



Steven Skulnik, Esq.
Practical Law Thomson Reuters

Profession Attorney - Commercial and International Litigation and Arbitration

Current Employer-Title Practical Law-Thomson Reuters – Senior Legal Editor, Arbitration

Work History Senior Legal Editor/Arbitration, Practical Law - Thomson Reuters, 2014 – Present; Of Counsel, Ganfer & Shore LLP, 2013 – 2014; Partner, Davidoff Hutter & Citron LLP, 2011 – 2013; Of Counsel, Squire Patton Boggs (US) LLP, 2007 – 2011; Partner/Associate, Pavia & Harcourt LLP, 1984 – 2007; Associate, Segal & Greenberg, 1983 – 1984.

Experience More than 35 years' experience practicing in the fields of domestic and international arbitration and litigation, including distribution, intellectual property, licensing, and technology issues. For example: defended a retailer of high-fashion clothing and accessories in a dispute with a competitor under Section 43(a) of the Lanham Act and state law defamation; defended Italian franchisor of high-fashion clothing and accessories in a dispute with a multi-state franchisee seeking millions of dollars in damages and injunctive relief for breach of contract and alleged franchise law violations; prosecuted claims of Spanish oil drilling company against Venezuelan affiliate by attaching large bank account found in New York; defended New York hotel owners in various lawsuits brought by French bank claiming to hold a valid mortgage loan in excess of \$200 million; defended convertible securities broker-dealer sued for its role as placement agent against claim brought by various hedge fund investors in private placement; defended hedge fund against claim by investor concerning SEC approval of Standby Equity Distribution Agreements; represented Polish national television network in dispute with its American distributor; represented Israeli surveillance systems manufacturer in dispute with former vendor of encoder over vendor's failure to meet contractual milestones; represented an Ecuador-based airline in contract dispute arising from lease of multiple aircraft from US-based aircraft sub-lessors; defended senior executive accused of breaching restrictive covenants; represented European government in dispute under Bilateral Investment Treaty concerning forestry services; represented purchaser in supply contract price re-opener dispute under UNCITRAL rules; defended purchaser of all shares of corporation engaged in chemical business in claim to recover damages for allegedly unanticipated tax liability; defended company in arbitration brought under stock re-purchase agreement where parties disputed the valuation of the company; defense of management against claim by executive seeking severance on ground that he resigned with "good reason"; defended finder's fee claim alleging assistance in selling weapon systems to Arabian Gulf states. Law practice also involved counseling of employers concerning workplace issues and executive employment contracts as well as defending management in litigation and arbitration.

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Alternative Dispute Resolution Experience

Sole arbitrator in cases including:

- A dispute over the loss of a mining concession in Central America.
- A dispute over the sale of commercial real estate in Central Europe.
- A dispute between Australian fashion house and its American distributor.
- A dispute between co-venturers in renewable energy (biogas) projects over buy-out and drag-along rights provisions.
- An arbitration that followed from the conduct of a Hatch-Waxman ANDA lawsuit.
- A claim by a local exchange carrier against a telecommunications billing aggregator for indemnity relating to consumer class action.
- A claim by medical practice group against health insurance carrier contesting doctors' termination as participating providers in the carrier's Medicare Advantage plan.
- A claim by aircraft operator against TV station for breach of electronic news-gathering agreement.
- A dispute between a software developer and a marketing enterprise concerning the license of data collection technology.
- A dispute between an information technology consultant and an educational organization over amounts due on early termination of the consulting agreement.
- A claim by a photographer's representative against a photographer for severance payments.
- A determination of "Fair market value of distribution rights" under New York's Alcohol Beverage Control Law.
- A claim by an investment banker against former employer for damages where employer-bank failed to deliver vested stock awarded to the Claimant.

Chair of the tribunal in cases including:

- Between an educational testing service and software developer which designed and hosted web-based testing application over minimum guaranteed fees.
- Between a hotel owner and its European franchisor concerning the parties' rights and responsibilities arising out of early termination of license and management agreements and the Minnesota Franchise Act.
- Between a luxury food manufacturer and its multi-unit franchisee over the consequences of the manufacturer terminating its retail operations under various agreements governed by New Jersey law and claims under the Michigan Franchise Investment Law.
- Between parties who owned the same trademark in different regions of the world in a dispute over the reasonableness of termination of a license agreement.
- Between a compiler of data on recycled automobile parts and a manufacturer of automobile part information systems alleging business torts.
- Between parties to a hotel management agreement where manager was alleged to have interfered with the owners' attempt to sell the property.

Co-arbitrator in cases including:

- A dispute between the two owners of a home furnishings business.

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The ICDR/AAA provides arbitrators to parties on cases administered by the ICDR under its various Rules, which delegate authority to the ICDR on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without ICDR/AAA administration are not considered "ICDR or AAA arbitrations," even if the parties were to select an arbitrator who is on the ICDR or AAA's Roster.

- A dispute over a patent license agreement for DVR functionality
- A dispute over buy-sell agreement between owners of a publishing business.
- A claim brought by former principal of a management consulting firm seeking valuation of his units upon termination of his employment.
- A dispute among partners in restaurant involving alleged breach of fiduciary duty.
- A claim under a janitorial services contract for sports arena.
- A warranty claim concerning a large cabin business jet.
- A dispute between members of real estate concern regarding removal of a manager and derivative claims against the removed manager.
- A claim brought derivatively by one LLC member against the LLC's trademark licensor where claimant asserted demand futility.
- A dispute arising out of a license agreement between a software developer and an insurance company involving functionality of system to write and service worker compensation policies.

Alternative Dispute Resolution Training

ICDR International Symposia in Advanced Case Management Issues, 2019; ACE 20 - Cyber Security: A Shared Responsibility, 2019; AAA/ICDR/AAA Mediation.org Panel Conference, 2019; AAA-ICDR/ICC/ICSID 35th Annual Joint Colloquium on International Arbitration, 2018; Smarter Faster Cheaper Technology Dispute Resolution Conference, 2018; ACE 18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA-ICDR/ICC/ICSID 34th Annual Joint Colloquium on International Arbitration, 2017; Judith S. Kaye Arbitration Competition, 2017; AAA Developments in Arbitration Law: Practice Focused Cases, 2017; AAA-ICDR Council and Columbia Law School Conference: The Future of Arbitration, 2017; Motion Practice Under AAA Rules – What You Need to Know, 2017; Out of Sight, Out of Mind: What You Need to Know about Preventing and Arbitrating Business-to-Business ("B2B") Data Breaches, 2017; AAA Exploring Critical Issues in Arbitration, 2016; AAA/ICDR Neutrals Conference, 2016; CPR Annual Meeting, The Dispute Resolution Divide: Harmonizing Global Approaches, 2016; AAA, Get a Grip! Wrangling the Mediation Process to Improve Your Chances of Success in Multi-Party Disputes 2015; AAA, Society, Commerce and Dispute Resolution: Goals for Justice and Trade 2015; AAA Webinar, Show Me the Money: The Effective Presentation of Damages in Arbitration Versus Litigation, 2015; AAA/ICDR Webinar, ICDR Awards and Commentaries: Just How Different Is International Arbitration Than Domestic Arbitration?, 2015; AAA/ICDR Seminar, What Makes International Arbitration Different?, 2014; AAA Webinar, Making the Most of Mediation, 2014; Arbitral 999/911: Emergency Relief for Problems That Will Not Wait, 2013; AAA Webinar, Managing the Costs of Exchanging ESI, 2013; AAA Webinar, What's a Respondent Like You Doing in a Place Like This? Confronting Arbitrability and Jurisdiction Issues in Arbitration, 2013; AAA Advanced Mediator Training Series: The Extent (or Limit) of Mediator Influence to Effect Settlement, 2012; AAA Webinar, How to Become a More Innovative Neutral or Advocate: Applying Cutting Edge Innovation Management Techniques to Your ADR Practice, 2012; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2011; AAA Webinar, Arbitrator Boundaries: What are the Limits of Arbitrator Authority?, 2011; AAA

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Webinar, How International Arbitration Techniques Can Benefit Domestic Arbitration, 2010; AAA Webinar, Electronic Discovery in Arbitration: What You Need to Know, 2010; CPR Annual Meeting, Global ADR: The New Reality, 2010; Practising Law Institute, Choosing the Place of Arbitration: Geneva, London, New York, Paris, Zurich & Mock Session: Section 1782 and International Arbitration, 2009; AAA Ask & Answer: Arbitration, 2008; Cardozo Journal of Conflict Resolution's 10th Annual Symposium: Whither Arbitration, 2008; AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002), 2007; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2006; ICDR, The Common Law-Civil Law Gap: The Issues and How International Arbitrators May Resolve Them, 2006; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2005; New York Commercial Division Alternative Dispute Resolution Program, Mediation Workshop, 2005; AAA Arbitrator Ethics & Disclosure (ACE003), 2004; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2003; AAA Arbitrator Update, 2002; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2001; AAA Commercial Arbitrator Training, 2000.

Education

Benjamin N. Cardozo School of Law (JD-1983); Brandeis University (BA, Economics-1980).

Professional Licenses

Admitted to the Bar: New York (1984); U.S. District Court: Southern (1984) and Eastern (1984) Districts of New York; U.S. Court of Appeals, Second Circuit (1989).

Professional Associations

Fellow, Chartered Institute of Arbitrators (FCIArb); Member, New York City Bar Association (Chair, Arbitration Committee, and Member, International Commercial Disputes Committee); New York State Bar Association (Member, Dispute Resolution Section, Past Co-chair, Arbitration Committee); Member, ICDR Publications Committee; Member, International Arbitration Club of New York; Member, National Academy of Distinguished Neutrals; Member, New York International Arbitration Center (NYIAC); Member, Silicon Valley Arbitration and Mediation Center (SVAMC).

Publications and Speaking Engagements

Selected Publications:

Author, Arbitrating During a Pandemic, Practical Law The Journal - Litigation (Fall 2020).

Author, Considering Video Conference Arbitration Hearings in the US: Ensuring Due Process, Dispute Resolution Lawyer (A publication of the Dispute Resolution Section of the New York State Bar Association) (Summer 2020).

Author, Separability of Arbitration Agreements in US Arbitration, Practical Law The Journal - Litigation (June/July 2019).

Co-author, chapter on Arbitration Ethics in "Arbitrating Commercial Disputes in the United States" (PLI, 1st and 2nd Eds.).

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Co-author, Do Arbitrators Know the Law (and Should They Find it Themselves)?, Dispute Resolution Journal, Vol 73 No 1 (2018).

Author, Interim, Provisional and Conservatory Measures in U.S. Arbitration, Inside (A publication of the Corporate Counsel Section of the New York State Bar Association) (Winter 2015).

Selected Speaking Engagements:

Panelist, Successfully Deploying Arbitration after Litigation, New York State Bar Association, September 2020.

Panelist, Recent Developments in International Arbitration, International Arbitration 2020, PLI, June 2020.

Panelist, Cutting Edge Issues in Arbitration: The New Restatement of Commercial and Investor-State Arbitration, AAA/NYLS, May 2020.

Moderator, Transparency in Commercial Arbitration, CPR Annual Meeting, February 2020.

Co-presenter, Ethics in Arbitration, PLI Webinar, February 2020.

Panelist at the June 2019 New York State Bar Association Annual Commercial Arbitrator Training Seminar, addressing Arbitration Law.

Panelist, Are You Ready for the Case to Begin? Critical Issues Arising at the Start of an Arbitration, Webinar presented by Thomson Reuters with Skadden, May 2019.

Panelist, Cutting Edge Issues in Arbitration: Tribunal Dynamics, AAA/NYLS, April 2019.

Panelist, When Experts Come from Different Planets: Strategies and Techniques for Reconciling Seemingly Irreconcilable Expert Evidence in Arbitration, American Bar Association (ABA) Dispute Resolution Section Annual Meeting, April 2019.

Moderator, NYIAC Talks: Assessing Judicial Support of International Commercial Arbitration, October 2018.

Moderator, A View from the Trenches: When Dispute Resolution Clauses Blow Up, Association of Corporate Counsel (ACC) Annual Meeting, October 2018.

Panelist, Cutting Edge Issues in Arbitration: Independent Legal Research by an Arbitrator, AAA/NYLS, April 2018.

Moderator, Ethics Issues in Mediation, Webinar presented by Practical Law with

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CPR and Jenner & Block, February 2018.

Moderator, Arbitration at Work: The Supreme Court's Visit to the Office, Webinar presented by New York State Bar Association (NYSBA), December 2017.

Presenter, Death by E-Discovery: Is It Eroding the Efficiency of Arbitration,? AAA, March 2017.

Panelist, The Importance of Culture in Conflict Resolution: Scenarios in International and Domestic Arbitration and Mediation, Hispanic National Bar Association Annual Meeting, September 2016.

Locations Where Parties Will Not be Charged for Travel Expenses New York metro area.

Citizenship United States of America
Languages English
Locale New York, New York, United States of America

Compensation

Hearing: \$600.00/Hr
Study: \$600.00/Hr
Cancellation Period: 0 Days
Comment: Requests reimbursement for out-of-town travel expenses but no charge for travel time.

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