



Bennett G. Picker

Senior Counsel

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A full-time mediator and arbitrator for three decades, Ben Picker has successfully resolved hundreds of domestic and international disputes with a cumulative value of several billion dollars. Ben has served as a neutral in complex business disputes in corporate and commercial transactions, asset/stock purchase agreements, securities, employment, environmental, Employee Retirement Income Security Act (ERISA), intellectual property, healthcare, real estate, products liability, bankruptcy, construction, professional liability, shareholder and partnership disputes, and class actions (including numerous data breach and pixel cases).

Ben is a member of several national and global mediation panels, including the International Institute for Conflict Prevention & Resolution (CPR), the American Arbitration Association (AAA) and International Centre for Dispute Resolution (ICDR). He is a certified by the International Mediation Institute (IMI), the Singapore International Mediation Centre (SIMC) and the Florence International Mediation Chamber (FIMC).

Leveraging his in-depth knowledge of the ADR landscape, Ben has authored several books and numerous articles on mediation and arbitration, including practice guides for the American Bar Association (ABA). He has also served as a lecturer/trainer for programs sponsored by leading industry organizations, area law schools, and numerous in-house legal departments of corporations across the United States.

With an extensive history of involvement in the Pennsylvania legal community, Ben has served as chancellor of the Philadelphia Bar Association and as chairman of its Board of Governors. He is a founder and Advisory Board member of Pennsylvanians for Modern Courts. More broadly, Ben serves on CPR's council, is a former board and executive committee member of the AAA, and has served as a representative of the IMI to the United Nations Economic and Social Council (ECOSOC).

Ben has been repeatedly recognized for his pioneering contributions to both the field of ADR and the legal profession at large. Among other accolades, he received the ABA's Lawyer as Problem Solver Award for his "unprecedented insight into new avenues of dispute resolution."

Featured Representative Matters

Services

- Alternative Dispute Resolution

Education

- Columbia University School of Law (J.D.)
- Hague Academy of International Law (International Law Program)
- Temple University (B.A., *magna cum laude*)

Admissions

- Pennsylvania

Served as mediator and arbitrator in numerous complex business disputes, including:

- Class actions including hundreds of data breach and pixel 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).
- 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.
- Several-hundred-million-dollar claim against numerous North American and European insurance companies by owners of satellite that exploded in space.
- Numerous claims against accounting firms in connection with audits, including claims for breaches of fiduciary duties and violations of generally accepted accounting principles (GAAP) and generally accepted auditing standards (GAAS).
- 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.
- 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.
- Nine-figure claims for breach of contract by purchaser of numerous pools of many thousands of subprime mortgages (against originator of mortgages).

Community Impact

As chancellor of the Philadelphia Bar Association, Ben was instrumental in establishing Philadelphia VIP, the pro bono arm of the bar association that recruits, trains and supports volunteer lawyers working to ensure access to justice for low-income Philadelphians.

He has worked to promote diversity, equity and inclusion in mediation and arbitration and the wider legal profession, helping to create the bar association's committees for the careers and advancement of women and minority lawyers. As co-chair of CPR's National Task Force on Diversity in ADR, he helped to develop a clause promoting the selection of panels of diverse neutrals in arbitration disputes.

A tireless advocate for judicial reform, he is a co-founder and Board of Advisors member of Pennsylvanians for Modern Courts, a nonpartisan nonprofit that seeks to improve and strengthen the state's justice system.

Memberships

- Distinguished Fellow, International Academy of Mediators
- Member, National Panel of Distinguished Neutrals and Council, CPR
- Member, Master Mediator Panel (Middle Atlantic/Northeast), AAA
- Member, Large Complex Cases Panel, AAA
- Member, National Class Action Arbitration Panel, AAA
- Member, Mediation Panel, International Centre for Dispute Resolution (ICDR)
- Member, Mediation Panel, Court of Arbitration for Sport (Lausanne, Switzerland)
- Certified Mediator, SIMC and FIMC
- Member, Mediation Panel, FIMC
- Certified Mediator, IMI
- Former Member, Editorial Board, *Dispute Resolution Magazine* (published by ABA Section of Dispute Resolution) (2013-17)
- Former Member, Board of Directors (2001-13) and Executive Committee (2008-12), AAA
- Former Co-Chair, National Mediation Committee, AAA
- Founding Member and Former Co-Chair, CPR National Task Force on Diversity in ADR
- Representative of IMI to UN ECOSOC (2014-18)

Recognitions

- Outstanding Book Award, “Commercial Mediation Practice Guide: A Practical Handbook for Lawyers and Their Business Clients, Third Edition,” CPR (2024)
- PNC Achievement Award, Philadelphia Bar Association (2017)
- ADR Champion, *The National Law Journal* (2017)
- Sir Francis Bacon Dispute Resolution Award, Pennsylvania Bar Association (2017)
- Lifetime Achievement Award, *The Legal Intelligencer* (2015)
- Inaugural Award for Law Firm Excellence in ADR, CPR (2012)
- Lawyer as Problem Solver Award, Section on Dispute Resolution, American Bar Association (2010)
- Outstanding Director Award, AAA (2005)
- *The Best Lawyers in America* (Arbitration) (2026)
- *The Best Lawyers in America* (Mediation) (2005-26)
- *The Best Lawyers in America* (Lawyer of the Year: Mediation) (2018, 2020, 2023, 2025)
- *Who's Who Legal* (Commercial Mediation) (2014-24)
- Awards for service as:
 - Co-founder of Pennsylvanians for Modern Courts (1988) (Presented by U.S. Supreme Court Justice Harry Blackmun)
 - Chairman of Federal Court Celebration of the Bicentennial of the Bill of Rights (1987) (Presented by U.S. Supreme Court Chief Justice Warren Burger)
 - Chancellor of the Philadelphia Bar Association and co-founder of Philadelphia VIP (1986) (Presented by U.S. Supreme Court Justice William Brennan)

Featured Speaking Engagements

- Class actions including hundreds of data breach and pixel 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).
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Publications

Books

- Co-author, *Commercial Mediation Practice Guide: A Practical Handbook for Lawyers and Their Business Clients (Third Edition)*, American Bar Association Section on Dispute Resolution (2023)
- Author, "Managing Business Disputes Through Mediation" chapter, *Managing Business Risk: A Practical Guide to Protecting Your Business*, Kogan Page (2014)
- Author, *Guía Práctica Para La Mediación (Spanish Edition of Mediation Practice Guide)* Centro Empresarial de Mediación y Arbitraje (Mediation and Arbitration Center of Buenos Aires) (2003)
- Co-author, chapter on ADR, *Successful Partnering Between Inside and Outside Counsel*, West Group and American Corporate Counsel Association (2000)
- Author, *Mediation Practice Guide: A Handbook for Resolving Business Disputes*

(First Edition), Pike & Fischer (1998)

Articles

- “The Changing Landscape of Mediation: Personal Observations Over the Past 40 Years,” *Alternatives* (November 2018)
- “Are Legal Disputes Just About Money? Answers from Mediators in the Front Line,” *Alternatives* (October 2017) and *Cardozo Journal of Conflict Resolution* (Vol. 19, No. 1., 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 imimediation.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
- “EDR: Make the Investment, Reap the Rewards,” *The Metropolitan Corporate Counsel* (August 2003)
- “Breaking Negotiation Barriers Through Mediation,” *The Legal Intelligencer* (October 22, 2001)
- “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)
- “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)
- Course materials for more than 50 presentations on ADR, mediation, arbitration and negotiations