



AAA Mediation.org™

## Peter W. Benner, Esq.

West Hartford, Connecticut

### Primary Areas of Expertise

Healthcare Payor-Provider  
Healthcare Payor/provider  
Partnership  
Healthcare  
Limited Liability Companies  
Commercial/Business Contract

**Current Employer-Title** Benner Resolutions - Arbitrator, Mediator

**Professional Summary** Since leaving Shipman & Goodwin at the end of 2009, practice has been devoted exclusively as a neutral in arbitration and mediation and teaching dispute resolution to law students. Style emphasizes listening and inquisitiveness, balancing authoritativeness and following the facts and law with a particular concern for making sure the parties feel respected and have an understanding of and confidence in the process and the basis of the result.

Arbitration must be efficient and a cost-saving process compared to litigation, as provided by the AAA. A distinctive skill, developed over many years of conducting arbitrations, combines that mandate with allowing the parties to present their positions fully, knowing they are being heard.

**Profession** Arbitrator, Mediator, Educator, Trainer, Attorney

**Work History** Self-employed, Benner ReSolutions, 2010 - Present; Partner, Shipman & Goodwin LLP, 2006 - 2009, 1976 - 2004.

**Experience** Since 2010, independent arbitrator, mediator and dispute resolution consultant, dedicated entirely to providing dispute resolution services, education and training.

Prior to 2010, at Shipman & Goodwin, LLP in Hartford, Connecticut (28 years as a partner): commercial and healthcare litigation practice handling multiparty disputes with complex factual and legal issues both in Connecticut and in federal courts throughout the country. Served for 10 years, through 2000, as Chair of the Commercial Litigation Group, for eight years, through 2004, as Co-Chair of the Healthcare Litigation Group, and for four years on the Management Committee. Focused on problem-solving and client-oriented resolution of healthcare, business, and financial disputes. Primary substantive areas of practice: healthcare; complex business and commercial, franchise, bankruptcy.

Headed a practice group at the firm that regularly represented groups of payors in substantial claims against national providers. Led a team of attorneys and experts in approximately 10 such cases, each of which spanned at least two years, with total claims submitted in all cases in excess of \$2.5 billion. Members of client groups included major healthcare payors throughout the country. The representation included aggregation, management and analysis of voluminous claims databases in order to detect and quantify any excess and improper payments. Became conversant with clinical standards and treatment protocols in order to apply "data mining" persuasively. Providers made sophisticated counterarguments in disputes resolved after complex negotiation or mediation.

Throughout career as a commercial and healthcare practitioner at S&G, also regularly represented Hartford Hospital (the parent now known as Hartford Healthcare Corporation) and its provider

affiliates, including hospitals and other clinical facilities, in matters across the spectrum of issues confronting providers, such as disputes with managed care organizations and other public and private payors, medical staff issues, medical technology, bankruptcy, real estate issues, regulatory disputes and general contract claims, encompassing practically all issues addressed by hospital/provider management. For years, including those during which the firm represented payors as described above, was one of the primary outside litigators to whom Hartford Hospital-related providers would turn to assist in the resolution of disputes.

Complex business and commercial: practice over 30 years involved any number of complex commercial cases, both plaintiffs and defendants. Business orientation led to regular client consultation regarding dispute avoidance and management.

Franchise experience: Connecticut counsel for an international franchisor with substantial presence in Connecticut; handled many termination matters, including before the Connecticut Supreme Court. Also represented companies in disputes relating to the Petroleum Marketing Practices Act.

Since 2010, served as arbitrator, solo or as member of a panel, of many payor/provider cases, developing command of case management, appropriate discovery and claims data sampling and extrapolation.

Facility and aptitude with evolving technology as applied to dispute resolution, including AI platforms.

## **Mediator Experience**

Mediated to resolution numerous commercial, healthcare and estate disputes; strong preparation, process and party-interest orientation; resolution through option creation and complete perseverance in the most intractable cases.

Teaches mediation, negotiation and arbitration at University of Connecticut Law School (Fall 2012 and 2013) and Quinnipiac University School of Law (Spring 2014 and Fall 2014-15), and now dispute resolution in healthcare at QUSL.

Regularly publishes on mediation and dispute resolution topics.

Planning and Presentation Committee, Reimagining Corporate Conflict Management, Straus Institute for Dispute Resolution at Pepperdine Law School, September 2014; Planning Committee, Symposium entitled "What Are the Cures for Conflict on Healthcare. March 2015.

## **Representative Issues Handled as a Mediator**

General business and commercial, healthcare, small and family business, real estate,, terminated executives under employment agreements.

## **Mediator Style & Process Preferences**

I am devoted as a full time neutral to offer most effective mediation processes for attorneys and their clients. Skilled mediation requires training, experience, insight and ultimate people skills. Negotiation is most effective, and most likely to be successful, when focused on party interests, value creation and brainstorming options that breaks deadlocks in highly charged cases. I help determine what is really at stake for the parties, identify and overcome the barriers to resolution, and work within the frame of achieving an optimal resolution. I engage fully and firmly with the parties and counsel, providing evaluation when necessary. Complete perseverance and reinforcement of optimal resolution options is indispensable in the most difficult cases. Mediation and negotiation are core competencies for developing lawyers, so I teach mediation and dispute resolution at Quinnipiac University School of Law.

## **Technology Proficiency**

Proficient in use of internet legal research using various platforms; "tech savvy" with an aptitude to master new technology as it becomes available to streamline case process and facilitate party participation. Increasing familiarity with and application of AI platforms.

## **Education**

Princeton University (AB, Political Science and Public Policy, with high honors-1972); Georgetown University, (JD, Executive Board, Georgetown Law Journal - 1975).

## **Professional Licenses**

Admitted to the Bar, Connecticut, 1976; U.S. District Court, District of Connecticut; U.S. Court of Appeals, Second Circuit

American Bar Association (Dispute Resolution Section; Health Law Section); American Bar

<b>Professional Associations</b>	Foundation (Fellow); Connecticut Bar Association (Alternative Dispute Resolution Section, Past Chair); Connecticut Bar Foundation (James W. Cooper Fellow)
<b>Recent Publications &amp; Speaking Engagements</b>	<p>"Planned Early Dispute Resolution" Corporate Disputes, Jul-Sept 2016; "How Businesses Use Planned Early Dispute Resolution" Alternatives to the High Cost of Litigation, April 2016 (with John Lande); "how Your Company Can Develop a Planned Early Dispute Resolution System," Alternatives to the High Cost of Litigation, May 2016 (with John Lande); "Corporate Conflict Management 4.0; Reflections on How to Get There From Here", 16 Pepperdine Dispute Resolution Law Journal 289 (2016); regular ADR columns in The Connecticut Law Tribune; "Building Positive Relationships", Alternative Dispute Resolution Client Strategies, 2007; Contributing Editor, CONFLICT MANAGEMENT, 2004-2007; "Second Circuit Precludes Taking Arbitrator's Deposition for Manifest Disregard," CONFLICT MANAGEMENT, February, 2004; "Supreme Court Vacates Class Arbitrator Ruling in Bazzle," CONFLICT MANAGEMENT, vol. VI, Summer, 2003.</p> <p>SPEAKING ENGAGEMENTS: "Streamlining Disputes: The Mediator as Case Manager", ADRHub Webinar, July, 2016, "ADR Comes of Age in Connecticut Corporations," Connecticut Bar Association Annual Meeting, June, 2005; Overview of ADR Developments, Connecticut Bar Association Annual Meeting, June, 2015; numerous speaking engagements and programs to bar associations and business groups.</p> <p>Teach a course at Quinnipiac University School of Law in Dispute Resolution in Healthcare, covering the full range of healthcare conflicts, including business, reimbursement, governance, regulatory and clinical issues. The intention going forward is to create an interdisciplinary course involving the medical, nursing and social work schools that are housed in the same building as the law school.</p>
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	No travel charge for Connecticut, New York City and Boston areas.
<b>Mediation Rate</b>	\$450 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	West Hartford, CT

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.