

Steven A. Certilman, C.Arb, FCIArb

Attorney
Chartered Arbitrator
Fellow, College of Commercial Arbitrators
Fellow, Chartered Institute of Arbitrators
CEDR Accredited Mediator

ADR EXPERIENCE

Chartered Arbitrator with more than 425 domestic and international arbitrations and 150 mediations since 1988. Served as panel chair in more than thirty arbitrations across a broad range of subject areas including corporate, commercial, real estate, information technology, business process outsourcing, intellectual property, insurance, health care and life sciences, as well as employment and construction cases under various domestic and international administrative rules. Adjunct Professor of Law, Fordham University School of Law (international arbitration) 2011-2017. Member, College of Commercial Arbitrators. Accredited Mediator (CEDR) of domestic and cross-border disputes. Exceptionally skilled at management of the arbitration process and interpersonal relationships within the arbitral tribunal. Dedicated to cost effective and expeditions dispute resolution while respecting party process agreements. Cases heard under major rulesets including AAA, ICDR, ICC, UNCITRAL and CPR. Available for in-person and videoconference proceedings in any location.

ADR PANEL APPOINTMENTS, MEMBERSHIPS, PROGRAMS

Chartered Arbitrator and Fellow, Chartered Institute of Arbitrators, London, England; Fellow and Member of the Board of Directors, College of Commercial Arbitrators; Arbitrator and Mediator, American Arbitration Association/International Centre for Dispute Resolution (ICDR) (Commercial, Large and Complex Case, Technology, M&A, Intellectual Property, Financial Services, Insurance, Employment, Construction, Franchise and Mediation Panels); Member, *Tech List*, Silicon Valley Arbitration and Mediation Center; Mediator and Member, Panel of Distinguished Neutrals, International Institute for Conflict Prevention and Resolution (Technology and Commercial Panels); Arbitrator, Court of Arbitration for Art (CAfA); Arbitrator, Hong Kong International Arbitration Centre (Member, Commercial Panel and Panel of Arbitrators for Intellectual Property Disputes); Arbitrator and Mediator, National Academy of Distinguished Neutrals; Arbitrator, Toronto Commercial Arbitration Society; Arbitrator, Vienna International Arbitration Centre; Arbitrator, British Virgin Islands International Arbitration Centre (BVIIAC), Asian International Arbitration Centre; Life Fellow, American Bar Foundation; Life Fellow, New York Bar Foundation; Former Faculty Member and Course Director, Columbia Law School-Chartered Institute of Arbitrators Comprehensive Course on International Arbitration (2016-2018); Faculty Member, New York State Bar Association, Dispute Resolution Section Commercial Arbitration Training Program (2014-date); Course Director and Accredited Faculty Member, International Arbitrator Fellowship Program, The Chartered Institute of Arbitrators; Special Master, United States District Court, District of Connecticut; Mediator, United States District Court, Southern District of New York (1999-2017); Mediator, United States Bankruptcy Court, Southern District of New York; Arbitrator, United States District Court, Eastern District of New York; Member, American Bar Association; Member, Connecticut Bar Association, (Former Chair, Technology Law Section), Member, New York City Bar; Member, Fairfield County Bar Association, (Former Chair, ADR Section); Member, New York State Bar Association (Dispute Resolution Section).

Accredited Mediator, Centre for Effective Dispute Resolution (CEDR), London, England (2017). Certificate, Columbia Law School - Chartered Institute of Arbitrators Joint Program on International Commercial Arbitration (May, 2015). Certificate, American College of e-Neutrals (October, 2016). Certificate, Program on Negotiation at Harvard Law School, Negotiation and Leadership (April, 2018).

LEGAL EXPERIENCE

Martindale-Hubbell AV Preeminent rated attorney with forty years of experience as a commercial litigator and corporate, commercial, transactional IT, IP, real estate and trusts and estates attorney. Arbitrator and mediator in domestic and international matters relating to:

Corporate: business organization formation with related agreements, mergers and acquisitions, business divorces and accountings including in the real estate, licensing and medical fields including intra-family disputes; key person employment and non-competition agreements; lending transactions; private and public debt and equity financings; securities including Regulation D private placements; due diligence and fraud or misrepresentation; structured commercial transactions; debt/equity financing consulting agreements and transition operating agreements.

Commercial: commercial agreements in a broad array of services and product categories across the product design, manufacturing, warehousing and distribution, distributor, reseller, brokerage and retail channels of trade. Selected examples are domestic and international commercial transactions including those under the CISG; art, book and music publishing; warehousing, trucking and distribution; and marketing and advertising including text message-based advertising and affinity card sponsorship programs.

Insurance: coverage and claim valuation in disputes arising under commercial general liability, E&O, directors and officer's liability policies including Bermuda Form policies; completion/performance/surety bond and property insurance contexts.

IT/IP and Technology: business process outsourcing agreements with detailed SLA's including MAC, technology refresh, hardware acquisition, help desk and operating system migration. Internet, e-commerce, Internet advertising and other online and IT commercial contracts and transactions such as SAP implementation, custom software development, maintenance, licensing and distribution; SEO consulting; text message marketing and SaaS agreements. Bio-product marketing and licensing; technology, trademark and copyright licensing. Telecommunications asset sale agreements and transition services agreement disputes.

Real estate: residential, commercial and development transactions; real estate partnership and valuation disputes; trust-related claims and claims of fraud and breach of fiduciary duty.

Franchise: Area development and franchisee claims both domestic and international.

Trusts and Estates: Claims against trustees for, e.g., breach of fiduciary duty and fraud. Accounting disputes.

Please see www.certilman.com for more detailed information and representative ADR cases.

PROFESSIONAL LICENSES

Admitted to the Bar: New York, Connecticut, Massachusetts and District of Columbia (inactive); U.S. District Court: Southern and Eastern Districts of New York, 1982; U.S. Court of Appeals, Second Circuit, 1982; U.S. District Court, District of Connecticut, 1986. Real Estate Broker (non-practicing): New York, Connecticut.

SELECTED PROFESSIONAL ACTIVITIES

Member, Board of Directors, College of Commercial Arbitrators, (2021-date); Elected Chairman, Board of Trustees, The Chartered Institute of Arbitrators, London, England (2009 and 2010); Elected Trustee, The Chartered Institute of Arbitrators, London, England (2005-2011); Member, CIArb Board of Management (2005-2008). Special Master, United States District Court, District of Connecticut. Member, International Arbitration Club of New York; Freeman, Worshipful Company of Arbitrators; Arbitrator/Judge, *Willem C. Vis International Commercial Arbitration Moot Competition* (2007 to date)

and others; Alternate Member, Planning and Zoning Board of Appeals, Town of Greenwich, Connecticut (2014-2016).

EDUCATION

Hofstra University School of Law, Hempstead, NY (J.D. 1981); Associate Editor, *International Property Investment Journal* (1980-1981). Connecticut College, New London, CT (BA degrees in Psychology, Government and Sociology-Based Human Relations, 1978).

SELECTED PUBLICATIONS

ADR in the Age of Cybersecurity, 31 CT Lawyer No. 6 at Page 22 (July/August 2021, Connecticut Bar Association).

Arbitrability of Intellectual Property Disputes. Chapter within a treatise entitled *Arbitration of Intellectual Property Disputes*, Juris Publishing, 2021

ADR in the Age of Cybersecurity, *New Jersey Lawyer*, No. 323 at Page 54 (April, 2020, New Jersey Bar Association).

ADR in the Age of Cybersecurity, *New York Dispute Resolution Lawyer*, Volume 12 No. 1 (Spring 2019, New York State Bar Association).

Comparison of Selected International Arbitration Rules, 2018 Edition, *Alternatives to the High Cost of Litigation*, a publication of International Institute for Conflict Prevention and Resolution, Volume 36 Number 5 (May 2018).

Author of chapter entitled *Arbitrability of Intellectual Property Disputes* within a treatise entitled *Arbitration of International Intellectual Property Disputes*, Juris Publishing (2012).

Comparison of Selected International Arbitration Rules, 2011 Edition, *Alternatives to the High Cost of Litigation*, a publication of International Institute for Conflict Prevention and Resolution, Volume 29 Number 9 (October 2011).

A Brief History of Arbitration in the United States, *New York Dispute Resolution Lawyer* (a publication of the Dispute Resolution Section of the New York State Bar Association), Volume 3 No. 1 (Spring, 2010).

Protocol for E-Disclosure in Arbitration Issued by the Chartered Institute of Arbitrators, *New York Dispute Resolution Lawyer* (a publication of the Dispute Resolution Section of the New York State Bar Association), Volume 2 No. 1 (Spring, 2009).

Comparison of Selected International Arbitration Rules, *Alternatives to the High Cost of Litigation*, a publication of International Institute for Conflict Prevention and Resolution, Volume 26 Number 5 (May 2008).

Judges as Mediators: Retaining Neutrality and Avoiding the Trap of Social Engineering, *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, Volume 73 No. 1 (February, 2007).

SELECTED SPEAKING ENGAGEMENTS AND EDUCATION PROGRAMS

Visiting Lecturer, University of the Bahamas Law School, (January, 2021).

Assessor, International Arbitration Accelerated Route to Fellowship Program, The Chartered Institute of Arbitrators, Miami, Florida (December, 2021).

Presenter, *Vacatur in the USA*, The Chartered Institute of Arbitrators, Brazil Branch (November, 2021).

Faculty Member, New York State Bar Association Dispute Resolution Section, Comprehensive Commercial Arbitration Training for Arbitrators and Counsel (July, 2021).

Writing Reasoned Awards in Commercial Arbitration, American Bar Association Dispute Resolution Section (November, 2020).

Director and Presenter, CPR Employment Arbitrator Pathways Training Program (October, 2020).

Presenter, New York State Bar Association Dispute Resolution Section, Comprehensive Commercial Arbitration Training for Arbitrators and Counsel (July, 2020).

Presenter, Best Practices for Arbitrators in Expedited Cases, American Arbitration Association (July, 2020).

Director and Presenter, CPR Employment Arbitrator Pathways Training Program (June, 2020).

Presenter, New York State Bar Association Dispute Resolution Section, Comprehensive Commercial Arbitration Training for Arbitrators and Counsel (June, 2019).

Presenter, New York State Bar Association, Dispute Resolution Section, Commercial Arbitration Training (June, 2018).

Course Director, International Arbitration Accelerated Route to Fellowship Program, The Chartered Institute of Arbitrators, New York, New York (June, 2018).

Faculty Member and Course Director, Columbia University Law School – The Chartered Institute of Arbitrators Comprehensive Course on International Arbitration (June, 2018).

Course Director, International Arbitration Accelerated Route to Fellowship Program, The Chartered Institute of Arbitrators, New York, New York (June, 2017).

Faculty Member and Course Director, Columbia University Law School – The Chartered Institute of Arbitrators Comprehensive Course on International Arbitration (June, 2017).

Presenter, New York State Bar Association, Dispute Resolution Section, Commercial Arbitration Training (June, 2017).

Presenter, New York State Bar Association, Dispute Resolution Section, Commercial Arbitration Training (June, 2016).

Presenter, Connecticut Bar Association Annual Meeting, Best Practices in International Arbitration Training (June, 2016).

Presenter, New York State Bar Association, Dispute Resolution Section, Commercial Arbitration Training (June, 2015).

Visiting Instructor, International Arbitration Workshop, Osgoode Hall Law School, York University, Toronto, Canada (January, 2015).

Speaker, Use of Dispute Review Boards in IT Transactions, 18th Annual Meeting and Conference, Dispute Review Board Foundation, Toronto, Canada (October, 2014).

Course Director and Tutor, *International Arbitration Training Program*, a Joint Training Program of The International Institute for Conflict Prevention and Resolution and The American Arbitration Association, New York, New York (May, 2014).

Presenter, *Getting the Arbitration Process Parties Want and Need*, College of Commercial Arbitrators (various presentations to law firms 2013 and continuing).

Presenter, *Comparison of Five Major Rules of International Arbitration*, Connecticut Bar Association, New Haven, Connecticut (November, 2011).

Presenter, *Introduction to Arbitration*, The Chartered Institute of Arbitrators (Bahamas Branch), Nassau, The Bahamas (May, 2011).

Presenter, *Introduction to Mediation*, The Chartered Institute of Arbitrators (Bahamas Chapter), Nassau, The Bahamas (May, 2011).

Speaker, *An Arbitration Grand Slam – The Protocols of the College of Commercial Arbitrators for Re-establishing the Goals for Quicker, Cheaper, Better*, Connecticut Bar Association (May, 2011).

Tutor, *International Arbitration Training Program*, a Joint Training Program of The International Institute for Conflict Prevention and Resolution and The Chartered Institute of Arbitrators, New York, New York (May, 2010).

Speaker, *CPR Advanced Arbitrator Training: How to Conduct Efficient Hearings and Avoid Common Pitfalls*, International Institute for Conflict Prevention and Resolution (CPR), New York, NY (October, 2009).

Faculty/Speaker, *College of Commercial Arbitrators National Summit on Business to Business Arbitration*, Washington, DC (October, 2009).

Tutor, *Accelerated Route to Fellowship (UK domestic)*, The Chartered Institute of Arbitrators, London, England (May, 2009).

Speaker, *Arbitrator Training II*, American Dispute Resolution Center, New Britain, CT (April, 2009).

Speaker, *Arbitrator Training I*, American Dispute Resolution Center, New Britain, CT (September, 2008).

Speaker, *The North American Perspective*, The Chartered Institute of Arbitrators International Conference, Dublin, Ireland (November, 2007)

Tutor, *International Arbitration Training Program*, a Joint Training Program of The International Institute for Conflict Prevention and Resolution and The Chartered Institute of Arbitrators, New York, New York(May, 2007).

Speaker, *Using Process Differences and Techniques From Other Legal Systems to Make the Most of Your International Arbitration Case*, ABA Section on Dispute Resolution Annual Meeting (April, 2007).

Speaker, *ADR Applications and Methodologies: International Perspectives*, East Asia Branch, The Chartered Institute of Arbitrators, Hong Kong (March, 2007)

Tutor, *International Arbitration Training Program*, a Joint Training Program of The International Institute for Conflict Prevention and Resolution and The Chartered Institute of Arbitrators, New York, New York (October, 2006).

Speaker, *History of ADR in the United States*, Connecticut Bar Association ADR Section (2006).

Presenter, *Best Practices in International Arbitration,* Joint Program of the American Arbitration Association and the Fairfield County Bar Association (2006).

Assessor, *Fast Track to Fellowship Program (International)*, The Chartered Institute of Arbitrators, New York, NY (October, 2006).

Assessor, *Fast Track to Fellowship Program (International)*, The Chartered Institute of Arbitrators, Chicago, Illinois (September, 2006).

Speaker, *History of ADR in the United States,* Transatlantic Perspectives on ADR, a Joint Program of St. John's University Law School (Queens, NY) and The Chartered Institute of Arbitrators (July, 2006).

Assessor, *Fast Track to Fellowship Program (International)*, The Chartered Institute of Arbitrators, London, England (July, 2006).

Speaker, *ADR in the Intellectual Property and Information Technology Fields,* Connecticut Bar Association Annual Meeting (June, 2006).

Presenter, *Law for Artists: A Paint by Numbers Primer*, presented before various organizations, 2005 to present.

Presenter, *AAA Best Practices in Arbitration,* Joint Program of the American Arbitration Association and the Fairfield County Bar Association (May, 2005).

ADDITIONAL ACTIVITIES AND INTERESTS

Real estate investor (licensed real estate broker, non-practicing), nationally recognized collector of contemporary art, web-gallerist. Interests include travel and photography. Former co-principal of first-line automobile franchise.

Mr. Certilman is committed to ensuring confidentiality and information security and has taken industry-standard measures to fulfill that commitment.

CONTACT INFORMATION

New York City: 401 East 65th Street, New York, NY 10065
Connecticut: 810 Bedford Street, Suite 4, Stamford, CT 06901
Phone: 877.977.7800; +1.212.956.3425 or +1.203.977.7800 **Cell** +1.203.536.3456
email: steven@certilman.com

Please see website for additional information: www.certilman.com