

Biographical Information for SDNY Bankruptcy Court Mediation Panel
June 15, 2020

David L. Carey
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I. Professional	Accrediting Agency or Jurisdiction	Date of Admission
Attorney	New York State, Appellate Division 2nd Dept.	1986
Attorney	United States District Court – SDNY	2020

II. Professional Organization	Date of Admission	Active/Inactive
New York State Bar Assn.	1986	Active
Federalist Society		Active

III. General professional experience:

FINRA Dispute Resolution
Associate Director 2007 to 2020

New York Stock Exchange
Chief Arbitration Counsel 1988 to 2007

Private Practice
1986-1988

IV. General pertinent experience:

Train and counsel FINRA arbitrators on discovery, hearing procedures and preparation of awards in employment and investor cases. Employment cases involve allegations of wrongful termination, defamation, whistleblower claims and bonus disputes. Investor cases involve allegations of fraud, unsuitable investment recommendations and breach of fiduciary duty.

Attended over 300 hearings as arbitration counsel for NYSE. Prepare reports and rule proposals for SEC. LinkedIn: <https://www.linkedin.com/in/david--carey/>

Civil defense litigation in automobile cases: Conducted depositions, argued motions, prepared pleadings and appeals.

Other Skills: New York no-fault law, residential real estate, landlord and tenant, auto

leasing, property tax assessment challenges, valuation of community banks and securities valuation based on analyzing balance sheets, income statements and cash flow.

V. Mediation training:

Mediator Skills Training – United States Bankruptcy Court – Southern District of New York/NASD June 23 to 25, 1997.

VI. Pertinent bankruptcy training:

As Associate Director of Case Administration at FINRA Dispute Resolution, I evaluated whether cases involving bankrupt parties were covered by the automatic stay, whether claims in new cases have been discharged by bankruptcy court order, whether awards with findings of securities fraud are exempt from bankruptcy discharge and the effect of bankruptcy filings on FINRA's expedited suspension process for unpaid awards.

VII. General pertinent business or legal experience:

Experience in business valuation based on analyzing balance sheets, Income statements and cash flow. My familiarity with mergers and acquisitions is evidenced by my comfort with corporate valuations (discounted cash flow), whether transactions are accretive or dilutive and whether costs synergies justify the price paid. I am comfortable with the key issues in class actions such as class certification, selection of lead counsel, and a lead plaintiff.

Cold Spring Harbor Library and Environmental Center, President (three terms), Board of Trustees, 2001 to 2011. Panelist on dispute resolution topics at programs sponsored by American Law Institute, Practising Law Institute, and New York State Bar Association. Publications appearing in the New York Law Journal, New York Business Law Journal and Journal of Investment Compliance.

Class Action Waivers in FINRA Employee Arbitrations: Is a Circuit Split on the Horizon?
New York Law Journal, April 3, 2020.