



**James P.S. Leshaw, Esq.**

Hourly Rate	\$650
Current	Leshaw Law, P.A. – Arbitrator and Mediator
Practice	19
Cases	400+
Languages	English

### **Current Employer-Title**

Leshaw Law, P.A. – Arbitrator and Mediator

### **Work History**

Arbitrator and Mediator, Leshaw Law P.A., 2013 – Present; Chair (Florida Business Reorganization & Financial Restructuring Practice), Greenberg Traurig, 1991 – 2013; Associate (Bankruptcy Department), Skadden Arps Slate Meagher & Flom, 1989 – 1991.

### **Experience as a Mediator**

Experience as a Mediator Mediated a wide variety of business disputes with dollars at issue ranging from less than \$100,000 to hundreds of millions of dollars, including:

**COMMERCIAL, CORPORATE AND BUSINESS:** Mergers & acquisitions, working capital adjustments, accounting issues, breach of fiduciary duty, complex UCC and commercial disputes, breach of contract and other contract disputes, aviation-related disputes, corporate, shareholder and partnership litigation, real estate disputes, family business and succession issues, fraud allegations, entertainment matters, guarantor litigation, landlord tenant litigation, insurance matters, intellectual property disputes, international disputes, maritime and admiralty matters, tax matters, securities issues, food and beverage.

**BANKRUPTCY:** Has mediated disputes in almost every area of bankruptcy including claim objection issues, claim subordination issues, contracts and lease assumption and rejection disputes, discharge and dischargeability issues, financing issues, fraudulent transfer, preference and other avoidance actions, inter-creditor issues, plan negotiations, priority issues, perfection issues, Section 546 safe-harbor issues, sale issues, true sale disputes, recharacterization disputes, lender liability issues, UCC issues, involuntary bankruptcy issues, fraud and Ponzi scheme issues, guarantor litigation, trustee and examiner issues, conversion and dismissal of bankruptcy cases, and other bankruptcy issues.

### **MEGERS & ACQUISITIONS:**

30+ years of experience advising clients on a broad range of M&A related litigation and transactions including public and private deals. Has handled asset purchases and related financings of healthy and financially distressed businesses involving billions of dollars in assets throughout the U.S., Latin America and Europe. Experience includes financial and strategic mergers and acquisitions.

### **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, conversion or dismissal of a bankruptcy case.

### **Mergers & Acquisitions**

Twenty – five + years of experience advising clients on a broad range of M&A related litigation and transactions including public and private deals. Handled asset purchases and related financings of healthy and financially distressed businesses involving billions of dollars in assets throughout the U.S., Latin America and Europe. Experience includes financial and strategic mergers and acquisitions.

### **Years of Practice as a Mediator**

19

### **Total Number of Cases Mediated**

400+

### **Mediation Experience as an Advocate or Party**

Acted as mediator, arbitrator or counsel in a wide variety of commercial disputes including domestic and international contract disputes; aviation (aircraft financings, MROs, FBOs, indirect air carriers and freight forwarders); banking law and commercial finance (domestic and international financings); general business law (corporations, partnerships, LLCs and trusts), shareholder and partnership agreements and disputes; venture capital and private equity; communications and telecom (wireless, landline, pre-paid, CLEC); mergers & acquisitions; real estate (sales, leases, acquisitions, financings, restructurings, title issues); immigration (EB-5 programs); insurance (coverage issues, title policies, commercial policies, homebuilder policies, bad faith); e-commerce; high tech; franchise issues; energy (oil, gas, alternative energy, transportation and distribution); entertainment (music and film, artist/label disputes, distribution agreements, talent and licensing); fraud and Ponzi schemes; bankruptcy (claim objection issues, contract and lease rejection disputes, discharge and dischargeability issues, financing and debtor-in-possession loan issues, fraudulent transfer, preference and lien avoidance issues, plan negotiations, priority issues, and Section 546 safe harbor issues); ground transportation (auto dealerships and trucking); healthcare (health care providers, home health, ALFs, retirement communities, PPOs and medical research); International (commercial litigation, acquisitions, contracts and restructurings throughout Latin America, Caribbean, Canada and Europe); intellectual property (sale, licenses and infringement of intellectual property including patent, trademark and copyright); maritime (cruise lines, cargo operations, freight forwarders, arrests, maritime liens, general average, providers of necessities); labor and employment (WARN Act and union issues).

### **Mediation Philosophy**

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, risk, loss of sleep, etc.) in getting to those outcomes. I seek creative solutions.

I prepare thoroughly for all mediations, trying to thoroughly 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 tenacious. I will not give up so long as the parties are continuing to participate in good faith. I have often heard from the parties at a mediation that they were satisfied not only with the process, but also the result. I am proud of my record including an approximately 90% mediation settlement rate.

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.

### **Mediation References**

Mark Bloom, Esq. (305) 579-0537 bloomm@gtlaw.com; David Cimo, Esq., (305) 374-6482, dcimo@cmmlawgroup.com; Michael Goldberg, Esq., (954) 468-2444, Michael.goldberg@akerman.com; Steven Solomon, Esq., (305) 416-6880, steven.solomon@gray-robinson.com.

## **Alternative Dispute Resolution Training**

AAA ACE 19 Case Finances: What Arbitrators Need to Know, 2019; ACE 18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; Clarity in Award Writing, 2017; ICC Institute Masterclass for Arbitrators (2016); AAA ICDR Miami International Arbitration Conference A Corporate Counsel Series: International Dispute Resolution in the Americas 2015; "Exceeded Powers" - Recent Trends in Cases Challenging Arbitrator Authority, 2014; Confronting Arbitrability & Jurisdiction in Arbitration, 2014; 11th Annual ICDR Miami International Arbitration Conference-International Dispute Resolution in the Americas, 2013; AAA Commercial Arbitration Rules Orientation to Revisions, 2013; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2013; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2012; Has completed a Florida Supreme Court Certified Circuit Court mediation training program, which consisted of more than 40 hours of training. Participated in ICDR Miami International Arbitration Conference including programs on Disclosures, Deliberations & Dissents; Finding Creative Mediation Solutions; Working towards a Fair and Economical Arbitration Process; Advanced Case Management Issues and Practices in International Arbitration; Managing Difficult Evidence Problems in International Arbitration; and Proposed Arbitration Rules Changes.

## **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; Qualified to Practice before all bankruptcy courts in the State of Florida. Florida Supreme Court Certified Circuit Court Mediator. Holder of USCG 50 Ton Master License.

## **Professional Associations**

Florida Bar; New York Bar; American Bar Association; American Bankruptcy Institute; Bankruptcy Bar Association for Southern District of Florida.

## **Education**

New York University School of Law (JD-1989); Tufts University (BA-1986).

## **Awards and Honors**

Named Miami "Lawyer of the Year" 2016, 2017, 2018 and 2021 for Arbitration and Miami "Lawyer of the Year" 2017 for Bankruptcy Litigation by Best Lawyers in America; Listed, "The Best Lawyers in America," under Mediation, Arbitration, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Litigation (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; Described in Chambers and Partners as "a very quick thinker who is able to break down complex problems and efficiently work through collaborative solutions," as "smart, results-driven, innovative and effective," as a "thoughtful, intellectual and practical lawyer," as "extremely knowledgeable" and "proactive."

## **Publications and Speaking Engagements**

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

Multiple articles on cruising (boats) in the Bahamas and Cuba, and use of technology to stay connected while on board.

Served as Chair of the Arbitrators' Committee of the Florida Bar's International Law Section.

## **Compensation**

\$650 Per Hour

**Languages**

English

**Citizenship**

United States of America

**Locale**

Miami, FL

The AAA provides mediators to parties on cases administered by the AAA under AAA mediation procedures. Mediations that proceed without AAA administration are not considered AAA mediations, even where parties select a mediator who is a member of an AAA mediation roster.