



AAA Mediation.org™

## Hon. Shira Scheindlin, Esq.

55 Hudson Yards, 20th Floor, New York, NY 10001

### Primary Areas of Expertise

Insurance  
False Claims Act  
Sexual Assault/Harassment  
Securities  
Real Estate  
Commercial Disputes (contract)

[View Video](#)

**Current Employer-Title** Boies Schiller & Flexner - Of Counsel

**Panelist Video** <https://www.adr.org/videoresume?paramName=279570572>

**Profession** Arbitrator, Mediator, Neutral Evaluator, Mock Argument Judge, Expert Witness, Consultant

**Work History** Of Counsel, Boies Schiller & Flexner 2023 – Present; Of Counsel, Stroock & Stroock & Lavan, 2016 – 2023; United States District Judge, Southern District of New York, 1994 – 2016; Partner, Herzfeld & Rubin, 1990 – 1994; Partner, Budd Lerner Gross, 1986 – 1990; United State Magistrate Judge, Eastern District of New York, 1982 – 1986; General Counsel, New York City Department of Investigation, 1981 – 1982; Assistant U.S. Attorney, Eastern District of New York; 1977 – 1981; Law Clerk to The Hon. Charles L. Brieant, Southern District of New York, 1976 – 1977; Associate, Stroock & Stroock & Lavan, 1975 – 1976; Professor of Chinese and Japanese History, 1969 – 1972.

Adjunct Professor of Law, New York University Law School, 2017 – Present; Adjunct Professor of Law, Cardozo Law School, 2012 – 2014; Adjunct Professor of Law, Brooklyn Law School, 1985 – 1995.

**Experience** Served for 22 years as a Federal District Judge - plus five as a Magistrate Judge - presiding over settlements, motions, discovery and trials, both civil and criminal. Sat by designation on the Second and Ninth Circuit Courts of Appeals. Deputy Chief of the Economic Crimes Unit of the U.S. Attorney's Office for the Eastern District of New York. Since 2016 have served as an arbitration or mediator in more than 70 cases, most of them complex commercial cases, but also construction cases and employment cases. Have also served as a special master, an expert witness (often on issues of U.S. law in foreign proceedings, and recently in a proceeding to enforce an arbitration award from the U.S. in a foreign jurisdiction, a consultant, and a judge in many mock arguments and trials.

**Mediator Experience** Left the bench in May 2016. Since then has arbitrated and mediated many cases, has heard mock arguments in several high-profile cases, has served as an expert witness and has been appointed as a Special Master by the several federal courts and by the Commercial Division of New York Supreme Court.

Significant arbitrations include, among others, the following:

- A large commercial/bankruptcy case in which a portion of a group of secured lenders, signatories to certain credit documents, sought millions of dollars, claiming that they were not allocated a fair share of the proceeds of the collateral that secured the loan following a sale of assets under section

363 of the Bankruptcy Code.

- A commercial transaction between two pharmaceutical companies with one claiming that a stream of payments (totaling millions of dollars) continued to be owed to the other based on an asset purchase agreement, despite the lack of success of the product.
- A catastrophic accident in which plaintiffs claimed they were injured as a result of a battery defect in a computer manufactured by a major computer manufacturer.

Several large breach of contract cases - one involving two multinational drug companies

A large construction dispute

- Cybersecurity issues in the loss of funds by an investor in a cryptocurrency exchange.
- An attorneys' fees dispute among successful plaintiffs' counsel in a shareholder derivative action against a large pharmaceutical company.

Mediated a number of large cases including insurance coverage disputes, RMBS fraud litigation by investors against a major bank, intellectual property disputes including trademark and copyright, legal and medical malpractice disputes, a divorce settlement dispute, business partnership break-ups, executive compensation disputes, an antitrust case, Jones Act accident case, a False Claims Act case, and several employment disputes. In addition, has handled a number of general commercial disputes, real estate disputes and one construction dispute. Most reached a successful outcome.

As for mock arguments, heard an appellate argument regarding a dispute between various insureds and their insurers regarding scope of coverage and tiers of coverage, a trial court argument regarding a large antitrust case against a major computer component manufacturer, a Labor-related matter against a major U.S. bank, an ERISA/class action case, , a construction case, and an RMBS case.

Special Master in a securities fraud case, a real estate contract dispute, and a settled case that involved disputes regarding claim entitlement.

Finally, has served as an expert witness on issues of U.S. law and/or New York in three foreign proceedings (including one on extradition issues and another on enforcement of arbitral awards in foreign jurisdictions), and as an expert witness on attorneys' fees and on class certification in three domestic cases..

## **Representative Issues Handled as a Mediator**

Insurance coverage, primary v. excess carrier, allocation issues; attorney malpractice; fraudulent transfers in bankruptcy; inter-creditor disputes in bankruptcy; discrimination in pay or promotion based on race or gender; breach of employment contract, labor union contract/terms of renewal; defaulting on completion of real estate contract; infringement and dilution issues in trademark case; due diligence and disclosure issue in investment case against major bank, major torts - seaman injury, terrorist attack injuries, patent infringement, and others..

## **Mediator Style & Process Preferences**

As a mediator my first goal is to be extremely well prepared by reading all material that the parties are willing to provide. I then spend time listening to each party in an effort to learn what they are trying to achieve in the mediation – what is their real goal? The party agreed to come to the mediation – why? What is their best outcome/worst outcome? What solutions have they explored or are willing to explore? Have they thought about a business solution? Might they be able to continue to work together?

I am also willing to discuss the strengths and weaknesses in the case and at some point in the day I believe it is helpful to advise each party as to what I believe is the likely outcome – i.e. tell it like it is. I then explore possibilities for resolution and work to convince each party why settlement is the best course. If the parties agree, I will make a mediator's proposal. In the absence of that I will certainly share my view of the optimum outcome. In short, I describe my philosophy as both facilitative and evaluative, depending on the circumstances and the time of day.

## **Technology Proficiency**

Available to do both in-person and remote mediations and arbitrations at the option of the parties. Have had a good deal of experience doing both in mediations and arbitrations.

## **Education**

Cornell Law School (JD - 1975); Columbia University (MA and Certificate from the School of International Affairs - 1969); University of Michigan (BA - 1967).

## **Professional Licenses**

Admitted to the Bar: New York (1976); U.S. Supreme Court (1994).

## Professional Associations

- Co-Chair of Diversity Committee of CPR
- Diversity Committee of the College of Commercial Arbitrators
- Chair, Federal Courts Subcommittee of the Standing Committee on the American Judicial System, American Bar Association.
- Member, Advisory Council, Cornell Law School.
- Member, former Chair, Commercial and Federal Litigation Section, New York State Bar Association.
- Member, Council on Judicial Administration, Association of the Bar of the City of New York.
- Board of Directors, Justice Resource Center (formerly Mentor).
- President's Council, Good Shepherd Services.
- Judicial Advisory Board, The Sedona Conference.
- Board of Directors (Co-Chair of the Board and Member of Executive Committee), Lawyers Committee for Civil Rights Under Law.
- Board of Directors, American Constitution Society.
- Board of Directors, Bronx Defenders.

## Recent Publications & Speaking Engagements

### Selected Publications:

- Co-author, "Electronic Discovery and Digital Evidence in a Nutshell," West Academic Publishing, 2009; Second Edition, 2016.
- Co-author, "Electronic Discovery and Digital Evidence, Cases and Materials," American Casebook Series, West Academic Publishing, 2008; Second Edition, 2012; Third Edition, 2016.
- "Random Thoughts of a Federal District Judge, Fourth Annual Institute for Investor Protection Conference: The New Landscape of Securities Fraud Class Actions," Loyola University Chicago Law Journal, Spring 2015, Vol. 46, No. 3.
- Big Data and Privacy: Finding the Balance," New York Law Journal, February 10, 2014.
- Co-author, "Criminal Law Catches Up: New ESI Guidelines Issued," New York Law Journal, February 29, 2012.
- "The Future of Litigation," New York Law Journal, February 5, 2010.
- Co-author, "Sanctions in Electronic Discovery Cases: Views from the Judges," 78 Fordham L. Rev. (2009).

Regular Column on ADR for Thompson-Reuters (published quarterly)

### Speaking Engagements:

- Speaker, Arbitration Versus Court: Which Do You Want? (FedArb Program April 2021)
- Speaker, EDiscovery in ADR, (Women in EDiscovery May 2021)
- Speaker, "If Not Now, When? Achieving Equality for Women Attorneys in the Courtroom and in ADR."
- Speaker, "Undermining the Courts and the Media: The Consequences for American Democracy – Judges Roundtable," National Judicial College, December 13, 2018.
- Speaker, "E-Discovery Bootcamp CLE," Louisiana State Bar, December 5, 2018.
- Speaker, (Keynote), "A View From Male Attorneys and Women and Diverse Mentees," Philadelphia Diversity Law Group, November 16, 2018.
- Speaker, (Keynote), Keynote Address, ARIAS-US 2018 Fall Conference, November 8-9, 2018.
- Speaker, "Diversity and Inclusion: Let's Talk Diversity," New York International Arbitration Center, November 1, 2018.
- Speaker, "Implicit Bias Is Real: A Candid Discussion on Subconscious Stereotyping," College of Commercial Arbitrators, October 18-20, 2018.
- Panelist, "Public and Private Benefits: MDL Diversity in Appointments," NYU Center for Civic Justice, October 12-13.
- Speaker, American Employment Law Council, Employment Law, October 10-11, 2018.
- Speaker, "Implicit Bias Is Real: A Candid Discussion on Subconscious Stereotyping," Westchester Bar Association, September 5, 2018.
- Speaker, American Bar Association, Border Searches, August 11, 2018.
- Panelist, "MDL and Class Action Cases," Duke Law Judicial Studies Center, June 21-22, 2018.
- Panelist, "People Behaving Badly: Disassembling the Culture of Sexual Harassment," American Arbitration Association, New York City, May 23, 2018.
- Speaker, Electronic Discovery Sedona Conference, May 3-4, 2018.
- Speaker, "Rethinking Solitary Confinement: Where Do We Go From Here?" Panelist, John Jay College's Center on Media, Crime and Justice, and the Langeloth Foundation, April 26-27, 2018.
- Speaker, ABA Litigation Conference, Mass Torts, April 23, 2018.
- Panelist, Mass Tort Made Perfect, April 12, Diversity – Implicit Bias Study/Juror Reactions to Attorney Gender

- Moderator, Symposium on Women Lawyers in the Courtroom, Chicago Bar Association, April 12, 2018.
- Speaker, “Prevent, Detect, Correct: Creating & Sustaining a Work Environment Free From Unlawful Harassment and Unwanted Lawsuits,” Practicing Law Institute Webinar, April 10, 2018.
- Panelist, “Recent Developments in Employment Law,” EEOC, South Asian Bar Association, March 15, 2018.
- Scholar in Residence, University of Cincinnati, February 25, 2018.
- Speaker, New York State Bar Association, Employment Law, January 27, 2018.
- Speaker, “Diversity – Women Lawyers in Leadership 2018,” Practicing Law Institute, January 26, 2018.
- Speaker, “Diversity – Credible Roles in the Courtroom for Diverse & Women Attorneys,” Federal Bar Council, January 23, 2018.

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

**Mediation Rate** \$900 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.