

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

IN RE)
)
APPLICATION FOR INCLUSION ON COURT'S)
REGISTER OF QUALIFIED MEDIATORS) Samuel J. Imperati
)
)

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	Oregon State Bar	since 1979

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

Organization	Membership #	Number of Years	Active/Retired
Society of Professionals in Dispute Resolution	(N/A)	1	Active
OSB ADR Section		2	Active

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

As Assistant Corporate Counsel for NIKE and in private practice representing primarily individuals, I have resolved or supervised over one thousand adversarial and quasi-adversarial matters in everything from "appeals to zoning." Currently acting as a mediator, arbitrator and trainer of employers, employees, attorneys, and other professionals in mediation, EEO/diversity/harassment, partnering, communication and facilitation. Experiences with both plaintiff and defense work and as a pro tem judge have provided me with a unique

ability to see all sides of an issue and all facets of the adversarial system.

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

I was a lead trainer, trainer, and/or designer of the following mediation skills training programs:

Course	Hours	CLE Credits
Oregon Debtor-Creditor Mediation Training--Jan. 1994		16 credit hours
Oregon Debtor-Creditor Mediation Training--June 1994		16 credit hours
OR. Public Utility Commission Med. Trng. --Mar. 1994		30 credit hours
Oregon Dept. of Justice (AG Office) --July 1993		30 credit hours
American Arbitration Assc. Mediation Tr.--1992 (coach)		16 credit hours

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

I was a lead trainer and designer of the following mediation skills training program:

Court	Program	Hours
U.S. Bankruptcy Court, Southern Dist. of NY	June 1994	16 credit hours

Our mediation training program is approved by the Association of Attorney Mediators.

I am constantly honing my mediation skills through workshops, seminars, reading and actively mediating!

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

I am a principal in the Institute for Conflict Management, Inc., a Northwest ADR firm of legal mediators and trainers.

I am also on the Executive Committee of the Alternative Dispute Resolution Section of the Oregon State Bar. I spoke on mediation at the 1993 OSB Governmental Law CLE, the 1993 Annual SPIDR convention in Toronto, and a 1994 National Business Institute CLE. I will also be speaking at the 1994 Northwest Dispute Resolution Conference. I have written and lectured frequently on the topic of mediation ethics and have included presentations on conflict resolution in our other training sessions in the areas of: harassment prevention, diversity, communication skills and teambuilding.

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

As a practicing attorney, I handled some bankruptcy and bankruptcy-related issues, especially when I was Nike's primary attorney for its Credit Department. My recent experience has been in designing and presenting mediation training for bankruptcy lawyers in Oregon (two sessions sponsored by the Oregon Debtor-Creditor Section) and in New York (sponsored by the U.S. Bankruptcy Court for the Southern District of New York). Chief Judge Lifland (USBC-SDNY) wants us to return to New York to present a mediation program for judges as well as an additional workshop for bankruptcy lawyers.

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

My representation of both individuals and institutions, along with my experience as a juror and pro tem judge, has provided me with the ability to see all sides objectively and to suggest options for creative resolution that the parties occasionally find difficult given their close proximity to the case. Caucus, joint session, "directive" and "non-directive" mediator models are available for appropriate cases.

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
1994	U.S. Bankruptcy Ct. SDNY	Pending

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: August 12, 1994

Signature

Samuel J. Imperati
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