



AAA Mediation.org™

Michael B. Smith, Esq.

New York, New York



Primary Areas of Expertise

Intellectual Property
Commercial Disputes
International
Technology
Defamation
Media

Professional Summary

I am an MC3-certified mediator and sit on panels for court-annexed mediation in New York and Massachusetts. I am also a seasoned litigator with significant in-house experience and a focus on media, technology, and intellectual property. For over twenty years, I have represented plaintiffs and defendants in the video game, digital media, software, cryptocurrency, and consumer electronics industries--among many others. In addition to “meat and potatoes” complex commercial litigation (breach of contract, breach of fiduciary duty, partnership disputes, etc.), I frequently litigate disputes involving copyright and trademark infringement, defamation, misappropriation of trade secrets, and unfair competition. I also have significant experience defending national law firms against legal malpractice claims.

Current Employer and Title

Lupkin PLLC - Partner
Metrowest Mediation Services - Lead Mediator
Available for in-person mediation in MA and NY and virtual mediations.

Mediation Profession

Commercial/IP Litigator and Mediator

Work History

Metrowest Mediation Services - Lead Mediator (2022-present)
Lupkin PLLC - Partner (2016-present)
Legendary Digital Networks – General Counsel (2014-2016)
PlayStation - Senior Corporate Counsel, Brand Protection and Latin America (2012-2014)
Gibson Dunn - Litigation Associate (2004-2012)
Proskauer - Litigation Associate (2003-2004)
Solomon Zauderer, - Litigation Associate (2000-2003)

Experience as Mediator

I have mediated over 30 cases involving a variety of disputes including intellectual property, breach of contract, and tort.

Mediator Style and Process Preferences

I bring an integrated approach to mediation, applying facilitative, evaluative, narrative, and transformative techniques as the situation requires. Although commercial matters most often lend themselves to a facilitative/evaluative approach, I do not discount the importance of emotions and relationships in resolving complex disputes.

Technology Proficiency

I have litigated and/or mediated cases involving computer software, consumer electronics, medical devices, integrated circuits, pharmaceuticals, cellular technology, bitcoin mining,

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| Education Background | Columbia University School of Law (JD 2000) Harvard College (AB, Literature and Latin American Studies, 1997) |
| Acquired Professional Licenses | Admitted to practice law in the state and federal courts of New York, Massachusetts, and California. |
| Professional Connections | New York State Bar Association - Dispute Resolution Section (Mediation Committee) - Commercial & Federal Litigation Section - Entertainment, Arts & Sports Law Section New York City Bar Association Massachusetts Bar Association Boston Bar Association Video Game Bar Association Copyright Society of the USA |
| Mediation Rate | \$600 Per Hour |
| Languages | English, Spanish |
| 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.