



Robert E. Bartkus, Esq.
McCusker, Anselmi, Rosen & Carvelli, PC

Current Employer-Title	McCusker, Anselmi, Rosen & Carvelli, P.C. (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, McCusker, Anselmi, Rosen & Carvelli, P.C.; Member, Dillon, Bitar & Luther, L.L.C., 2002-2015; Owner, Robert E. Bartkus, A Professional Corporation, 1997-02; Of Counsel, Pinto, Rodgers & Kopf, 1988-97; Special Counsel, WPPSS Securities Litigation, Schulte, Roth & Zabel, 1985-88; Senior Associate, Baker & McKenzie, 1982-85; Associate, Paul, Weiss, Rifkind, Wharton & Garrison, 1979-82; Associate, Willkie, Farr & Gallagher, 1976-79; Teaching Assistant, Stanford Law School, 1976; Summer Associate Northcut Ely, PA (Washington, DC, 1974) & Willkie Farr & Gallagher (NYC, 1975); Lieutenant, U.S. Navy, 1968-73.
Experience	40 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 Committees.
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,

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Neutral ID : 98797

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), I 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, I designed and supervised an initial computerized multi-site NTDS training program at Pearl Harbor. In New York City, I designed one of the first computerized litigation document data bases. Litigated e-Discovery and computer spoliation issues in NJ state and federal court.

As an arbitrator, I 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, I also have dealt with typical special master functions such as privilege reviews and clawback determinations.

I have 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. NJ Federal Procedure, for which I am an editor, includes a chapter on eDiscovery and related topics (I am not the author of the chapter). I have attended a number of seminars on eDiscovery and computer forensics (see below).

Alternative Dispute Resolution Training

AAA, Out of Sight, Out of Mind, Arbitration of B2B Data 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;

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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.

AAA Arbitrator Ethics & Disclosure (ACE003), 2010, 2005; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2009; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2009; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2006; AAA International Arbitration Symposium, 2005; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 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); American Bar Association (Litigation Section; Intellectual Property 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); California State Bar Association; New Jersey Law Journal (Board of Editors); John C. Lifland Intellectual Property Inns of Court (Master); New Jersey Institute for Continuing Legal Education (Federal Procedure Lecturer); Association of the Federal Bar of the State of New Jersey; U.S. District Court Historical Society (Vice President); House of the Good Shepherd (Member, Board of Trustees); St. John Baptist Convent (Member, Board of Trustees).

Education

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

Publications and Speaking Engagements

Columnist on Federal Practice Issues, NEW JERSEY LAW JOURNAL, 1988-present, including (recently): "Defendant's CAFA Removal Burden," NJLJ, February 19, 2007; "E-Discovery 101," NJLJ, February 5, 2007; "To Metadata or Not To Metadata," NJLJ, January 29, 2007; co-editor and coauthor, NJ FEDERAL CIVIL PROCEDURE, second edition, ALM, 2007-present (updated editions annually); editor and co-author, NJ FEDERAL CIVIL PROCEDURE, NJLJ Books, 1999 and supplements 2000-2006; editor and co-author, NJ FEDERAL CIVIL PRACTICE HANDBOOK, NJ ICLE, 1992 and supplements 1993-1997; "Innovation Competition Beyond Telex v. IBM," 28 STANFORD LAW REVIEW 285, 1976; various articles on Federal Practice, including recent developments in Removal, Class Action Fairness Act, Supplemental Jurisdiction, E-Discovery; NEW JERSEY LAWYER MAGAZINE, 1988-present; "DRAFTING INTERNATIONAL ARBITRATION CLAUSES," NEW JERSEY LAWYER MAGAZINE, February 1999; Highlights of the New Federal Rules, NJ Lawyer, Magazine, April 1994; E-Discovery: NJ Update, NJ Law Journal, January 31, 2005; New Standard for Fee Award on Remand, NJ Law Journal, May 15, 2006; Defendant's Removal Burden, NJ Law Journal, February 19, 2007; To Metadata or Not to Metadata, NJ Law Journal, February 22, 2007 & Law.com Legal Technology; E-Discovery 101:What Not to Do, NJ Law Journal, February 5, 2007; Risk to Removing Corporate Defendants, NJ Law Journal, January 2, 2006;

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Supreme Court Settled Supplemental Jurisdiction Debate, NJ Law Journal, July 11, 2005 & US Supreme Court Monitor; Back to the Future: Class Action Reforms, NJ Law Journal Complex Litigation Supplement, April 25, 2005; ERISA Anti-Cutback Rule, NJ Law Journal, May 24, 2010; Corporate Citizenship: Supreme Court Designates a Single Test, NJ Law Journal, 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; co-author, N.J. Arbitration Handbook (ALM 2017); "Two New Arbitration Cases Provide Business Guidance," Alternative Dispute Resolution Newsletter (Practice Points), ABA Section of Litigation (Mar. 22, 2017); "Website Arbitration Agreement Found Wanting" Alternative Dispute Resolution Newsletter (Practice Points), ABA Section of Litigation (May 5, 2017); "Standard for Finding an Agreement to Arbitrate Clarified," Alternative Dispute Resolution Newsletter (Practice Points), ABA Section of Litigation (June 7, 2017).

Awards and Honors

Yes

Willing to serve without travel cost

New York and New Jersey and metropolitan Philadelphia
Other area in the US and international.
May charge travel expenses (air far. mileage and hotel). Do not charge for travel time.

Citizenship

United States of America

Languages

English

Locale

Florham Park, New Jersey, United States of America

Compensation

Hearing:	\$400.00/Hr
Study:	\$400.00/Hr
Travel:	\$0.00/Hr
Cancellation:	\$0.00/Day
Cancellation Period:	0 Days
Comment:	Available to serve throughout Northern New Jersey, New York City, and other locales as required. May charge for expenses such as travel and photocopies where unusual amounts are involved. PACER and non-WL plan research costs.

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