presented by Justice William Brennan)

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