

Steven Skulnik

Practical Law - Thomson Reuters

Three Times Square, 8.C.310

New York, New York 10036

+1 646 223 9776

sskulnik@gmail.com

Current Employer-Title Self-Employed - Arbitrator (FCIArb) and Mediator; Editor, Arbitration at Practical Law - Thomson Reuters

Profession Attorney - Commercial and International Litigation and Arbitration

Work History Senior Legal Editor, Arbitration, Practical Law - Thomson Reuters, 2014 to present; Of Counsel, Ganfer & Shore, LLP, 2013-2014; Partner, Davidoff Hutcher & 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 Over 30 years of law practice in commercial and corporate litigation and arbitration, representing and advising international clientele in the advertising, aviation, banking, education, management consulting, marketing, real estate, technology, hospitality, fashion and textile industries. Background in 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 sublessors; 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 reopener 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.

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 Prague. • 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 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 the disputes 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 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.

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); New York State Bar Association (Member, Dispute Resolution Section, Past Co-chair, Arbitration 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).

Education

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

Publications and Speaking Engagements

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.

Co-author, The Arbitration Agreement: A Look at Enforceability, Lawyers' Arbitration Letter (AAA), Summer/Fall 1995.

Presenter, Independent Legal Research by an Arbitrator, AAA, April 2018; Moderator, Ethics Issues in Mediation, Practical Law with CPR and Jenner & Block, February 2018; Moderator, Arbitration at Work: The Supreme Court's Visit

to the Office, New York State Bar Association (NYSBA), December 2017; Presenter, Death by E-Discovery: Is It Eroding the Efficiency of Arbitration?, AAA, March 2017; Moderator, Electronic Discovery—The Current State of Play as to the Scope of Electronic Discovery in the Courts and in Arbitration: What the Rules Say and What is Actually Happening, Joint Program of Commercial and Federal Litigation and Dispute Resolution Sections of the NYSBA, 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; Panelist, Effective Use of Experts in Mediation and Arbitration, ACR-GNY - Annual Conference, June 2011; Panelist, Presenting your Commercial Case - What Arbitrators Look For, CLE Program, AAA, December 2005; Panelist, International Arbitration, AAA, March 2002.

Citizenship
Languages

United States of America
English