



Robert E. Bartkus, Esq.

- Current Employer-Title** Anselmi & Carvelli LLP (Litigation)
- Profession** Attorney - Commercial Litigation and Alternative Dispute Resolution (Banking-Letters of Credit, Employment and Corporate Restrictive Covenants and Non-Compete Agreements, Injunctions, Insurance/Reinsurance and Brokerage, Partnership Disputes and Dissolutions, Securities, Trade Secrets and Intellectual Property, UCC)
- Work History** Of Counsel, Anselmi & Carvelli, LLP FKA McCusker Anselmi Rosen & Carvelli P.C.; Member, Dillon, Bitar & Luther L.L.C., 2002 – 2015; Owner, Robert E. Bartkus A Professional Corporation, 1997 – 2002; Of Counsel, Pinto Rodgers & Kopf, 1988 – 1997; Special Counsel – WPPSS Securities Litigation, Schulte Roth & Zabel, 1985 – 1988; Senior Associate, Baker & McKenzie, 1982 – 1985; Associate, Paul Weiss Rifkind Wharton & Garrison, 1979 – 1982; Associate, Willkie Farr & Gallagher, 1976 – 1979; Teaching Assistant, Stanford Law School, 1976; Summer Associate, Willkie Farr & Gallagher (New York City), 1975; Summer Associate, Northcut Ely PA (Washington, DC), 1974; Lieutenant, U.S. Navy, 1968 – 1973.
- Experience** Forty years of experience in commercial/business and international litigation, with focus on federal court matters, including complex multiparty and MDL proceedings and antitrust, consumer, RICO and securities class actions; accounting and brokerage malpractice; banking and letters of credit; business interruption (plant destruction); Class Action Fairness Act; commercial real estate, construction, lease and shopping mall covenants; dealership and franchise terminations; employment restrictive covenants; ERISA; foreign governments and trading entities; Foreign Sovereign Immunities Act; impracticability/impossibility claims in long term supply contracts; insurance and reinsurance fraud and brokerage; international commercial disputes and arbitrations in U.S. and abroad (China, England, Germany, Hungary, Italy, Korea, Russia/USSR); law and accounting partnership disputes and dissolutions; New Jersey Consumer Fraud Act; trade secret, patent, copyright, trademark and other intellectual property; Uniform Commercial Code. Leading roles in billion-dollar front-page litigation, including Special Counsel in WPPSS securities litigation, trial counsel for Iranian Assets Litigation through U.S. Supreme Court. N.J. Superior Court Receiver. Businesses represented: major U.S. and international banks and financial institutions; foreign governments and trading companies; intermodal trucking; Fortune 100 consumer goods, industrial, insurance/ reinsurance, insurance brokerage, medical/dental device and pharmaceutical/chemical companies. New Jersey Supreme Court Ethics and Fee Arbitration (Chair) Committees. Fellow, College of Commercial Arbitrators; Member, National Academy of Distinguished Neutrals.

Robert E. Bartkus, Esq.
Neutral ID : 98797

Alternative Dispute Resolution Experience

Arbitrator and chair in numerous American Arbitration Association matters including disputes involving commercial, computer-IT services, construction, contract, employment, insurance, intellectual property, international, partnership, reinsurance and securities issues since 1985. Sole arbitrator in variety of contract, computer-IT services, intellectual property and partnership cases. Mediator in antitrust, commercial, computer and intellectual property disputes. U.S. District Court Mediator and Arbitrator.

eDiscovery and Special Master:

An early adopter of computer technology (Stanford JD 1976), learned rudimentary FORTRAN and BASIC languages, programmed primitive data bases (HELIX and LOTUS 123) and attempted mouse interactions in GUI. As the CIC officer on a pre-AEGIS DLG, designed and supervised an initial computerized multi-site NTDS training program at Pearl Harbor. In New York City, designed one of the first computerized litigation document data bases. Litigated e-Discovery and computer spoliation issues in NJ state and federal court. Chapter author in Provisional Remedies in Aid of Arbitration (Juris, forthcoming 2020).

As an arbitrator, have resolved eDiscovery disputes such as proper search protocols and evaluated computer forensic evidence. Resolved claims under various digital age statutes. And rendered awards after evaluating computer-IT and electronic spoliation issues and forensic evidence. As an arbitrator, have also dealt with typical special master functions such as privilege reviews and clawback determinations.

Written early articles on eDiscovery and related spoliation issues, including: "E-Discovery: NJ Update," NJLJ January 31, 2005; "E-Discovery 101," NJLJ, February 5, 2007; "To Metadata or Not To MetaData," NJLJ, January 29, 2007, and LAW-com Legal Technology; "Is 'Proportionality' the Most Important Change in the 2015 Rule Amendments?" New Jersey Law Journal, Jan. 4, 2016. Editor for NJ Federal Procedure, includes a chapter on eDiscovery and related topics (I am not the author of the chapter). Attended a number of seminars on eDiscovery and computer forensics (see below).

Available to resolve emergent injunction or other provisional remedy motions. Receiver in NJ Superior Court.

On-Line Hearings: Available (use Zoom).

Alternative Dispute Resolution Training

ACE 22 - Process Essentials for AAA Arbitrators, 2022; AAA Supplementary Rules for Multiple Case Filings, On-Line Training (11-19-21); ACE21 Impartiality: Do You Know Where Your Biases Are? 2021; ACE20 Cyber Security: A Shared Responsibility, 2020; AAA ACE19 Case Finances: What Arbitrators Need to Know, 2019; AAA Practical Tips in Franchise Arbitration (7/20); NYSBA, Seeing Double: Parallel Proceedings in Arbitration, Apr. 16, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; ABA Dispute Resolution Section Spring 2018 Meeting and CLE; CCA 17th Annual Meeting, 2017; AAA, Out of Sight, Out of Mind, Arbitration of B2B Data

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The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

Breaches (3-9-17); Second Circuit, Arbitration in 2017 - Where Is It Heading? (3-8-17); AAA/CCA Arbitration from A to Z - For Both Advocates and Arbitrators, 2016; Red Flag Alert: Data Security in Arbitration, May 3, 2016; ABS ADR Section Annual Meeting (April 8, 2016): Commercial Arbitration, Part I and International Arbitration Parts I and II; Developments in the Law of Arbitral Jurisdiction, 2016; Confronting Arbitrability and Jurisdiction Issues in Arbitration, 2016; AAA Arbitrator Subpoenas: Are They Worth the Paper They're Printed On?, 2015; AAA Panel Dynamics: Staying On Course When Things Don't Go As Planned, 2015; Balancing Party Control and Efficiency: Managing the Parties and Preparing for the Arbitration Hearing, 2015; NY State Bar Association, Dispute Resolution Section, Commercial Arbitrator Training, 2014; US District Court, DNJ, Superstorm Sandy Arbitrators/Mediators Training, 2014; AAA Managing a Successful Arbitration, 2013; New Jersey Law Journal, Spring Into CLE, 2012; AAA, 2011 Year End ADR Law & Policy Update, 2011; AAA What's a Respondent Like You Doing in a Place Like This? Confronting Arbitrability and Jurisdiction Issues in Arbitration, 2011; AAA Arbitrator Boundaries: What are the Limits of Arbitrator Authority?, 2011; Bar of the City of New York, Settlement Counsel: What you should know about an emerging area of law practice, 2010; AAA Arbitrator Ethics & Disclosure ACE03, 2010, 2005; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics ACE05, 2009; AAA Pro Se: Managing Cases Involving Self-Represented Parties ACE02, 2009; AAA Dealing With Delay Tactics in Arbitration ACE04, 2006; AAA International Arbitration Symposium, 2005; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2004; Annual Arbitrator Update 2002; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2002; AAA Commercial Arbitrator Training, 1999; NASD Chairperson Securities Training, 1996; AAA Securities Arbitrator Training, 1993; AAA Level I Arbitrator Training, 1991; NASD Arbitrator Training, 1990

Professional Licenses

Admitted to the Bar: New Jersey (1977), New York (1977), California (1976-inactive); U.S. District Court: Southern and Eastern Districts of New York, District of New Jersey, Central and Northern Districts of California; U.S. Court of Appeals: Second and Third Circuits; U.S. Supreme Court (1981).

Professional Associations

Fellow, College of Commercial Arbitrators (admitted April 2016); Academy of Distinguished Neutrals; Member, ICC-NY panel; Member, Silicon Valley Arbitration and Mediation Center; American Bar Association (Litigation Section; Dispute Resolution Section); New Jersey State Bar Association (Federal Practice Committee, Past Chair; International Law Section, Past Vice Chair); New York State Bar Association (Commercial and Federal Practice Section; Dispute Resolution Section); California State Bar Association; New Jersey Law Journal (Board of Editors); John C. Lifland Intellectual Property Inns of Court (Master); Marie Garibaldi ADR Inn of Court (Master); New Jersey Institute for Continuing Legal Education (Arbitration and Federal Procedure Lecturer); Association of the Federal Bar of the State of New Jersey; U.S. District Court Historical Society (past Vice President); House of the Good Shepherd (Member, Board of Trustees (2001-2020); St. John Baptist Convent (Member, Board of Trustees).

Note: Wife, Mary Bartkus, is Special Counsel to Hughes Hubbard & Reed, LLP in

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NYC.

Education

Stanford University (JD-1976); Swarthmore College (BA, Honors-1968).

Publications and Speaking Engagements

Dreier & Bartkus, NJ ARBITRATION HANDBOOK (ALM, 2017-present); editor and co-author, NJ FEDERAL CIVIL PROCEDURE (incl injunctions chapter) (ALM 1990-present); contrib author, PROVISIONAL REMEDIES IN ARBITRATION (Juris, forthcoming 2022); "Third Circuit Alters Sequencing of Questions Raised in Section 1 of FAA," ABA Litigation Section, Articles (Dec. 16, 2021); "Improving Attorneys' Fees and Interest Awards" (ABA, Just Resolutions, 5/21); "A Multiplicity of Procedures for Confirming or Challenging an Award" (ABA, Just Resolutions, May 2020); "You Have An Award, Now What?" NJ Lawyer Magazine (April 2020); Columnist on Arbitration & Federal Practice, NJLJ, 1988-present, including on removal, jurisdiction, arbitration, discovery: "Defendant's CAFA Removal Burden," NJLJ, Feb 19, 2007; "E-Discovery 101," NJLJ, Feb 5, 2007; "To Metadata or Not To Metadata," NJLJ, Jan 29, 2007 & Law.com Legal Technology; "Proportionality in Discovery," NJLJ, 2010; "Innovation Competition: Beyond Telex v. IBM," 28 STAN L 285 (1976); "Drafting Int'l Arbitration Clauses," NJ Lawyer Magazine, Feb 1999; "Highlights of the New Federal Rules," NJ Lawyer Magazine, April 1994; E-Discovery: NJ Update, NJLJ, Jan 31, 2005; New Standard for Fee Award on Remand, NJLJ, May 15, 2006; Defendant's Removal Burden, NJLJ, Feb 19, 2007; E-Discovery 101:What Not to Do, NJLJ, Feb. 5, 2007; Risk to Removing Corporate Defendants, NJLJ, Jan 2, 2006; "Supreme Court Settled Supplemental Jurisdiction Debate," NJLJ, July 11, 2005 & US Supreme Court Monitor; Back to the Future: Class Action Reforms, NJLJ Complex Litig Supp, April 25, 2005; ERISA Anti-Cutback Rule, NJLJ, May 24, 2010; Corporate Citizenship: Supreme Court Designates a Single Test, NJLJ, April 5, 2010; speeches and presentations on federal practice, letters of credit and international arbitration agreements to various ICLE and NJSBA seminars, including most recently, Seizing Opportunities in Federal Court, NJLJ Spring CLE, April 10, 2014; "Two New Arbitration Cases Provide Business Guidance," ABA Litigation Section Newsletter (Practice Points) (Mar. 22, 2017); "Website Arbitration Agreement Found Wanting" ABA ADR Section Newsletter (Practice Points)(May 5, 2017); "Standard for Finding an Agreement to Arbitrate Clarified," Alternative Dispute Resolution Newsletter (Practice Points), ABA Section of Litigation (June 7, 2017); "Reference to Non-Existent Arbitration Forum Nullifies Arbitration Agreement," ABA Section of Litigation Newsletter (Mar. 8, 2018); "Designing an ADR Program for Superstorm Sandy Caseload," an interview with former Chief Judge Jerome Simandle, D.N.J., ABA Section of Dispute Resolution, Just Resolutions Newsletter (May, 2018); "New Jersey Holds that Rescission Defeats Arbitration," ABA Section of Litigation, ADR Committee Newsletter (May 24, 2018); Panelist, NJICLE seminar: Your Commercial Arbitration Playbook (Dec. 17, 2018 & 2019); ABA Litigation Section, Termination Provisions May Defeat Arbitration (2019); additional. Litigation Section, ADR Committee Newsletter, Jan. 3, 2019; An Arbitration Agreement Must Identify the Forum and Rules, ABA Litigation Section, ADR Committee, Newsletter, Jan. 29, 2019; Panelist, NJICLE Seminar, ADR Day (June, 2019); attendee, ICLE seminar, Ethics in ADR (Nov. 7, 2019); attendee, NJSBA CLE, ADR in the European Union (Sept. 19, 2019); attendee, NJ/NY seminar, Ethics and eDiscovery (Dec. 11, 2019);

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panelist, NJICLE, Your Commercial Arbitration Playbook-Resolving Business-to-Business Disputes in 2019-2020 (Dec. 17, 2019); NJ Supreme Court Rights Course on Arbitrability, ABA Section of Litigation, ADR Committee (Aug. 7, 2019); A Sleeper from the Third Circuit? In re: Remicade (Direct Purchaser) Antitrust Litigation, ABA Section of Litigation, ADR.

Awards and Honors

Swarthmore Open Scholar (NMS); Stanford Law School graduation writing award; Stanford Law School post-grad teaching fellow; articles editor, Stanford Law Review; NJLJ Alfred Clapp Award; NJ Dist Court Historical Society Award for Special Merit; Richard K. Jeydel Award for ADR, American Inns of Court (2020).

Locations Where Parties Will Not be Charged for Travel Expenses

New York and New Jersey and metropolitan Philadelphia
Other areas in the US and international.
May charge travel expenses (air fare, mileage and hotel for locations outside the NY, NJ Phila area). Do not charge for travel time.

**Citizenship
Languages
Locale**

United States of America
English
Florham Park, New Jersey, 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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