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Charles J. Moxley, Jr. – Attorney, Arbitrator and Mediator

Mr. Moxley is an experienced litigator, arbitrator and mediator who specializes in complex commercial, insurance, securities, employment, international and other matters. He is Of Counsel to Kaplan Fox & Kilsheimer LLP, an Adjunct Professor of Law at Fordham Law School, the Distinguished ADR Practitioner in Residence at Benjamin N. Cardozo School of Law, a Fellow of the College of Commercial Arbitrators and of the Chartered Institute of Arbitrators, and Chair Elect of the Dispute Resolution Section of the New York State Bar Association.

Mr. Moxley has served as arbitrator or mediator in over 200 cases, primarily in the commercial, securities, insurance, employment, and international areas. He is a member of arbitration and mediation panels of the American Arbitration Association (AAA), the International Institute for Conflict Prevention and Resolution (CPR), the U.S. Council of International Business (USCIB) for the ICC International Court of Arbitration, Supreme Court, New York County (Commercial Division and Part 137), and of the New York City Bar Association's ADR Program for Lawyer to Lawyer Disputes. He is a Certified Arbitrator with ARIAS-U.S. and a Certified Mediator with the International Mediation Institute.

Mr. Moxley currently serves as Co-Chair of the Legislation Committee of the Dispute Resolution Section of the New York State Bar Association and is a member of the Arbitration Committee of the New York City Bar Association, where he chairs the Subcommittee on the Association's Mediation and Arbitration Program for Disputes Among Lawyers.

Mr. Moxley has published widely in the arbitration and mediation areas, including the following articles:

- “Traps for the Unwary: Major Differences Between New York and Federal Arbitration Law,” NEW YORK DISPUTE RESOLUTION LAWYER, Spring 2010;
- “Beyond the ‘Discretion of the Arbitrator’: Applying the Standard of ‘Reasonable Necessity’ to Determine the Appropriate Scope of Discovery in Insurance/Reinsurance Arbitration,” ARIAS-U.S. QUARTERLY, First Quarter, 2009;
- “Discovery in Commercial Arbitration: How Arbitrators Think,” DISPUTE RESOLUTION JOURNAL, American Arbitration Association, Aug.-Oct. 2008;
- “Scope of Discovery in Commercial Arbitration,” NEW YORK DISPUTE RESOLUTION LAWYER, Fall 2008;

- “The Status of the Uniform Mediation Act in New York,” NEW YORK DISPUTE RESOLUTION LAWYER, Fall 2008; and
- “Selecting the Ideal Arbitrator,” DISPUTE RESOLUTION JOURNAL, American Arbitration Association, Aug.-Oct. 2005; book and articles on international law.

Mr. Moxley speaks widely before professional groups in the ADR area and regularly chairs panels in the area, including the following:

- Moderator, ABA national Teleconference on “Recent ADR Model Acts on Arbitration, Mediation and Collaborative Law: Latest Progress and Why Does It Matter?”, 2010;
- Co-Chair, Program on “International Dispute Resolution in Practice: Experiences, Trends and Tips,” NYSBA, International and Dispute Resolution Sections, Annual Meeting, 2010;
- Panel Member, “Introduction to the Basics of International Arbitration,” NYSBA, International and Dispute Resolution Sections, Annual Meeting, 2010;
- Panel Member, “Drafting Arbitration Clauses: Pre-Nuptials for Businesses,” New York City Bar, 2010;
- Panel Member, “Best Practices in Conducting Preliminary Hearings in Large Complex Arbitrations in the Employment and Other Areas,” NYSBA, Dispute Resolution Section, Fall Meeting, 2009;
- Speaker, “How to Achieve the Arbitration Goals of Expedition, Economy and Fairness in Cases in the Accounting and Financial Industries,” New York State Society of CPAs, 2009;
- Panel Member, “Perspectives on Arbitration and Mediation in the Real Estate and Financial Industries,” Conference on Conflict Resolution at Work: ADR in the Private and Public Sectors, Benjamin N. Cardozo School of Law, 2009;
- Panel Member, “Exploring The Murky Boundaries Between The FAA and State Law in Arbitrations in New York: Which Law Applies and When? An Overview of Arbitration Choice of Law,” ABA Section of Dispute Resolution’s 11th Annual Spring Conference, 2009;
- Panel Moderator, “The Uniform Mediation Act - Is It Time For New York State To Get On The Bandwagon?,” New York State Bar Association, Dispute Resolution Section, Fall Meeting, 2008;
- “Selecting the Ideal Arbitrator,” American Arbitration Association, New York City, 2005.

Mr. Moxley has been a litigator handling large securities, insurance, commercial, corporate and other cases in federal and state courts throughout the United States for over 35 years, as well as performing arbitration and appellate work.

The focus of Mr. Moxley’s litigation practice is on complex matters involving high stakes, multiple parties, intricate factual and legal issues, scores of witnesses, and voluminous exhibits. Clients have included individuals and closely held and public corporations, including securities and hedge firms, insurance companies, accounting firms, and banks, as well as government officials and departments. Mr. Moxley has broad experience with financial, accounting,

insurance, and securities issues. He is AV rated (Martindale Hubbell). Mr. Moxley's practice over the years has been fairly evenly divided between representing plaintiffs and defendants.

Recent cases include the representation of a State Insurance Regulator, as the Liquidator of two insolvent insurance companies, in an action against former officers and directors and the former auditors of the two defunct companies, alleging deepening insolvency and other damages in excess of \$140 million; representation of a large public insurance company in a securities fraud case against an insurance holding company (and related officers and directors) in which the client had invested funds; representation of a securities firm and associated entities in a FINRA arbitration in connection with customer claims arising out of market losses in late 2008 and early 2009. Mr. Moxley tried the FINRA arbitration in early 2010, obtaining the dismissal of all claims against his clients.

Mr. Moxley started his career as an associate at Davis Polk & Wardwell and thereafter was a member of several New York City law firms. He has also served as a law professor at St. John's University School of Law and as an Adjunct Professor at New York Law School, teaching Federal and New York practice, evidence, and professional responsibility, as well as currently teaching public international law at Fordham Law School. He has also served extensively as a special master in New York Supreme Court. As Distinguished ADR Practitioner in Residence at Cardozo, Mr. Moxley advises the faculty and students at Cardozo on ADR issues.

Mr. Moxley is the author of *Nuclear Weapons and International Law in the Post Cold War World* (Austin & Winfield, 2000) (with Forewords by Robert S. McNamara, David W. Leebron, and Kosta Tsipis).

Mr. Moxley's pro bono activities have included service as Chair of the Independent Judicial Screening Committee for the designation of candidates for New York City Civil Judge. He is also a member of the board of the Lawyers' Committee for Nuclear Policy and a former board member of the Lawyers Alliance for World Security. In addition, he has served as New York City Law Industry Chair for the March of Dimes Walkathon. Mr. Moxley also serves extensively as a mediator in the ADR program of the Commercial Division of Supreme Court, New York County, and as an arbitrator and mediator in Supreme Court, New York County, Part 137, in cases involving disputes between attorneys and their clients.

During law school, Mr. Moxley served as Managing Editor of the *Columbia Journal of Transnational Law*. He then served as Law Clerk to the Hon. Thomas F. Croake of the U.S. District Court for the Southern District of New York.

Mr. Moxley is the father of four children, Katrina, Alicia, Charlie, and Lenny. He and his wife Mary Ann and children live in Westchester County, New York. Mr. Moxley is an avid jogger and bike rider. The primary public policy area in which he has been involved is international law and weapons of mass destruction. He has written the book referenced above and numerous law review articles and has spoken widely on the subject, including at the United Nations and the New York City Bar Association.

Representative Reported Decisions in Cases in Which Mr. Moxley Has Served as Counsel

- *Shintom Co. v. Audiovox Corp.*, 888 A.2d 225, 2005 Del. LEXIS 421 (Del. 2005);
- *Serio v. PricewaterhouseCoopers LLP*, 9 A.D.3d 330, 781 N.Y.S.2d 7, 2004 N.Y. App. Div. LEXIS 10054 (N.Y. App. Div. 1st Dep't 2004);
- *Levin v. PricewaterhouseCoopers, LLP*, 302 A.D.2d 287, 754 N.Y.S.2d 541, 2003 N.Y. App. Div. LEXIS 1724 (N.Y. App. Div. 1st Dep't 2003);
- *McMahon v. McMahon*, 279 A.D.2d 346, 718 N.Y.S.2d 353, 2001 N.Y. App. Div. LEXIS 452 (N.Y. App. Div. 1st Dep't 2001);
- *Paramount Communs. v. Gibraltar Cas. Co.*, 90 N.Y.2d 507, 685 N.E.2d 1214, 1997 N.Y. LEXIS 1384, 663 N.Y.S.2d 133 (1997);
- *Roberts by Ladd v. Ski Roundtop*, 212 A.D.2d 768, 623 N.Y.S.2d 264, 1995 N.Y. App. Div. LEXIS 2214 (N.Y. App. Div. 2d Dep't 1995);
- *Sommer v. Federal Signal Corp.*, 79 N.Y.2d 540, 593 N.E.2d 1365, 1992 N.Y. LEXIS 1305, 583 N.Y.S.2d 957 (1992);
- *Boley v. Pineloch Associates, Ltd.*, 700 F. Supp. 673, 1988 U.S. Dist. LEXIS 12292 (S.D.N.Y. 1988);
- *Sack v. Board of Elections*, 65 N.Y.2d 958, 483 N.E.2d 1152, 1985 N.Y. LEXIS 15977, 493 N.Y.S.2d 1020 (1985);
- *Grillo v. Harrington*, 65 N.Y.2d 949, 484 N.E.2d 134, 1985 N.Y. LEXIS 15973, 494 N.Y.S.2d 105 (1985);
- *Forty Exchange Co. v. Cohen*, 125 Misc. 2d 475, 479 N.Y.S.2d 628, 1984 N.Y. Misc. LEXIS 3438 (N.Y. Civ. Ct. 1984);
- *Sham Sunder Agarwal v. Merrill Lynch, Pierce, Fenner & Smith, Inc., and Amin Soorty*, 1981 U.S. Dist. LEXIS 13580 (S.D.N.Y. 1981);
- *Flintkote Co. v. Allis-Chalmers Corp.*, 73 F.R.D. 463, 1977 U.S. Dist. LEXIS 17693, 22 Fed. R. Serv. 2d (Callaghan) 1492 (S.D.N.Y. 1977);
- *Pan American World Airways, Inc. v. Aetna Casualty & Surety Co.*, 505 F.2d 989, 1974 U.S. App. LEXIS 6498 (2d Cir. N.Y. 1974);
- *Missouri Portland Cement Co. v. Cargill, Inc.*, 498 F.2d 851, 1974 U.S. App. LEXIS 8190, Fed. Sec. L. Rep. (CCH) P94595, 1974-1 Trade Cas. (CCH) P75113 (2d Cir. N.Y. 1974); and
- *United States v. Super*, 492 F.2d 319, 1974 U.S. App. LEXIS 9907 (2d Cir. N.Y. 1974).

Education:

- B.A., Fordham University (1965)
- M.A., Fordham University (1966)
- J.D., Columbia University School of Law (1969)

Bar affiliations and court admissions:

- Bar of the State of New York (1969)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second and Seventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional affiliations:

- New York State Bar Association, Chair-Elect, Dispute Resolution Section; Co-Chair, Legislation Committee of the Dispute Resolution Section
- New York City Bar, Member, Arbitration Committee; Chair, Subcommittee on the Association's Mediation and Arbitration Program for Disputes Among Lawyers
- American Bar Association, Member, Arbitration and Mediation Committees
- New York County Lawyers Association, Member of Arbitration and Mediation Panels of the Association for Disputes Between Attorneys and Clients in Part 137 of Supreme Court, New York County
- College of Commercial Arbitrators, Fellow
- Chartered Institute of Arbitrators, Fellow

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