



AAA Mediation.org™

Steven A. Certilman, Esq.

New York, New York

Primary Areas of Expertise

M&A and JV investor disputes
IT, outsourcing, software
Contracts domestic and int'l
Executive employment contracts
Real estate development
Tech and IP Licensing

Current Employer-Title Certilman ADR - Principal

Profession Attorney, Domestic and International Arbitrator and Mediator - Corporate and Commercial, Information Technology, Intellectual Property, Licensing, Real Estate Development/Investment, Construction, Art Law

Work History Principal Shareholder, Steven A. Certilman, P.C., 1992-Present; Adjunct Professor, Fordham University School of Law (International Arbitration) 2011-2017; Shareholder, Lev, Spalter Berlin & Certilman, 1990-1992; Associate, Law Office of Bruce L. Lev PC, 1986-1990; Associate, Eisenberg, Honig & Fogler, 1985-1986; Associate, Kimmelman, Sexter & Sobel, 1984-1985; Associate, Queller & Fisher, 1981-1984; Former Trustee (2005-2011) and Chair (2009-2010), Board of Trustees, The Chartered Institute of Arbitrators (London, England).

Experience Domestic and international arbitrator since 1988. Have served in more than 350 cases as chair, tribunal member and sole arbitrator under the rules of various domestic and international arbitral bodies and the laws of various nations in a wide range of legal areas including technology, IT and business process outsourcing, general corporate and commercial law, insurance, trademarks, copyrights, art, licensing, telecommunications, biotech and medical device software, publishing, marketing and manufacturing disputes, corporate transactions and finance, investor and investment disputes, franchises, real estate, employment, construction, securities, trusts and estates and torts.

Mediator Experience High success rate in both domestic and cross-border mediations. Typically serve in domestic and international mediation cases involving mergers and acquisitions, technology, licensing, IT, business process outsourcing, trademarks, copyrights, commercial real estate transactions and general corporate and commercial law.

Assisted parties with early neutral evaluation and as special counsel on ADR matters. Advocate and speaker on the topic of dispute review boards in IT and IP agreements.

CEDR Accredited Mediator. Mediation practice began as a Connecticut trial referee conferencing cases for pre-trial settlement in the Superior Court of the State of Connecticut. After having conducted more than fifty mediations for the Connecticut Superior Court, appointed to the Mediation Panel of the US District Court for the Southern District of New York in 1999 and received training that year from the CPR Institute (now known as the International Institute for Conflict Prevention and Resolution) in New York. Conducted more than one hundred mediations for the AAA, CPR, the USDC and on an ad hoc basis.

Representative Issues Handled as a Mediator Representative Mediations: post-closing disputes under stock and asset purchase agreements; joint venture divorces and valuations; breach of commercial lease; breach of contract such as automotive part supply, distribution, property maintenance, nursing home, contract consultants; accountings;

breach of fiduciary duty and fraud cases; information technology/business process outsourcing cases involving definition of scope of work, disputed performance to SLA standards; SEO, app development, digital creative agreements, platform development agreements, software licensing cases involving scope of grant, improper termination, scope of license, use of confidential/proprietary information and royalty calculations; patent indemnification agreement dispute; admiralty case involving performance bond relating to shipyard repairs; construction cost over-run cases; NYC public works case with six parties and numerous counterclaims and cross-claims including sureties; insurance coverage and liability disputes; employment discrimination and wrongful termination cases; and personal injury.

Mediator Style & Process Preferences

I believe that parties who pursue voluntary mediation are recognizing that mediation is their opportunity to have control over the outcome of their dispute. Given the win/lose constraints of the litigation process and the limited number of opportunities for non-monetary resolution, mediation is a highly practical choice. As a mediator, my goal is to help the parties explore and understand the practicalities of the possible outcomes of their dispute in both the adversarial (litigation or arbitration) and non-adversarial (mediation) approaches to conflict resolution. In doing so, it is hoped that they will come to make a well informed decision in their best interest. To achieve that goal, I employ facilitative and evaluative techniques as necessary to progress the process.

I have found that the linchpin issues of most cases can be identified and worked through with available information, even before exhaustive discovery is completed. As the cost of discovery routinely consumes half or more of the total cost of conflict resolution, I encourage parties to consider mediation early in the dispute resolution process, but not before they have obtained the information necessary to make an informed and pragmatic assessment of the strengths and weaknesses of their cases. The process is fluid and adapts to the circumstances and events. In many cases I encourage the parties themselves to communicate their views directly to one another as I find that this "airing" often enables the breaking down of barriers to settlement.

As an alternative to mediation, I also encourage the use of Early Neutral Intervention. While the mediator's role is primarily to facilitate and not judge, the process of early neutral evaluation is a highly effective way of obtaining an objective view of the merits of one's case. As advocates, a fresh perspective can interject new ideas into the resolution process and I bring to the ENE process the broad experience gained in 40 years as a commercial generalist.

Active party participation is vital to success in mediation. I always seek to have party representatives with settlement authority present at the mediation conference. When parties take an active role in the process they become invested in the goal of a successful mediation, making it easier to achieve.

Education

Hofstra University School of Law (JD-1981); Connecticut College (BA-1978, majors in government, psychology and sociology).

Professional Licenses

Admitted to the Bar: Massachusetts (2012), Connecticut (1987), District of Columbia (1984), New York (1982); U.S. District Court: Southern and Eastern Districts New York, District of Connecticut; U.S. Court of Appeals, Second Circuit. Licensed Real Estate Broker, New York and Connecticut (non-practicing). Issuing Agent, Chicago Title Insurance Company, 1992 - Present.

Professional Associations

Member, ICDR and AAA Commercial, Large and Complex Case, International, M&A, Technology, Construction and Employment panels; Fellow, College of Commercial Arbitrators (Board of Directors 2021 to date); Chartered Arbitrator and Fellow, Chartered Institute of Arbitrators (UK); Accredited Mediator, CEDR; Life Fellow, American Bar Foundation; Life Fellow, New York State Bar Foundation; Panel member: Silicon Valley Arbitration and Mediation Center (SVAMC) "Tech List"; International Institute for Conflict Prevention and Resolution (CPR); Court of Arbitration for Art (CAfA); Hong Kong International Arbitration Centre; Asian International Arbitration Centre; Vienna International Arbitration Centre; British Virgin Islands International Arbitration Centre and others. Member: American Bar Association (Business Law Section); Connecticut Bar Association (Former chair, Technology Law Section, ADR Section); New York State Bar Association (Dispute Resolution Section); The New York City Bar.

Recent Publications & Speaking Engagements

PUBLICATIONS:

Arbitrability of IP Disputes, chapter within a treatise entitled Arbitration of International Intellectual Property Disputes (Second Edition), Juris Publishing, 2021; ADR in the Age of Cybersecurity, 12

New York Dispute Resolution Lawyer 14 (Spring, 2019); Comparison of Selected International Arbitration Rules, 2018 Edition, Alternatives to the High Cost of Litigation, a publication of the International Institute for Conflict Prevention & Resolution, Volume 36 Number 5 (May 2018); Arbitrability of IP Disputes, chapter within a treatise entitled Arbitration of International Intellectual Property Disputes, Juris Publishing, 2012; 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).

SPEAKING AND TRAINING:

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 (Bermuda Branch), Nassau, The Bahamas (May, 2011); Presenter, Introduction to Mediation, The Chartered Institute of Arbitrators Bahamas Chapter, Nassau, 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); Best Practices in International Arbitration, a joint program of the CPR Institute and The Chartered Institute of Arbitrators, 2006 and continuing; Trainer, Advanced Arbitrator Training I and II, American Dispute Resolution Center, (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).

Please see website for more updated information: <https://www.certilman.com/attorney-profile/publications/>

Locations Where Parties Will Not be Charged for Travel Expenses	Within 50 miles of Manhattan, New York, Southwestern Connecticut and Boston, Massachusetts.
Mediation Rate	\$625 Per Hour
Languages	English
Citizenship	United States of America
Locale	New York, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.