

### **Mediation Background:**

Since 1992, Howard Eilen has successfully mediated over 3,000 cases and claims involving a multitude of diverse customer and employment claims filed against both national and regional brokerage firms, banks and other financial institutions with a documented settlement rate of over 90%.

**Mediation Approach:** Howard is nationally known for his thorough preparation and ability to help parties reach a settlement that is fair and realistic, and in the range of what may be expected after trial or hearing, using his extensive professional and mediation experience in the areas set forth below:

### **Matters Mediated:**

- Lack of Suitability
- Senior Investors
- Alternative Investments and REITS
- Unauthorized Trading
- Wrongful Termination
- Raiding and Unfair Competition
- Churning
- Fraud and Omissions
- Annuities and Insurance Products
- Options, Futures and Swaps
- U-5 Defamation
- Derivatives and Structured Products

### **Speaking Engagements:**

- Contributing Author and Lecturer, Ponzi Schemes, How to Spot Them and What to do About It, Nassau County Bar Association, Academy of Law.
- Panelist, Advanced Mediation Workshop-Special Topics: Group Cases and Retirees, Securities Industry and Financial Markets Association.
- Contributing Author and Lecturer, Securities Arbitration and Mediation: Breaking the Deadlock- Impasse Breaking Techniques, New York State Bar Association.
- Contributing Author and Lecturer: Securities Arbitration, Practicing Law Institute in New York.
- Contributing Author and Lecturer: Mutual Funds, Fee-Based Accounts and Other Suitability Land Mines, Financial Planning Association of Long Island.

- Contributing Author and Lecturer: Accountants as Registered Reps, Regulatory and Liability Issues, New York State Society of Certified Public Accountants, Foundation for Accounting Education.
- Contributing Author and Lecturer: Securities Mediation Advocacy: Prosecuting & Defending Customer Claims Against Stockbrokers, Pennsylvania Bar Institute.
- Contributing Author and Lecturer: Current Trends in Securities Arbitration and Mediation, Nassau Academy of Law.
- Contributing Author and Lecturer: Securities Arbitration, Winning Trial and Settlement Techniques in a Declining Market, Nassau Academy of Law.
- Contributing Author and Lecturer: Securities Arbitration, Summary Judgment Motions in Securities Arbitration, Nassau Academy of Law.
- Contributing Author and Lecturer: Securities Arbitration, Prosecuting and Defending a Securities Arbitration Case, Nassau Academy of Law.

### **Other Engagements:**

Howard also mediates court initiated commercial cases involving shareholder, corporate, partnership, and limited liability company disagreements and dissolutions, breach of contract, unfair competition, covenants not to compete, and employment and workplace issues. Howard was also voted by his peers as one of the top leading judges in America, as published by Lawdragon, who reflect the very best of the public and private bench.

Howard has also received appointments by the Securities Commissioner of the Commonwealth of Massachusetts to administer and mediate an entire class of customer claims against a major brokerage firm pursuant to a Consent Order.

Howard was also appointed as a special arbitrator by the Securities Commissioner of the State of New Hampshire to determine and decide a sales practice issue with respect to a securities offering to its state residents, and was appointed as a Special Master in the New York State Court System where he supervised discovery in a major securities fraud class action matter, and ultimately mediated a global settlement.

### **Professional Background:**

Howard is a founding partner of Lehman & Eilen LLP in Uniondale, New York. He oversees the Firm's futures, derivatives, litigation, arbitration and mediation practice

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areas. Howard has extensive practical and legal experience in the commodities and securities industry, initially as a broker and exchange member, then as house counsel for a major commodities brokerage firm and as an attorney in private practice.

Howard has successfully prosecuted and defended claims (in court and in arbitration) instituted against brokers and other financial professionals arising under the federal securities and commodities laws, as well as relevant state blue sky statutes. Since the 1980's, Howard has chaired arbitration panels before the National Association of Securities Dealers (FINRA), the National Futures Association and American Arbitration Association.

Howard has represented firms and individuals in enforcement proceedings and investigations conducted by the Securities and Exchange Commission, Commodity Futures Trading Commission, New York Stock Exchange, NASD Regulation, Inc. (FINRA) and state regulators. Howard has represented firms and individuals in enforcement proceedings and investigations conducted the Securities and Exchange Commission, Commodity Futures Trading Commission, New York Stock Exchange, NASD Regulation, Inc. (FINRA) and state regulators.

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