

# Steven Skulnik

438 West 23<sup>rd</sup> Street  
New York, New York 10011

(646) 231 3457 (O)

(917) 656 9560 (M)

[sskulnik@gmail.com](mailto:sskulnik@gmail.com)

LinkedIn: <http://www.linkedin.com/in/skulnik>

**Current Employer-Title** Self-Employed - Arbitrator and Mediator; Senior Editor, Arbitration, Practical Law at Thomson Reuters

**Profession** Attorney - Commercial and International Litigation and Arbitration

**Work History** Senior Editor, Arbitration, Practical Law at Thomson Reuters, 2014-present; Of Counsel, Ganfer & Shore, LLP, 2013-2014; Partner, Davidoff Hutcher & Citron LLP, 2011-13; Of Counsel, Squire Sanders (US) LLP, 2007-11; Partner/Associate, Pavia & Harcourt LLP, 1984-07; Associate, Segal & Greenberg, 1983-84.

**Experience** Over 30 years of law practice in commercial and corporate litigation and arbitration, representing and advising businesses in the advertising, aviation, banking, education, management, consulting, marketing, real estate, technology, hospitality, fashion and textile industries. Law practice also involved counseling of both employers and employees concerning workplace issues and executive employment contracts as well as defending management before administrators, arbitrators and the courts. Background in distribution, licensing, consulting, and technology issues. Has litigated corporate and partnership disputes. For example: successfully 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, resulting in favorable settlement; prosecuted claims of Spanish oil drilling company against Venezuelan affiliate by attaching large bank account found in New York; defended owner of hotel 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 before New York state courts in contract dispute arising from lease of multiple aircraft from US-based aircraft sub-lessors; successfully 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.

**Alternative Dispute Resolution Experience** Served as a neutral on numerous arbitration cases since the 1990’s including ICDR International Panels, and AAA Commercial, Large Complex Case Panels. Sole arbitrator in cases including claim by aircraft operator against TV station for alleged breach of electronic news-gathering agreement; dispute between a buyer and seller of commercial real property in Europe concerning alleged misrepresentation and concealment during due diligence; case between a software developer and a marketing enterprise concerning the license of data collection technology; dispute over the enforceability of a claim by a photographer’s representative against a photographer for severance payments; to determine “Fair market value of distribution rights” under New York’s Alcohol Beverage Control Law; and case brought by an investment banker against his former employer for damages where employer-bank failed to deliver vested stock awarded to the Claimant as a result of Claimant’s leaving the bank to work for a competitor. Chair of an the panel in the following disputes: 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 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 a compiler of data on recycled automobile parts and manufacturer of automobile part information systems alleging business torts; and between parties to a hotel management agreement where manager was alleged to have interfered with the owners’ attempt to sell the property. Served on three member panels involving patent license agreement for DVR functionality; buy-sell agreement between owners of a publishing business; in claim brought by former principal of a management consulting firm seeking valuation of his units upon termination of his employment; dispute among partners in restaurant involving alleged breach of fiduciary duty; claim under a janitorial services contract for New Jersey sports arena; and a case 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. Qualified as mediator by the United States District Court, Southern District of New York and the New York Supreme Court, Commercial Division. Recent mediations: dispute between two technology integration firms where salesperson moved between firms and allegedly induced customers to break contracts with former firm; dispute between a fashion company and licensee for unpaid royalties; dispute between media company and health care client regarding fees for design and construction of client’s website; in a case brought against a nursing home for discrimination; ADA claim by a school teacher allegedly suffering from narcolepsy; and a dispute between hotel owner and manager over the right to terminate the management agreement by reason of a shortfall in gross operating profit. Has used up-to-date training in discovery of electronically stored information to manage discovery disputes and streamline processes in arbitration.

**Alternative Dispute Resolution Training** NYIAC Program, 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, co-sponsored by the ICDR, 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 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.

**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** New York State Bar Association (Dispute Resolution Section, Membership Committee, Past Co-Chair); National Academy of Distinguished Neutrals.

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

**Publications and Speaking Engagements** Co-author, THE ARBITRATION AGREEMENT: A LOOK AT ENFORCEABILITY, Lawyers' Arbitration Letter (AAA), Summer/Fall 1995.

Presenter "Effective Use of Experts in Mediation and Arbitration," ACR-GNY - Annual Conference, June 2011; presenter, "Presenting your Commercial Case - What Arbitrators Look For," AAA, December 2005; speaker, "International Arbitration," CLE Program at Pace University sponsored by American Arbitration Association, March 2002.

**Panels** Panel of Arbitrators of the American Arbitration Association  
Panel of Arbitrators of the International Institute for Conflict Prevention & Resolution (CPR)  
Panel of Arbitrators of the U.S. Council of International Business (USCIB) for the ICC International Court of Arbitration (ICC)  
Panel of Arbitrators of Federal Arbitration (FedArb)  
Panel of Arbitrators and Mediators, National Academy of Distinguished Neutrals (NADN)  
Court-appointed mediator for the Commercial Division of the Supreme Court of the State of New York  
Court-appointed mediator for the United States District Court for the Southern District of New York.

**Honors** 2012-14 New York Super Lawyers, Avenue Magazine Legal Elite, AV Preeminent Rating Martindale-Hubbell.