



**RICHARD P. BYRNE, ESQ.**

*Commercial Specialist*

Richard P. Byrne, Esq. has been serving as a Mediator since Mediation first came on the horizon as a cost-effective means of resolving litigation and other disputes. He is well-respected professionally and has a reputation for bringing the most contentious disputes to full and final resolution. A strong proponent of Alternative Dispute Resolution (ADR) and a Certified Mediator with the United States District Court, Richard P. Byrne brings more than 25 years of ADR experience to NAM's New York Metro panel of neutrals.

He has successfully mediated issues in a wide variety of specialty areas, including commercial disputes, employment discrimination claims, employment contract disputes, wage and hour/FLSA claims, construction matters, complex personal injury and property damage claims, insurance and reinsurance matters, risk transfer disputes and life, health and disability claims. His legal career of over 35 years brings an added dimension of expertise to the matters over which he presides.

In 2013, Mr. Byrne was selected by Kenneth R. Feinberg, the former Administrator of the September 11th Victim Compensation Fund, to assist in the mediation and resolution of Hurricane Sandy claims. He was also asked to join a sub-panel for the United States District Court to help resolve a backlog of over 1,400 Hurricane Sandy lawsuits. Mr. Byrne is a member of the Mediation panels for both the United States District Court and the United States Bankruptcy Court for the Eastern District of New York. In 2016, Mr. Byrne was appointed to serve on the Advisory Council to the ADR Department of the United States District Court for the Eastern District of New York.

In 2018, for the fourth year in a row, Mr. Byrne was named one of the Top 3 Mediators in the United States by The National Law Journal Reader Rankings Survey and was voted a Top 3 Mediator by the 2018 Corporate Counsel Best of Survey. He was also voted a Top Ten Mediator by the New York Law Journal Reader Rankings Survey for the fifth consecutive year (2014 – 2018) and named a National Law Journal 2018 Alternative Dispute Resolution Champion.

Mr. Byrne writes regularly on ADR topics and recently authored *Construction Claims: A Mediator's Perspective* which was published by the American Bar Association in 2018 as a chapter in the book *Resolving Insurance Claim Disputes Before Trial*.

Since 2002, Mr. Byrne has served as Co-Managing Partner of L'Abbate, Balkan, Colavita & Contini, LLP. He has been awarded an A-V rating by Martindale-Hubbell, the highest rating available, based on its peer review process. He also has been recognized by his peers as a New York Metro Super Lawyer on numerous occasions.

Richard Byrne is available to mediate cases throughout the United States.



**AREAS of EXPERIENCE**

- Commercial
- Construction
- Life, Health and Disability Claims
- Employment Disputes
  - Discrimination
  - Employment Contracts
  - Harassment
  - Hostile Work Environment
  - Wage and Hours/ FLSA
  - Wrongful Termination
- Insurance and Reinsurance
- Labor Law
- Personal Injury/Negligence
- Products Liability
- Property Damage
- Risk Transfer

**LECTURES and PUBLICATIONS**

- Speaker, *How to Achieve Resolution and Avoid Pitfalls Commonly Faced During Mediation*, presented to the Counsel on Litigation Management (CLM), 2018
- Speaker/Panel Member, *The Future of Arbitration: Is It So Bright You Have to Wear Shades?*, American Bar Association (ABA) Annual Meeting, 2018
- Speaker/Panel Member, *The Art of Mediation, Best Practices and Tips from the Bench and Bar*, presented to Pryor Cashman, 2018
- Co-author, *Dispute Resolution of Construction and Labor Law Claims* chapter published in the American Bar Association's (ABA) treatise, *Resolving Insurance Claims Disputes Before Trial*, 2018
- Author, *The Challenges in Mediating Multi-Defendant Cases*, New York Law Journal, 2018
- Speaker/Panel Member, *Arbitration of Commercial Disputes: Hot Topics and Tips*, presented to Blank Rome LLP, 2018
- Speaker/Panel Member, *Mediating Construction Defect Claims as Catharsis – Legal and Therapeutic*, American Bar Association (ABA) Section of Dispute Resolution Spring Conference, Washington, D.C., 2018
- Author, *Why Mediations Fail*, New York Law Journal Litigation Special Report, 2017
- Speaker/Panel Member, *The Art of Arbitration: Best Practices and Tips from The Arbitrators*, presented to the Queens County Bar Association, 2017
- Author, *Taking Control of ESI in Arbitration*, National Law Journal, 2017
- Speaker, *Construction Defect Claims: A Mediator's Perspective*, presented to the Chartered Property Casualty Underwriters (CPCU), Atlanta I-Day, 2017
- Speaker/Panel Member, *Arbitration of Commercial Disputes: Hot Topics and Tips From 3 Perspectives*, presented to Reed Smith LLP, 2017
- Speaker/Panel Member, *Best Practices for Mediator Construction Defect Claims*, CLE presented by NAM and The New York Law Journal, 2017
- Speaker/Panel Member, *Best Practices and Tips for Mediation: 4 Perspectives*, presented to Goldberg Segalla LLP, 2017
- Moderator/Panel Member, *Arbitration of Commercial Disputes: Best Practices and Tips from the Arbitrators*, presented to Kelley Drye & Warren, LLP, 2017

- Author, *Demonstrating Strength by Acknowledging Weakness in Mediation*, New York Law Journal, 2017
- Speaker/Panel Member, *Mediating Construction Defect Claims*, presented to Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana LLP, 2016
- Author, *Construction Defect Claims – A Mediator’s Perspective*, National Law Journal, Corporate Counsel, 2016
- Author, *Mediator Settlement Recommendations - Be Careful What You Ask For!*, National Law Journal, Corporate Counsel, 2016
- Speaker/Panel Member, *Mediation Pointers For Claims Professionals*, presented to the Chartered Property Casualty Underwriters (CPCU), Atlanta I-Day, 2016
- Author, *Don’t Fear The Expert at Mediation*, National Law Journal and Corporate Counsel, 2016
- Author, *Opening Statements In Mediation - Don’t Pass Up The Opportunity*, National Law Journal, Corporate Counsel, 2016
- Author, *Mediation as Catharsis- Legal and Therapeutic*, National Law Journal, Corporate Counsel, 2016
- Author, *Identifying Conditions to Settlement Prior to the Commencement of Negotiations*, National Law Journal, Corporate Counsel, 2016
- Author, *Preparation, Preparation, Preparation - Investing in the Mediation*, National Law Journal, Corporate Counsel, 2016
- Author, *The Pre-Mediation Mediation - When, Where, and Why*, National Law Journal, Corporate Counsel, 2016
- Speaker/Panel Member, *Best Practices and Tips on Mediation and Arbitration from a Neutral*, 2015
- Speaker/Panel Member, *When and How to Settle...or Fight*, sponsored by the New York State Trial Lawyers Association, 2015
- Author, *Removing the Trial Blinders to Achieve Effective Mediation*, National Law Journal, Corporate Counsel, 2015
- Speaker/Panel Member, *Introduction to Alternative Dispute Resolution*, sponsored by the Brooklyn Bar Association, 2015
- Speaker/Panel Member, *Mediation as a Tool to Resolving Complex E-Discovery Disputes*, sponsored by NAM (National Arbitration and Mediation) and the New York Law Journal, 2015
- Author, *ESI, E-Discovery Plans and the Mediator - Facing the Future of Electronic Discovery*, New York Law Journal, 2015
- Speaker/Panel Member, *Risk Transfer*, 2015
- Speaker/Panel Member, *An Expedited Way to Resolve Coverage Disputes: The Use of Mandatory ADR Clauses in Insurance Policies*, sponsored by the Claims and Litigation Management Alliance (CLM), Insurance Bad Faith and Coverage Conference, 2014
- Author, *Priority of Insurance Coverage – Who Holds the Trump Card?*, New York Law Journal, 2014
- Author, *Pre-Claim Liability Transfer - Avoiding the Pound of the Cure*, New York Law Journal, 2014
- Speaker/Panel Member, “Achieving Optimal Risk Mitigation Through Effective Risk Transfer”, sponsored by NAM (National Arbitration and Mediation) and the New York Law Journal, 2014

## **HONORS and AWARDS**

- Ranked a Top 3 Mediator by In-House Corporate Counsel, 2018 Corporate Counsel Best Survey
- Ranked the #3 Mediator in the United States by the 2018 National Law Journal Reader Rankings Survey
- Ranked the #2 Mediator in the United States by the 2017 National Law Journal Reader Rankings Survey
- Ranked the #3 Mediator in the United States by the 2016 National Law Journal Reader Rankings Survey
- Ranked the #3 Mediator in the United States by the 2015 National Law Journal Reader Rankings Survey
- National Law Journal, *2018 Alternative Dispute Resolution Champion*
- National Law Journal, *2017 Alternative Dispute Resolution Champion*
- National Law Journal, *2016 Alternative Dispute Resolution Champion*
- New York Law Journal Reader Rankings Survey 2018, Top Three - Best Individual Mediator Category

- New York Law Journal Reader Rankings Survey 2017, Top Ten - Best Individual Mediator Category
- New York Law Journal Reader Rankings Survey 2016, Top Ten - Best Individual Mediator Category
- New York Law Journal Reader Rankings Survey 2015, Top Ten - Best Individual Mediator Category
- New York Law Journal Reader Rankings Survey 2014, Top Ten - Best Individual Mediator Category
- 2015 Legal Leaders in Construction Law, American Lawyer Media and Martindale-Hubbell
- AV Rating, Martindale-Hubbell Peer Review Ratings System
- Mediator of the Year Award, Institute of Jewish Humanities 2014
- New York Metro Super Lawyer Peer Rating
- Member and Editor of the Law Review, New York Law School
- Member and Editor of the Journal of International and Comparative Law, New York Law School

### **LEGAL EXPERIENCE**

- Co-Managing Partner, L'Abbate, Balkan, Colavita & Contini, L.L.P., 2002
- Senior Partner, L'Abbate, Balkan, Colavita & Contini, L.L.P., 1999
- Partner, L'Abbate, Balkan, Colavita & Contini, L.L.P., 1990
- Associate, L'Abbate, Balkan, Colavita & Contini, L.L.P., 1985
- Associate, Wilson, Elser, Moskowitz, Edelman & Dicker, 1982-1985

### **PROFESSIONAL LICENSES and ADMISSIONS**

- United States District Court, Western District of New York, 2015
- United States District Court, Northern District of New York, 2009
- United States District Court, Eastern District of New York, 1989
- United States District Court, Southern District of New York, 1984
- Courts of the State of New York, 1983
- FLSA Mediation Training, Eastern District of New York
- United States District Court, Eastern District of New York, Certified Mediator
- United States District Court, Eastern District of New York, Mediation Panel
- United States Bankruptcy Court, Eastern District of New York, Mediation Panel

### **PROFESSIONAL AFFILIATIONS and ASSOCIATIONS**

- Counsel on Litigation Management, ADR subcommittee, Member
- Nassau County Bar Association, ADR subcommittee, Member

### **EDUCATION**

- New York Law School, J.D., *magna cum laude*, 1982
- Saint Peter's College, B.A., History, *magna cum laude*, 1979