

FFA BANKRUPTCY MEDIATION PROGRAM

The Faculty of Federal Advocates' Bankruptcy Mediation Program provides mediation services in cases pending in the United States Bankruptcy Court for the District of Colorado.

OVERVIEW

The Faculty of Federal Advocates' Bankruptcy Program ("Program") has formed a panel comprised of experienced bankruptcy professionals trained as mediators. For parties that meet the standards of eligibility, mediation services will be provided *pro bono*. Parties with the ability to pay for services will be asked to do so.

To maintain the highest caliber group of mediators, the Program provides annual mediation training, with continuing legal education credits to lawyers who agree to participate as mediators. It is anticipated that the training will range from fundamental mediation training to intermediate and advanced training as the Program evolves.

PROCESS

When mediation may be appropriate in an adversary proceeding, contested matter or other matters, the judge presiding over the matter shall inquire regarding the parties' desires for mediation. If all parties are interested, the judge shall enter a mediation order and refer the parties to the Program's mediation administrator.

After a party contacts the mediation administrator, potential *pro bono* eligibility will be determined. The Program coordinators will arrange for a mediator from the panel to conduct the mediation. The parties will, however, still be responsible for the payment of their own attorney's fees and costs. A written mediation agreement will be signed by the parties and the mediation will then progress in the normal fashion.

FEES

For those parties able to pay mediation fees, the Program has created a fee structure designed to provide certainty and value. For basic matters, all members of the panel will accept flat fees of \$1,500 and \$3,000 for half- and full-day mediations. These rates include preparation time and will be divided among the participants. For complex matters, the members of the panel will charge their standard hourly rates. It is anticipated that the majority of matters will be viewed as basic and a flat fee will be charged. In all cases, the fee structure is agreed upon at the outset.



MEDIATOR PANEL



William Bianco, Davis Graham & Stubbs LLP

William Bianco is a partner in Davis Graham & Stubb's trial group. He has handled a wide variety of business related litigation matters in federal and state trial and appellate courts. For several years, Mr. Bianco served as a lead lawyer for the court appointed Securities Investor Protection Act Trustee for the liquidation of the largest penny stock brokerage firm in the country at that time.



James Burghardt, Moye White LLP

James Burghardt is the managing partner of Moye White. For nearly three decades, he has drawn on both his legal and practical business experience to provide thoughtful counsel in complex commercial disputes and transactions. An authority in business bankruptcy and finance, Jim's practice extends to out-of-court debt restructuring, representing both business debtors and creditors.



Randy Lewis, Cloyses Partners LLC

Randy Lewis is an experienced executive with a successful track record across a wide scope of industries. He has an extensive background in business management and legal issues, particularly in financially or operationally difficult situations.



Joe Martinez, Comprehensive Mediation Services, LLC

Joe Martinez has served as a District Court Magistrate in Jefferson County, CO for over three years. Prior to his appointment to the bench, he practiced in the areas of bankruptcy, domestic relations, real estate and business representation. He has also handled bankruptcy litigation as an attorney for the State of Colorado and the FDIC. Mr. Martinez has assisted many individuals and businesses through bankruptcy and maintains an active mediation and bankruptcy practice.



J. Smiley, Lindquist & Vennum PLLP

J. Smiley is a partner in the Denver office of Lindquist & Vennum, where he practices in the areas of bankruptcy law and commercial litigation. He has extensive experience in all aspects of commercial bankruptcy cases, and has represented debtors, creditors, trustees, committees, and parties interested in acquiring assets from bankruptcy estates. He is a fellow of the American College of Bankruptcy.



Frank Visciano, Senn Visciano P.C.

Frank Visciano is the managing shareholder and head of the litigation group at Senn Visciano Rosenstein, P.C. Frank has decades of experience handling hundreds of cases and representing individuals and companies in a variety of business litigation matters. Frank has handled through their conclusion numerous cases, arbitrations, and appeals. He has been involved in the defense of class actions, and has successfully prosecuted or defended many multi-million dollar lawsuits. He also has acted as an arbitrator and as a mediator.

CONTACT US

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