

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

IN RE)	
)	
APPLICATION FOR INCLUSION ON COURT'S)	
REGISTER OF QUALIFIED MEDIATORS)	James N. Esterkin
)	

I, THE UNDERSIGNED, HEREBY APPLY FOR INCLUSION ON THE REGISTER OF MEDIATORS QUALIFIED FOR SERVICE IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF OREGON. IN MAKING THIS APPLICATION I CERTIFY UNDER PENALTY OF PERJURY THAT ALL OF THE FOLLOWING INFORMATION IS TRUE AND CORRECT:

1. I WILL FULLY COMPLY WITH THE RELEVANT PROVISIONS OF THIS COURT'S GENERAL ORDERS, LOCAL RULES, AND LOCAL FORMS, AND ANY MODIFICATIONS THERETO, RELATING TO MEDIATION.

2. I HAVE BEEN LICENSED UNDER THE LAWS OF OREGON IN THE PROFESSIONS LISTED BELOW (E.G., ATTORNEY, ACCOUNTANT, REAL ESTATE BROKER, APPRAISER, ENGINEER, ETC.) FOR THE NUMBER OF YEARS INDICATED:

PROFESSION	ACCREDITING ORGANIZATION	YEARS
Attorney	California State Bar and Oregon State Bar	14

3. I AM, OR HAVE BEEN, A MEMBER IN GOOD STANDING OF THE FOLLOWING PROFESSIONAL ORGANIZATIONS:

ORGANIZATION	MEMBERSHIP #	NO. OF YEARS	ACTIVE/RETIRED
Oregon State Bar	81017	14	Active
California State Bar	96387	14	Active

4. A GENERAL EXPLANATION OF MY EXPERIENCE IN EACH OF MY AFOREMENTIONED PROFESSIONS IS LISTED BELOW:

General trial work including state, federal and bankruptcy court.

5. I HAVE COMPLETED THE FOLLOWING OREGON STATE BAR CONTINUING EDUCATION MEDIATION TRAINING PROGRAMS:

COURSE	HOURS	CLE CREDITS
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6. THE FOLLOWING IS A LIST OF OTHER COURT, STATE OR FEDERAL MEDIATION PROGRAMS I HAVE COMPLETED:

COURT	PROGRAM	HOURS
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None

7. THE FOLLOWING IS A GENERAL STATEMENT CONCERNING OTHER PERTINENT MEDIATION TRAINING I HAVE RECEIVED:

Since receiving mediation training in early 1994, I have mediated a state court partnership dissolution/trade secret case which was pending in Multnomah County Circuit Court as well as a fraudulent conveyance case brought as an adversary proceeding in Bankruptcy Court. Both cases settled at the mediation.

8. THE FOLLOWING IS A BRIEF EXPLANATION OF MY PERTINENT BANKRUPTCY EXPERIENCE:

I have represented debtors in Chapters 7, 11, 12, and 13 cases, have represented secured and unsecured creditors in those chapters, have represented Chapter 7 trustees in adversary proceedings, and have represented creditors' committees.

9. THE FOLLOWING IS A GENERAL EXPLANATION OF ANY OTHER PERTINENT EXPERIENCE I HAVE:

I have broad litigation experience in state and federal court.

10. I HAVE:

(A) NEVER BEEN SUSPENDED, DISBARRED OR HAD ANY PROFESSIONAL LICENSE REVOKED;

(B) NO PENDING PROCEEDING TO SUSPEND OR REVOKE ANY OF MY PROFESSIONAL LICENSES; AND

(C) NEVER BEEN CONVICTED OF A FELONY.

11. THE FOLLOWING IS A LIST OF EACH OF MY PREVIOUS APPLICATIONS FOR INCLUSION ON ANY COURT'S MEDIATION REGISTER, AND AN EXPLANATION OF THE CURRENT STATUS OF EACH SUCH APPLICATION (E.G., PRESENT STATUS; CIRCUMSTANCES, AND DATE, OF ANY REMOVAL):

APPLICATION DATE	COURT	PRESENT STATUS
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None

12. UNLESS FULLY DISCLOSED AND THE POTENTIAL DISQUALIFYING CIRCUMSTANCE WAS THEN WAIVED BY THE COURT AND ALL PARTIES, I WILL NOT ACCEPT APPOINTMENT AS A MEDIATOR IN ANY PROCEEDING OR MATTER UNLESS AT THE TIME OF APPOINTMENT I WOULD QUALIFY AS A "DISINTERESTED PERSON" AS DEFINED BY 11 U.S.C. 101; I WOULD NOT BE DISQUALIFIED PURSUANT TO 28 U.S.C. 455 IF I WERE A JUSTICE, JUDGE, OR MAGISTRATE; AND I KNEW OF NO OTHER REASON THAT WOULD DISQUALIFY ME AS A MEDIATOR.

13. I WILL IMMEDIATELY CONTACT THE COURT, AND ANY PARTIES FOR WHOM I HAVE ACCEPTED APPOINTMENT AS A MEDIATOR, UPON LEARNING I AM NO LONGER QUALIFIED TO SERVE PURSUANT TO THE PROVISIONS OF G.O. 93-1, OR THIS APPLICATION (E.G., DUE TO AN ADVERSE CHANGE OF CIRCUMSTANCES RELATING TO POINTS 10 OR 12).

14. THIS APPLICATION IS ACCOMPANIED BY A DISKETTE (WHOSE SIZE IS COMPATIBLE WITH THE COURT'S CURRENT HARDWARE) WHICH CONTAINS A TRUE COPY OF THIS APPLICATION IN A VERSION OF SOFTWARE ACCEPTABLE TO THE COURT.

DATED: February 27, 1995
James N. Esterkin

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