



Robert E. Bartkus, Esq.
Morristown, New Jersey, United States of America



Primary Areas of Expertise

Intellectual Prop - Trade Sec
Commercial/Contract Disputes
Construction
Financial Services-Insurance
Closely Held Businesses
Joint Ventures

Current Employer-Title Anselmi & Carvelli LLP - Of Counsel

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, Anselmi & Carvelli, LLP FKA McCusker Anselmi Rosen & Carvelli P.C., 2015-present; Member, Dillon, Bitar & Luther L.L.C., 2002 – 2015; Owner, Robert E. Bartkus A Professional Corporation, 1997 – 2002; Of Counsel, Pinto Rodgers & Kopf, 1988 – 1997; Special Counsel – WPPSS Securities Litigation, Schulte Roth & Zabel, 1985 – 1988; Senior Associate, Baker & McKenzie, 1982 – 1985; Associate, Paul Weiss Rifkind Wharton & Garrison, 1979 – 1982; Associate, Willkie Farr & Gallagher, 1976 – 1979; Graduate Teaching Assistant, Stanford Law School, 1976; Summer Associate, Willkie Farr & Gallagher (New York City), 1975; Summer Associate, Northcut Ely PA (Washington, DC), 1974; Lieutenant, U.S. Navy, 1968 – 1973; Intern, Fidelity Bank, Newark, summer 1995, P&S Clerk, White, Weld & Co., summer 1966; Harvard Business School, summer 1997; Intern, Economic Development Office, City of Newark, NJ, summer 1998.

Experience Forty-five 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;

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Neutral ID : 98797

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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. Representing prisoners and tenants in pro-bono litigation in federal court and NY administrative agencies. New Jersey Supreme Court Ethics and Fee Arbitration (Chair) Committees. Fellow, College of Commercial Arbitrators; Member, National Academy of Distinguished Neutrals.

Alternative Dispute Resolution Experience

Arbitrator and chair in numerous domestic and international American Arbitration Association matters including Complex Cases Panel and Appellate Panel: disputes involving commercial, computer-IT services, construction, contract, employment, insurance, intellectual property, international, partnership, reinsurance and securities issues (including NASD) since 1985. Sole arbitrator in variety of contract, computer-IT services, intellectual property and partnership cases. Mediator in antitrust, commercial, computer and intellectual property disputes. U. S. District Court Mediator and Arbitrator.

Counsel for parties in international and domestic arbitrations: Hague Court, AAA and NASD, including only one of two cases voiding long-term (non-farm) contract based on frustration of purpose.

eDiscovery and Special Master:

Litigated e-Discovery and computer spoliation issues in NJ state and federal court. As an arbitrator, 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, have also dealt with typical special master functions such as privilege reviews and clawback determinations.

Available to resolve emergent injunction or other provisional remedy motions. Receiver in NJ Superior Court.

Technology Proficiency On-Line Hearings: Available (use Zoom).

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An early adopter of computer technology, 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, designed and supervised an initial computerized multi-site NTDS training program at Pearl Harbor. In New York City, designed one of the first computerized litigation document data bases. Litigated and arbitrated matters involving/alleging theft of code, misappropriation of computer program design, eDiscovery (supervised keyword usage and over breadth issues).

Education

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

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 (inactive) and Third Circuits; U.S. Supreme Court (1981).

Professional Associations

Fellow, College of Commercial Arbitrators (admitted April 2016); Academy of Distinguished Neutrals; Member, ICC-NY panel; Member, Silicon Valley Arbitration and Mediation Center; American Bar Association (Litigation Section; Dispute Resolution Section); New Jersey State Bar Association (Federal Practice Committee, Past Chair; International Law Section, Past Vice Chair; Dispute Resolution Section, Board of Trustees (current)); New York State Bar Association (Commercial and Federal Practice Section; Dispute Resolution Section); California State Bar Association; New Jersey Law Journal (Board of Editors); John C. Lifland Intellectual Property Inns of Court (Master); Marie Garibaldi ADR Inn of Court (Master); New Jersey Institute for Continuing Legal Education (Arbitration and Federal Procedure Lecturer); Association of the Federal Bar of the State of New Jersey; U.S. District Court Historical Society (past Vice President); House of the Good Shepherd (Member, Board of Trustees (2001-2020)); St. John Baptist Convent (Member, Board of Trustees).

Note: Wife, Mary Bartkus, is Special Counsel to Hughes Hubbard & Reed, LLP in NYC.

Recent Publications & Speaking Engagements

Dreier & Bartkus, NJ ARB HANDBOOK (ALM 2017-24); editor and co-author, NJ FED CIV PRO (incl injunct, ALM 1990-2022); contrib author, PROVISIONAL REMEDIES IN ARB (Juris 2022); presenter: Ethics of Arb Billing (CCA 9-14-23); Mediate Before Arbitrate? (ABA 9-23); "NJ Sup Ct. Clarifies Arb under Direct Action Statute" (Aug 3, 2022); "Third Circuit Alters Sequencing of Questions Raised in Sect 1 of FAA," ABA Lit, Art (Dec 16, 2021) & DR Section (Winter 2022); "Improving Attorneys' Fees and Interest Awards" (ABA, Just Resol's, 5/21); "A Multiplicity of Procedures for Confirming or Challenging an Award (ABA, Just Resolutions, May 2020); "You Have An Award, Now What?" NJ Lawyer Mag (April 2020); Columnist on Arb & Fed Practice, NJLJ, 1988-present, including on removal, jurisdiction, arbitration, discovery: "Defendant's CAFA Removal Burden," NJLJ, Feb 19, 2007; "E-Discovery 101," NJLJ, Feb 5, 2007; "To

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Metadata or Not To Metadata," NJLJ, Jan 29, 2007 & Law.com Legal Technology; "Proportionality in Discovery," NJLJ, 2010; "Innovation Competition: Beyond Telex v. IBM," 28 STAN L 285 (1976); "Drafting Int'l Arbitration Clauses," NJ Lawyer Magazine, Feb 1999; "Highlights of the New Federal Rules," NJ Lawyer Magazine, April 1994; E-Discovery: NJ Update, NJLJ, Jan 31, 2005; New Standard for Fee Award on Remand, NJLJ, May 15, 2006; Defendant's Removal Burden, NJLJ, Feb 19, 2007; E-Discovery 101: What Not to Do, NJLJ, Feb. 5, 2007; Risk to Removing Corporate Defendants, NJLJ, Jan 2, 2006; "Supreme Court Settled Supplemental Jurisdiction Debate," NJLJ, July 11, 2005 & US Supreme Court Monitor; Back to the Future: Class Action Reforms, NJLJ Complex Litig Supp, April 25, 2005; ERISA Anti-Cutback Rule, NJLJ, May 24, 2010; Corporate Citizenship: Supreme Court Designates a Single Test, NJLJ, 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; "Two New Arbitration Cases Provide Business Guidance," ABA Litigation Section Newsletter (Practice Points) (Mar. 22, 2017); "Website Arbitration Agreement Found Wanting" ABA ADR Section Newsletter (Practice Points) (May 5, 2017); "Standard for Finding an Agreement to Arbitrate Clarified," Alternative Dispute Resolution Newsletter (Practice Points), ABA Section of Litigation (June 7, 2017); "Reference to Non-Existent Arbitration Forum Nullifies Arbitration Agreement," ABA Lit Newsletter (Mar. 8, 2018); "Designing an ADR Program for Superstorm Sandy Caseload," an interview with Hon Jerome Simandle, D.N.J., ABA Section of Dis Res, Just Resolutions Newsletter (May, 2018); "New Jersey Holds that Rescission Defeats Arbitration," ABA Section of Litigation, ADR Committee Newsletter (May 24, 2018); Panelist, NJICLE seminar: Your Commercial Arbitration Playbook (Dec. 17, 2018 & 2019); ABA Litigation Section, Termination Provisions May Defeat Arbitration (2019); additional. Litigation Section, ADR Committee Newsletter, Jan. 3, 2019; An Arbitration Agreement Must Identify the Forum and Rules, ABA Litigation Section, ADR Committee, Newsletter, Jan. 29, 2019; Panelist, NJICLE Seminar, ADR Day (June, 2019); attendee, ICLE seminar, Ethics in ADR (Nov. 7, 2019); attendee, NJSBA CLE, ADR in the European Union (Sept. 19, 2019); attendee, NJ/NY seminar, Ethics and eDiscovery (Dec. 11, 2019); panelist, NJICLE, Your Commercial Arbitration Playbook-Resolving Business-to-Business Disputes in 2019-2020 (Dec. 17, 2019); NJ Supreme Court Rights Course on Arbitrability, ABA Section of Litigation, ADR Committee (Aug. 7, 2019); A Sleeper from the Third Circuit? In re: Remicade (Direct Purchaser) Antitrust Litigation, ABA Section of Litigation, ADR; 2021 ADR Day speaker: (1) The Future of Arbitration and (2) Pathological Arbitration Clauses.

Locations Where Parties Will Not be Charged for Travel Expenses New York and New Jersey and metropolitan Philadelphia (unless multi-day hearing).

Citizenship United States of America

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Languages

English

Compensation

Hearing: \$2500.00/Day
Study: \$500.00/Hr
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-LEXIS plan research costs.

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