



AAA Mediation.org™

## Ernest Edward Badway, Esq.

New York, New York



### Primary Areas of Expertise

Professional Practice Disputes  
Private Equity/Hedge Fund  
Securities/Commodities  
Financial Services  
Artificial Intelligence  
Cryptocurrency/Blockchain

**Current Employer-Title** Fox Rothschild LLP - Partner and Co-Chair

**Profession** Arbitrator, Mediator, Lawyer.

**Work History** Partner, Fox Rothschild LLP, 2007-Present; Member, Saiber Schlesinger Satz & Goldstein LLC, 1999-2007; Litigation Associate, Camhy Karlinsky & Stein LLP, 1997-1998; Staff Attorney, United States SEC, 1995-1997; Litigation and Summer Associate, Stroock & Stroock & Lavan, 1992-1995.

**Experience** Advises on securities; commodities; cryptocurrency; blockchain; artificial intelligence, including machine learning and quantum computing; intellectual property; employment; corporate governance; partnership and shareholder disputes; minority shareholder oppression; accounting; professional responsibility; officer and director; real estate; contracts; litigation; cryptocurrency exchanges; ATSSs; BDs; RIAs; CTAs; FCMs; IBs; hedge and PE funds; CPOs; compliance and regulatory matters; ICOs; SAFTs; digital currency and funds; BitLicenses, OCIE examinations; FinCEN compliance; FINRA and Bank Secrecy Act regulations; KYC; AML; data privacy requirements; SEC, CFTC, FINRA, and state cybersecurity requirements; NY DFS cybersecurity regulations; White-Collar criminal defense; internal investigations.

Clients include corporations, LLCs, partnerships, BDs, RIAs, CTAs, FCMs, IBs, PE and hedge funds, CPOs, banks, and insurance companies.

Have served as a mediator for over 25 years, and mediated more than 500 matters involving commercial, corporate and business disputes, securities, cryptocurrency, blockchain, artificial intelligence, construction, real estate, intellectual property, law firm, medical practice, hedge fund and PE, minority shareholder oppression, insurance, employment, officer and director disputes, breaches of contract, and fraud, among others. Extensive mediator training with FINRA, the NFA, and the State of New Jersey. Served as an advocate for parties in mediation over 200 times. Broad experience in multi-party mediation matters, with over 35% of all mediations having multiple parties.

Adjunct Professor of Law Brooklyn Law School and Adjunct Professor of Law New York Law School.

**Representative Issues** Have served as a mediator for over 20 years, and mediated more than 325 matters involving

<b>Handled as a Mediator</b>	commercial, corporate and business disputes, securities, cryptocurrency, construction, real estate, intellectual property, law firm, medical practice, hedge fund and PE, minority shareholder oppression, insurance, employment, officer and director disputes, breaches of contract, and fraud, among others.
<b>Mediator Style &amp; Process Preferences</b>	I ask the parties to provide information and case documents on a confidential basis. I research the parties' backgrounds and businesses to gain background information. During the mediation, I speak to the parties separately and rarely utilize joint sessions. Will conduct evaluative mediations when both parties specifically request it.
<b>Education</b>	Duke University School of Law (JD-1992); Boston University Graduate School of Arts & Sciences (MA, British History-1989); Boston University College of Liberal Arts (BA, magna cum laude, European History and Economics -1989).
<b>Professional Licenses</b>	Admitted to the Bar: New York (1993), New Jersey (1999), Massachusetts (1993), District of Columbia (1993); U.S. District Court: Northern (2014), Southern and Eastern Districts of New York (1993), District of Columbia (2002), Massachusetts (2010), New Jersey (1999); United States Court of Appeals: First (2018), Second (2002), Third (1999), D.C. (2019), and Ninth (2022) Circuits; United States Supreme Court (2015).
<b>Professional Associations</b>	Member, American Bar Association, New York County Lawyer's Association, The Association of the Federal Bar of the State of New Jersey, Association of Securities and Exchange Commission Alumni Inc., and Securities and Exchange Commission Historical Society.  Fellow, The Chartered Institute of Arbitrators
<b>Recent Publications &amp; Speaking Engagements</b>	Book: Encyclopedia of New York Causes of Action, NY Law Journal Press (2023).  Treatises: "Chapter 5B: Attorney Liability Under the 1934 Act," Federal Securities Exchange Act of 1934 (LexisNexis Matthew Bender, publishers) (August 2022); "Chapter 2: Applicability of the Act: "Security" and "Sale"," Federal Securities Act of 1933 (LexisNexis Matthew Bender, publishers) (November 2022); "Chapter 7: Proxy Regulation," Federal Securities Exchange Act of 1934 (LexisNexis Matthew Bender, publishers) (May 2022); "Chapter 109: The Attorney-Client Privilege and the Work Product Doctrine," Securities Law Techniques (LexisNexis Matthew Bender, publishers) (January 2022); Contributing Author, Chapters 1 and 2, Securities Crimes (Thomson/Reuters West, publishers) (September 2022); and "Chapter 42G: Private Placement Sales," Broker-Dealer Regulation (Practicing Law Institute, publishers) (May 2022).  Law Review Articles: "The Criminal, Regulatory, and Civil Issues Surrounding Intellectual Property and Cybersecurity," Brooklyn Journal of Corporate, Financial & Commercial Law, Volume 14, Number 2 (Spring 2020); and "Why Does the SEC Hate Lawyers and Will the Bitterness Ever Go Away: A Review of the Reasons for the Current State of this Relationship and a Proposed Path Forward," Brooklyn Journal of Corporate, Financial & Commercial Law, Volume 13, Number 2 (Spring 2019).  Legal Articles: "Selling Hemp Futures: The Sky May Be the Limit," New York Law Journal (July 11, 2022); "Are We There Yet? The Latest Attempt at an Insider Trading Statute," New York Law Journal (August 25, 2020); "New Year, New Beginnings for Firm Risk Assessment Programs," NSCP Currents (March 2020); and "SEC's Office of Compliance Inspections Releases Its 2018 Examination Priorities," The Temple 10-Q (March 15, 2018).  Speaking Engagements: October 2022—NSCP National Conference—"Key Compliance Issues for Private Equity Advisers;" September 2022—American Arbitration Association—"The Role of NFTs in the Metaverse: Arbitrating NFT Disputes;" June 2022-- New York State Association of Criminal Defense Lawyers-- "Parallel Proceedings;" April 2020—NSCP Webinar—"Ensuring Business Continuity During the Coronavirus Crisis;" February 2020—Global Cyber Institute—"A Look at NYSDFS Regulations—Two Years In;" February 2020—Wake Forest University School of Law Blockchain, Crypto, & Fintech Law: Decoded and In Practice — "Updates in Broker-Dealer Law and Cryptocurrency Custody Issues;" November 2019 — American Arbitration Association — "Arbitrating in the Cyber World of Cryptocurrency and Blockchain Regimes;" October 2019—NSCP National Conference—"The SEC's Challenging New Guidance on the "Solely Incidental" Broker Exemption;" and May 2019 – Association of Corporate Counsel—"New York Department of

**Locations Where Parties Will Not be Charged for Travel Expenses** New York and New Jersey

**Mediation Rate** \$950 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.