JAMES T. BURGHARDT, MEDIATOR

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Personal and Educational Background:

Born February 21, 1951 in Baltimore, Maryland; admitted to bar 1980, Colorado.

Princeton University (A.B., cum laude, 1973), Woodrow Wilson School of Public and International Affairs.

University of Denver College of Law (J.D., 1980). Recipient, American Jurisprudence Awards in Corporations and Partnerships.

Successful completion of the following 40-hour advanced mediation/negotiation programs:

- ·American Bankruptcy Institute/St. John's University Bankruptcy Mediation Training (2014)
- Harvard Law School Advanced Mediation Workshop (Robert Mnookin, 2000)
- CDR Associates (Boulder, CO) Mediation Process Workshop (1996)
- Harvard Law School Negotiation Workshop (Roger Fisher, 1995)

Inducted into the Colorado Chapter of the National Academy of Distinguished Neutrals, 2016.

Martindale-Hubbell "AV Preeminent" rating for 35 years.

Professional Background:

- More than 25 years' experience as a mediator of complex commercial, bankruptcy, corporate, and real estate disputes and litigation. More than 37 years' experience as an attorney in these areas of practice before becoming a full-time mediator in January 2018.

- Attorney with Moye White LLP in Denver for entire legal career, 1980-2017. Member of firm Management Committee most years between 1986-2017; firm Managing Partner, 2005-2013.

- Investment banker (municipal bonds) with Van Kampen, Wauterlek & Brown, Chicago (1973-1977).

Representative Mediation Engagements

- Mediator of multiple pre-litigation contractual disputes between out-of-state corporate parties to supplies and manufacturing contract worth over $200 million per year.

- Mediator in Chapter 11 bankruptcy case involving over $100 million in debt, addressing interrelated disputes between and among debtor and major creditors, including objections to proposed reorganization plan, motion to convert to Chapter 7, contested matters, adversary proceeding to determine nondischargeability of debt including treble damages, and state court lawsuits in two states.

- Mediator of confidential pre-litigation dispute among members of large family-owned entity with significant retail visibility in metropolitan community, regarding ownership, succession, business valuation, personal liability, and related issues.

- Mediator of complex family business/succession probate dispute involving multi-million dollar claims and litigation in two separate court districts; resolved in Zoom session lasting 14 hours.

- Mediator in leveraged buyout (LBO) litigation between bankruptcy trustee and defendants including original owner/seller, purchaser, senior secured lender, and subordinated secured lender, involving more than $30 million in alleged fraudulent transfers.

- Mediator in out-of-state litigation matter involving large master equipment leasing contract in healthcare industry, including interpretation and enforcement of damages provision and alleged breach of implied covenant of good faith and fair dealing.

- Mediator of a four-party corporate, employment, and real estate dispute already in expensive litigation of claims including fraudulent transfer, unjust enrichment, alter-ego, and Wage Act, and counterclaims of breach of employment contract, breach of fiduciary duty, breach of duty of loyalty, tortious interference with business relations and prospective business advantage, conversion, and spurious lien filings. Mediation took 12 hours the first day and 8 hours the second day, resulting in complete settlement and stipulated dismissal of the litigation.

- Mediator in two bankruptcy adversary proceedings involving Chapter 11 trustee's claims against former officers, directors, and affiliates of corporate debtors for breach of duties of care, good faith, and loyalty, breach of fiduciary duty, fraudulent conveyances, and unjust enrichment, asserting some $20 million in damages.

- Mediator between co-owners of closely-held business, one of whom wanted to retire and sell his interest in the business to the other, regarding transition and valuation issues.

- Mediator between bankruptcy trustee and national bank regarding proper allocation of payments to bank (as secured creditor) and bankruptcy estate, from trustee's liquidation of properties titled in Ponzi schemer.

- Mediator in “business divorce” between partners in entities whose primary assets were intellectual property and confidential client information.

- Mediator of confidential pre-litigation dispute between medical partnership and key former employee accused of fraud, embezzlement, and theft of corporate opportunity, with claims exceeding $4 million.

- Mediator of disputes in individual Chapter 11 case regarding objection to confirmation of proposed reorganization plan, avoidable transfer litigation, and objection to professional fee application.

- Mediator of dispute between luxury home designer and owner of multimillion-dollar property in mountain resort community regarding value and quality of design services, breach of contract, and unjust enrichment.

- Mediator in individual Chapter 11 bankruptcy case, involving objection to confirmation of proposed reorganization plan, potential motion to convert, potential denial of discharge, and related claims.

- Mediator in pre-litigation dispute between IP provider and large national corporate IP user involving claims and counterclaims for breach of contract and related issues for approximately $1 million.

- Mediator in state court lawsuit involving fraudulent transfer claims against judgment debtors for over $1.4 million, potential bankruptcy, and nondischargeability issues.

- Mediator in $1 million-plus preferential transfer litigation between plan agent for Chapter 11 reorganized debtor and major prepetition supplier.

- Mediator for California “business divorce” between company founder/entrepreneur and key employees wishing to take over the business.

- Mediator in three related adversary proceedings in corporate Chapter 11 case involving large transfer avoidance claims by bankruptcy trustee against three major corporate creditors.

- Mediator in pre-litigation dispute between national lender and real estate developer facing bankruptcy in absence of negotiated solution to $2.25 million debt.

- Service on panel established by Faculty of Federal Advocates for mediation referral program in the U.S. Bankruptcy Court for the District of Colorado. Some cases handled *pro bono* for one or both parties, according to program guidelines.

Honors, Memberships

2019-2026: Selected for inclusion in the annual editions of *The Best Lawyers in Americ*a for Mediation.

2019-2022: Selected for inclusion in the annual editions of Super Lawyers for Alternative Dispute Resolution [*Super Lawyer* designation for the 14th time].

2017-2018: Selected for inclusion in the 24th and 25th Editions of *The Best Lawyers in Americ*a for Bankruptcy and Creditor/Debtor Rights, and Insolvency and Reorganization Law.

2017: Recipient of "People's Choice – Best Bankruptcy Lawyer" award by *Law Week Colorado* in its annual Barrister's Best edition.

2016: Inducted into the Colorado Chapter of the National Academy of Distinguished Neutrals for mediation work.

2014: Appointed by 10th Circuit Court of Appeals to serve on Bankruptcy Judgeship Merit Selection Panel (two Judges, three attorneys) to recommend candidates to 10th Circuit to fill upcoming vacancy on Colorado Bankruptcy Court.

2013: Recipient of "People's Choice – Best Mediator" award by *Law Week Colorado* in its annual Best In Show edition.

2005-2013: Managing Partner of Moye White LLP (approximately 50 attorneys; annual election) until identifying and recommending successor, enabling return to full-time practice with emphasis on mediation and business bankruptcy.

2000–2004: Appointed by Chief Judge of U.S. District Court for Colorado to serve on three successive Bankruptcy Judgeship Merit Selection Panels (one Judge, five attorneys), to recommend candidates to 10th Circuit Court of Appeals to fill vacancies on Colorado Bankruptcy Court.

1990-2025: Rated "AV Preeminent" by Martindale-Hubbell.

Member: National Academy of Distinguished Neutrals; American Bankruptcy Institute.

References available upon request.

Last updated: August 22, 2025