



AAA Mediation.org™

James P.S. Leshaw, Esq.

328 Crandon Boulevard, Suite 119 #300, Key Biscayne, FL 33149



Primary Areas of Expertise

Mergers & Acquisitions
Aviation
Commercial & Corporate Dispute
International Disputes
Insolvency
Fiduciary Duty & Governance

Current Employer-Title Leshaw Law, P.A. – Arbitrator and Mediator

Professional Summary An experienced ADR professional with more than 30 years of experience as an arbitrator, mediator, commercial lawyer and public company director. Have acted as arbitrator or mediator in hundreds of domestic and international business disputes. Significant business experience, including as public company (NYSE) director. Legal practice included billions of dollars of complex commercial litigations and transactions. 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.

Profession Arbitrator, Mediator, Attorney and Airline Executive

Work History Arbitrator and Mediator, Leshaw Law P.A., 2013 – Present;

Member of the Board of Directors of Avianca Holdings S.A. (NYSE: AVH), the Colombian based airline holding company 2018-2022).

Shareholder, Greenberg Traurig (Miami, Florida), 1991 – 2013;

Associate, Skadden Arps Slate Meagher & Flom (New York, New York), 1989 – 1991.

Experience Gained significant experience in domestic and international litigation and transactions as an attorney at Skadden Arps (New York) and Greenberg Traurig (Miami).

Also have served in a number of business roles, including as a member of the Board of Directors of Avianca Holdings S.A. (NYSE: AVH), the Colombian based airline holding company. Board committees included service on three member Executive Committee, Audit Committee, Corporate Governance and Nomination Committee, Human Resources and Compensation Committee, Independent Equity Committee and Restructuring Committee. Oversaw significant FCPA investigation.

Significant Representations:

Mergers & Acquisitions: Representation of numerous corporate and private equity clients in connection with merger, acquisition, and purchase and sale of assets and loans involving healthy and financially troubled entities. Representations include domestic and international transactions, friendly and hostile transactions, and billions of dollars in assets.

Corporate and Commercial: Shareholder agreements, contract drafting and interpretation, non-compete, accounting issues, independent investigations, dispute resolution, confidentiality and non-disclosure agreements, indemnity agreements, fraud, breach of contract, breach of fiduciary duty.

Domestic and International Litigation: Representation of participants in complex and high stakes litigation and arbitration, often taking the lead in developing strategy and managing the litigation. Litigation included courts throughout the United States, Latin America, Caribbean and Europe.

Insolvency: Domestic and international workouts, , insolvencies, restructurings, mergers and acquisitions in domestic and cross-border insolvency transactions, including entities established in multiple jurisdictions in the Caribbean, Central and South America, Europe and Mexico. Significant experience with the Companies Act (Bahamas, Cayman Islands, etc.) and quiebra, suspensión de pagos, procesos de ejecución colectiva and other creditor laws throughout Latin America. Fraudulent transfer litigation, preference litigation, breach of duty litigation and asset recovery. Creation of “bankruptcy remote” entities; structuring transactions to avoid or reduce bankruptcy and insolvency risk; and substantive non-consolidation, fraudulent transfer, preference and true sale issues.

Industries: Representation of numerous clients in complex transactions involving foreign and domestic real estate developers, banks and other financial institutions, airlines, shipping companies, cruise lines, hotels, telecom companies, high technology companies, agricultural businesses, private equity firms, manufacturing and industrial facilities, power plant projects, healthcare companies, and entertainment companies.

Named Miami “Lawyer of the Year” in each of 2016, 2017, 2018 and 2021 for Arbitration. Ranked “Tier 1” by The Best Lawyers in America in four categories, including “Arbitration” and “Mediation.”

Served on three member Executive Committee, Audit Committee, Corporate Governance and Nomination Committee, Human Resources and Compensation Committee, Independent Equity Committee and Restructuring Committee.

Mediator Experience

Mediated hundreds of domestic and international commercial disputes with dollars at issue ranging from less than \$100,000 to hundreds of millions of dollars, including contract disputes, partnership and shareholder disputes, business dissolution, employment and workplace disputes, intellectual property disputes, real estate and property disputes, supplier and vendor disputes, merger and acquisition issues, valuation disputes, accounting issues, professional liability disputes, franchise disputes, business insurance claims, bankruptcy and insolvency disputes (including preference and fraudulent transfer), breach of duty claims, fraud claims, securities and investment disputes, technology and IT disputes, and non-compete and confidentiality disputes.

Have handled many multi-party mediations.

Significant experience helping parties structure domestic and international transactions.

Representative Issues Handled as a Mediator

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.

Mediator Style & Process Preferences

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 always hold separate telephone or video calls with counsel to each party after reviewing mediation submissions but before the mediation session. I find this helps to understand issues and dynamics as well as to stream-line the mediation session.

I am tenacious. I will not give up so long as the parties are continuing to participate in good faith. I will also aggressively help the party representatives to understand the down-side of their cases. I have often heard from the parties at mediation that they were satisfied not only with the process, but also the result.

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.

I have significant experience in commercial transactions and litigation and can often provide insights or out of the box ideas and proposals which help difficult matters to settle at mediation. I am a quick learner and have significant experience with complex commercial transactions and litigation.

Technology Proficiency

Proficient in all major technology platforms including Zoom, Teams, Skype, etc. Comfortable conducting evidentiary and non-evidentiary hearings using video platforms. Generally prefer to hold preliminary hearings and most hearings up to (and possibly including final hearing) using video.

Also proficient in Microsoft Office products such as Word, Excel, PowerPoint and Outlook.

Good working knowledge of legal tech tools and issues, including document management, case research, e-discovery, electronically stored information (ESI), data privacy and security, cybersecurity, digital evidence, regulatory compliance, and artificial intelligence.

Education

New York University School of Law (JD-1989)
Tufts University (BA-1986)
Salisbury School (HS-1982)

Professional Licenses

Admitted to the Bar: New York (1990), Florida (1992); U.S. District Court: Southern (1990) and Eastern (1990) Districts of New York, Southern (1992), Middle (1992), and Northern (1999) Districts of Florida; U.S. Court of Appeals: Third (1997) and Eleventh (1993) Circuits. Holder of USCG 100 Ton Master License.

Professional Associations

Florida Bar; New York Bar; American Bar Association; Multiple Federal Courts and Courts of Appeal.

Founding Member of Key Biscayne Bar Association.

Florida Bar International Law Committee

Recent Publications &

Has written articles or lectured on multiple topics including arbitration and mediation issues,

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| Speaking Engagements | constitutional and jurisdictional issues, ethical issues, bankruptcy issues, litigation issues, commercial finance, acquiring troubled companies, mergers & acquisitions, cross-border legal and insolvency issues, intellectual property issues, asset protection issues, preference and fraudulent transfer law, evidence issues, expert witness preparation and testimony, Latin American insolvency regimes, entertainment law, and other topics. Has also written multiple magazine articles for boating magazines. |
| Locations Where Parties Will Not be Charged for Travel Expenses | Does not charge for travel time. Will not charge for travel expenses in Miami, Florida; Middlebury, Vermont; Bogota Colombia. |
| Mediation Rate | \$650 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Key Biscayne, FL |

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.