

James P. S. Leshaw – Resume

Jim is an experienced ADR professional with more than 30 years of experience as an arbitrator, mediator, commercial lawyer and public company director. He has acted as arbitrator or mediator in hundreds of domestic and international business disputes. He also has significant business experience, including as public company (NYSE) director. Legal practice included billions of dollars of complex commercial litigations and transactions. Jim was named Miami “Lawyer of the Year” in each of 2016, 2017, 2018 and 2021 for Arbitration and 2017 Miami “Lawyer of the Year” for Bankruptcy Litigation by *Best Lawyers in America*, and is ranked Tier 1 in "Arbitration" and "Mediation" by Best Lawyers. Proactive case management to achieve a just outcome, at a reasonable cost in a timely manner, consistent with parties' arbitration agreement.



Dispute Resolution Experience

Significant domestic and international ADR experience in complex commercial disputes since 2013. Have acted as arbitrator or mediator in hundreds of domestic and international engagements. Arbitration caseload in recent years has been approximately 50% international arbitrations and 50% arbitrations of domestic commercial disputes. Experience includes serving as sole arbitrator, panel chair and wing arbitrator. Proactive case management to achieve a just outcome, at a reasonable cost in a timely manner, consistent with parties' arbitration agreement. Experience includes a broad variety of commercial issues such as shareholder and other ownership disputes, breach of contract, fraud, financial services, lending, partnership, corporate governance, fiduciary duty, real estate, investment, entertainment, aviation, admiralty and maritime, private equity, mergers & acquisitions, transportation, valuation, a broad base of commercial transactions, business disputes, and bankruptcy, solvency and avoidance issues. Significant experience involving choice of law, arbitration seat and arbitrability issues. Laws worked with include countries throughout North America, Latin America and Europe.

Representative Arbitrations:

- International dispute between Latin American based business and European business involving complex contractual interpretation and OFAC sanctions.
- International dispute regarding maritime shipping agreements of commodities. Issues included demurrage, dispatch and discharge costs, drayage and related matters.
- International dispute between insured and insurance company involving vessel allision and allegations of failure of insured to comply with insurance conditions.
- Domestic dispute among owners of a closely held tech company, including business valuation, allegations of fraud and breach of fiduciary duty and issues regarding securities issuance.
- Multi-party dispute involving power by the hour lease arrangement for aircraft to be used in war zones, including Afghanistan.
- Multiple arbitrations and mediations involving allegations of professional malpractice involving law firms, accounting firms and other professional service firms or audit firms.

- Sole arbitrator in dispute between two publicly traded financial services firms involving securities clearance issues, financial accounting issues and breach of contract and fiduciary duty claims.
- Multiple disputes involving real estate transactions including commissions, sale or development of real estate, and commission arrangements.
- Multiple arbitrations involving valuation issues, fraud allegations, breach of fiduciary duty allegations and breach of contract allegations.
- Wing arbitrator in multi-million dispute involving franchise agreements, fraud, sale of business and multi-level marketing business.
- Multiple domestic and international arbitrations between business partners and sale of closely held or multi-generational family businesses.
- Wing arbitrator in dispute between over sale of business between two large financial service firms. Issues included post -closing adjustments, financial accounting issues, and allegations of fraud and breach of fiduciary duty.
- Panel chair in multi-million dollar dispute involving ownership of an airline. Allegations included hacking of computers of a party and counsel during the course of the final arbitration hearing.
- Multiple arbitrations involving ownership of technology, intellectual property and other business assets.
- Arbitration of multiple employment and compensation related disputes including issues of arbitrability of claims.
- Arbitration of breach of duty dispute between Big Four accounting firm and its public company audit client.

Representative Mediations and Mediation Style: Commercial and corporate matters have included a variety of industries including aviation, banking, commercial finance, private equity, venture capital, manufacturing and industrial, general business law, shareholder agreements, telecom, mergers & acquisitions, e-commerce, high tech, real estate, leasing, franchise, energy, entertainment, intellectual property, licensing, entertainment, fraud and Ponzi schemes, healthcare, international, Latin America, cruise ships and casino gaming ships. Bankruptcy issues have included almost every type of issue arising in business bankruptcy cases from the voluntary or involuntary commencement of a case to confirmation, plan of reorganization and conversion or dismissal of a bankruptcy case. Mediations have included multiple parties from different parts of the World.

I am a proactive mediator. I help parties to constantly evaluate and re-evaluate their positions and the likely range of outcomes, as well as the time and expense (dollars, loss of business, reputational risk, loss of sleep, etc.) in getting to those outcomes. I have significant business experience which helps me to understand issues and seek creative solutions. I prepare thoroughly for all mediations, trying to understand the facts, legal issues, emotions and other impediments to conflict resolution. I also try to understand what motivation or interest is truly driving each of the parties to the mediation and what can be done to reach a win-win solution. I expect all participants in the mediation process, including counsel and party representatives, to prepare for the mediation rather than to simply show up at the mediation hoping for a successful outcome. I work with counsel in advance of the mediation to address key preparation issues, including facts or arguments to focus on, issues to address in exchanged or confidential mediation statements and the identity of mediation participants. I am comfortable

conducting mediations by Zoom or other remote platforms and find that remote mediations are often more productive than in-person mediations. I am also comfortable continuing to work with parties to resolve issues after conclusion of the scheduled mediation session.

Attorney Experience

As an attorney, Jim has led litigation teams in connection with high stakes complex, domestic and international business litigation throughout the United States and Latin America and has handled billions of dollars of mergers, acquisitions and asset purchases, financings, bankruptcies, workouts, reorganizations, restructurings and other cross-border business transactions across the United States, Europe, Latin America and the Caribbean. He has also advised clients in connection with wealth accumulation, preservation and international tax strategies and family succession issues.

Awards and Recognition

Named Miami “Lawyer of the Year” in each of 2016, 2017, 2018 and 2021 for Arbitration and 2017 Miami “Lawyer of the Year” for Bankruptcy Litigation by “*The Best Lawyers in America*;” Listed, “*The Best Lawyers in America*,” under Mediation, Arbitration, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (every year since 2007); Listed, “*Chambers USA Guide* (every year since 2008); Member, Winning Team, U.S. News – “*Best Lawyers* “Law Firm of the Year” in Bankruptcy & Creditor Debtor Rights/Insolvency & Reorganization Law and Litigation – Bankruptcy, 2013; Listed, “*Super Lawyers* magazine, “*Florida Super Lawyers* (every year since 2006); Member, Winning Team, Chambers USA Awards for Excellence, Corporate & Finance – Law Firm of the Year (Florida based), 2010; Member, Winning Team, Chambers Latin America Inaugural Awards for Excellence, Focus on Latin America – Law Firm of the Year (Florida based) 2009; Listed, *Florida Trend Magazine*, “Legal Elite,” Bankruptcy Law (every year since 2004); Listed, *The Deal*, “Top Bankruptcy M&A Lawyers;” Listed, *South Florida Legal Guide*, “Top Lawyers in South Florida;” Rated, AV® Preeminent™ 5.0 out of 5.0.

Previous Employment

Chair, Florida Business Reorganization & Financial Restructuring Practice, Greenberg Traurig, Miami, Florida (1991-2013); Associate, Skadden, Arps, Slate, Meagher & Flom, New York (1989-1991).

Education

J.D., New York University School of Law (1989); B.A. Political Science and Religion, Tufts University (1986).

Articles, Publications & Lectures

Written articles and lectured on multiple mediation and arbitration topics (A Case for the Expanded Use of Mediation in Bankruptcy; How to Tank a Mediation without Even Trying; Supreme Court Holds that Class Action Waivers Are Enforceable; Supreme Court Punts on Issue of Arbitrability but Provides Guidance on Judicial Review of Arbitration Awards; Attorney Work Product Privilege Rather Than

Mediation Privilege Protects Documents From Discovery; and Supreme Court Holds that Only Arbitrator and Not State Court Can Make Determination That Contract With Arbitration Clause Is “Null and Void Against Public Policy”); articles on international legal issues (Impact of Sarbanes Oxley on Latin American Based Companies, Cross-Border Insolvency; Latin American Insolvency Regimes; A Guide to US Bankruptcy for Latin American Businesses; A Guide to Preferences and Fraudulent Transfers for Latin American Businesses; Bankruptcy Topics (Trading Claims in Bankruptcy; Avoidance And Recovery Of Preferential and Fraudulent Transfers; Constitutional and Jurisdictional Issues in Bankruptcy; Acquiring Troubled Companies – A Comparison of the Bankruptcy and Non-Bankruptcy Alternatives; Claim Subordination; Allowance of Claims in Bankruptcy; Estimation of Claims in Bankruptcy; Ethics regarding Asset Protection; Bankruptcy Evidence issues; Asset Protection in Florida; U.S. Trade Marks in Bankruptcy); Intellectual Property Issues; and Entertainment Law Issues.

Jim has also written magazine articles on marine-related topics.

Mediation and Arbitration Panels, Court Admissions and Licenses

Admitted to practice law in all State and Federal courts in Florida; all State courts in New York; United States District Courts for the Southern and Eastern Districts of New York; United States Courts of Appeal for the Second, Third and Eleventh Circuits.

Member of International Centre for Dispute Resolution (ICDR) Commercial Panel; Member of the American Arbitration Association’s Commercial, Large Complex Case, Construction and Mediation Panels; Experienced Mediator; Roster of Mediators for the United States Bankruptcy Courts for the Southern District of Florida, the Southern District of New York and the District of Delaware.

United States Coast Guard 100 Ton Master License.

Not For Profit Boards and Other Appointments

Founding Chair and current Co-Chair of Arbitration Committee of Florida Bar’s International Law Section.

Former Member, Board of Directors, Stiltsville Trust, Inc.; Former Secretary and Member of Board of Governors of Key Biscayne Yacht Club; Former Member, Board of Directors, Marjory Stoneman Douglas Biscayne Nature Center; Former Youth Sailing Director, Key Biscayne Yacht Club; Former Member, Board of Directors, Florida Historical Society; Former Member, Board of Directors, Volvo Ocean Race Miami, Inc.; Former Member, Board of Directors, Soldiers’ Sailors’, Marines, Coast Guard & Airmen’s Club, Inc. (NYC).