



AAA Mediation.org™

**FN-1775170 MN-1775170 LN-1775170,
Esq.**

New York, New York

Current Employer-Title Stropheus LLC – Founding Member/Partner
Sotheby's Institute of Art – Faculty, Masters of Art Business

Profession Attorney, Arbitrator, Mediator, Educator

Work History Stropheus LLC, 2016 – Present; Founding Member and Partner, Law Office of Judith B. Prowda, 2000 – 2016; Senior Faculty, Sotheby's Institute of Art (Masters of Art Business Program, Teach Graduate Courses in Art Law and Ethics & Policy in the Art Profession, Thesis Advising), 2007 – Present; Attorney-Consultant, Cowan DeBaets Abrahams & Sheppard LLP, 2002 – 2003; Attorney – Consultant, Sokolow Dunaud Mercadier Carreras LLP (Paris), 2000; Of Counsel/Associate, Allegaert Berger & Vogel LLP, 1998 – 1999; Law Clerk, Hon. Marilyn Go, 1997 – 1998; Consultant on Internet and Domain Names, WIPO (Geneva Switzerland), 1997; Writing Award Recipient, Brand Names Education Foundation, 1996 – 1997; Research Fellow (Engleberg Center of Innovation Law and Policy), New York University School of Law, 1995 – 1996; Contract Attorney, Lieberman & Nowak, 1994 – 1995; Associate, Bachner Tally Polevoy & Misher, 1988 – 1989; Associate, Wien Malkin & Bettex, 1985 – 1988; Laboratory and Research Assistant (Bone Marrow Transplant Team), Memorial Sloan-Kettering Cancer Center, 1992 – 1993; Reporter, Time Magazine, 1980 – 1985.

Experience Over 25 years' experience as an IP, art and entertainment lawyer in a broad range of contractual and commercial settings.

Industries include art, media and publishing, entertainment, fashion, music, new technologies.

Transactional matters include counseling and contract negotiation in visual art, copyright and literary property, including online, trademark, licensing, publishing, advertising, rights of privacy and publicity, First Amendment, media, new technologies, entity formation; contract interpretation; fiduciary issues and conflicts of interest.

Advising art galleries and private dealers on all aspects of art contracts (including artist-dealer representation and consignment agreements, complex purchase and sale transactions; forgery; theft; licensing agreements; commission agreements; trademark registration and infringement; copyright; technology and on-line issues; insurance; artist-dealer legislation; and international gallery-to-gallery agreements). Advising real estate developer on artist commission agreements; Advising visual artists on gallery representation and consignment agreements; all aspects of copyright and licensing of images for publishing on-line and in print; and distribution agreement; Advising visual artist on start-up LLC and negotiating Operating Agreement in fashion industry. Advising start-up artist advisory business on LLC formation, Operating Agreement and business transactions. Advising on-line business on business-to-business agreements, privacy policy, terms and conditions. Advising author on literary agency agreements. Advising editor on publishing agreement; Drafting contracts for art, culture and fashion publishing company.

Clients include small, medium and large companies (including major international multimedia company), partnerships, NFP organizations and individuals.

Litigation in the areas of media and entertainment, including assisting in trial on breach of contract in the New York State Supreme Court. Co-Counsel on 9th Cir. case involving constitutional and statutory interpretation. Co-Counsel on U.S. Supreme Court Amicus Brief.

Additional five years' experience in general corporate and partnership law; commercial real estate transactions; mortgage financing; securities and secured lending.

Senior Faculty, Sotheby's Institute of Art, Graduate Courses in Art Law, Ethics and Policy. Students are enrolled in Master's in Art Business and Master's in Contemporary Art Programs, 2007 to Present.

Former reporter, Time magazine. World Section.

Other Law Teaching Experience: New York Law School, Institute for Information Law & Policy, New York, NY (Adjunct Professor, Seminar on Art Licensing for Intellectual Property Licensing and Drafting Course, Spring 2007, Spring 2008); John Jay College of Criminal Justice, New York, NY (Adjunct Professor, Art & Law Course, Spring 2007).

Mediator Experience

In entertainment law \$250,000 breach of contract dispute between theater producer/agent and valuable estate of international celebrity; Mediator in \$128,000 breach of contract dispute between New York designer and European manufacturer of luxury accessories; Mediator in dispute between broadcaster and professional sports association; Mediator in \$360,000 loan dispute; Mediator in employment disputes in entertainment, publishing, academia, government, private businesses and major financial institutions.

Member, Panel of Arbitrators, International Centre of Dispute Resolution (ICDR), 2012 to Present; Commercial Panel, American Arbitration Association (AAA), 2006 to Present; U.S. District Court (S.D.N.Y.), Mediation Panel (2011 to Present); Roster of Neutrals, NYS Supreme Court Commercial Division, 2005 to Present; Mediation Register, U.S. Bankruptcy Court (E.D.N.Y.), 2009 to Present; Panel of Mediators, Queens County, Sup. Ct. Commercial Division, 2007 to Present.

Faculty: Judge, American Bar Association, Regional Negotiation Competition, 2008; Volunteer Lawyers for the Arts MediateArt mediation workshop, 2006, 2008, 2009; St. John's Law School, mediator in mock mediation final exam for course on representing clients in mediation, 2006; Mediator in 2007 Representation in Mediation Competition, sponsored by ABA Section on Dispute Resolution; Arbitrator in Willem C. Vis International Commercial Arbitration Moot, 2007, 2008.

Publications on ADR: The Art of Resolving Art Disputes: A Case for Mediation, Chapter in All About Appraising: The Definitive Appraisal Handbook (Appraisers Association of America, 2d Ed. 2013); Mediation in Film, Television, Art and Real Life, NYSBA Entertainment, Arts and Sports Law Journal, Vol. 24, No. 1, 23 (Spring 2013) (Co-Author); The Committee on Alternative Dispute Resolution, Entertainment, Arts and Sports Law Journal, Vol. 19, No. 1 (Special Anniversary Edition 2008); Alternative Dispute Resolution, chapter in Entertainment Litigation, New York State Bar Association Entertainment, Arts & Sports Law Section (Nov. 2007) (Co-Author).

Frequent Speaker on ADR in the arts and entertainment fields.

Representative Issues Handled as a Mediator

Breach of contracts in following industries: art market; entertainment; theater; music; luxury goods; publishing; intellectual property licensing; fashion; technology; finance; media and professional sports; real estate.

Employment disputes in academia, government, private business and finance.

Facilitated negotiation between book publisher and artist.

Successfully mediated complex art restitution dispute involving Nazi-era looted multi-million dollar artwork; Other recent mediations include commercial disputes involving financial institutions, computer company; technology consulting company; modeling agency; dispute involving prominent artist and gallery to recover unsold consigned works; joint authorship; employment disputes.

Mediator Style & Process Preferences

In my experience as a mediator, I have found that the private, non-adversarial setting enables the parties to benefit from hearing the other side's version of the story, perhaps for the first time face-to-

face, and focus on their individual concerns and motivations (which may go well beyond the scope of the litigation). I have been trained to encourage the parties to examine real business interests, including non-monetary considerations, and quickly identify areas of agreement and disagreement. Often I have observed that parties experience a sense of catharsis by expressing themselves in the presence of a neutral third party – similar to having their “day in court” – and feel more willing to resolve their differences, clear up misunderstandings and search for common ground. In my view, the flexibility of the mediation process can foster creative solutions and even focus on building a mutually advantageous relationship rather than have a court decide the case based on past conduct. It is very satisfying to resolve a dispute in a single mediation session or series of sessions, saving exorbitant sums in court costs, attorneys’ fees, discovery and other related expenses. These are remarkable advantages.

In 2005 I co-founded the ADR Committee of the Entertainment, Arts and Sports Law (EASL) Section of the New York State Bar Association. In 2006, I the New York State Bar Association honored me for furthering the advancement of Alternate Dispute Resolution in New York State. I have been Co-Chair and Chair of the ADR Committee since 2005.

Education

New York University (LLM, Trade Regulation with Concentration in Intellectual Property-1994); Fordham University (JD-1985); Johns Hopkins School of Advanced International Studies (M.A. International Relations); Institut d'Etudes Politiques de Paris (Certificate in Political Science); Sarah Lawrence College (AB, French Literature); Middlebury College (MA, French Literature).

Professional Licenses

Admitted to the Bar: District of Columbia (1988), Florida (1987), New York (1987), Massachusetts (1987), Connecticut (1986)

Professional Associations

New York State Bar Association: Entertainment, Arts & Sports Section, Executive Comm. (2000 – Present); Past Chair (Feb. 1, 2012-Jan. 31, 2014); Chair (Feb. 1, 2010-Jan. 31, 2012); Member, House of Delegates (2008-2012); Vice-Chair (2008-2010); Secretary (2004-2008); Chair or Co-Chair, Fine Arts Comm. (2002 – Present); Co-Founder and Co-Chair, ADR Comm. (2005 – Present); Media Law Comm. (1997-2002); Literary Works Comm.; Copyright & Trademark Comm.; Theater & Performing Arts Comm., Fashion Law Comm.; Dispute Resolution Section, (2008 – Present). President’s Task Force on Nonlawyer Ownership (January 2012-2013); New York City Bar: Art Law Comm. Member (2017-2020; 2013-2016; 2008-2011; 1998-2002), Associate Member (2021– Present; 2016-2017), Liaison (2011-2013); Copyright & Literary Prop. Comm. Member (2012-2013; 2005-2008); Liaison (2013-2016; 2011-2012; 2003-2004); ADR Committee (Liaison Spring 2007-2009); Entertainment Law Comm. (2002-2005; 1995-98); ; Information Superhighway Working Group (1994-95); The Lawyers’ Orchestra (1998-2007). Professional Advisors to the International Art Market-New York (PAIAM): Member (2017 – Present). Copyright Society, Editorial Board (2009-2013); Member at various times. Association Littéraire et Artistique Internationale (ALAI): Member (2007-2011).

Recent Publications & Speaking Engagements

SELECT PUBLICATIONS: Guiding a Collection Through the Thicket of Copyright Law, Chapter in Companion to Copyright and Creativity in the 21st Century, Michelle Bogre and Nancy Wolff, eds., Focal Press (Imprint of Taylor and Francis Group) (2020); To Build a Foundation You Do Not Start with the Roof: The Battle Over the Estate of Franz West and Afterthoughts on Planning Ahead, Chapter of Book on Creative Legacies, Kathy Battista and Bryan Faller, eds., Lund Humphries, London 2019 (2020); The Art of Art Authentication and a Global Alternative to Dispute Resolution, NYSBA, New York Dispute Resolution Lawyer Journal, Vol. 13, No. 1, 14 (Spring 2020); Global Alternative to Resolving Art Disputes, NYSBA Entertainment, Arts and Sports Law Journal, Vol. 29, No. 3 (Fall/Winter 2018); Visual Arts and the Law: A Handbook for Professionals (Lund Humphries, London) (2013); The Art of Resolving Art Disputes: A Case for Mediation, All About Appraising: The Definitive Appraisal Handbook (Appraisers Assoc. of Am., 2d Ed.) (2014); The Perils of Selling Art at an Art Fair: Legal Issues in Title, Chapter in Art, Cultural Heritage and the Market: Ethical and Legal Issues (Vadi, V. and Schneider, H., eds. (Springer 2014); Artist's Resale Rights Legislation Introduced in Congress - Is This a Good Idea?, N.Y.L.J., Jan. 23, 2012; Co-author of chapt., "ADR," chapt. 13, Entertainment Litigation, EASL Section, NYSBA, Nov. 2007.

SELECT SPEAKING ENGAGEMENTS: Frequent lecturer and panelist on ADR, IP, Art Law: Program Co-Chair, Art Licensing Panel (forthcoming), Fine Arts Comm. NYSBA EASL Section; Program Co-Chair, NFT Panel, NYSBA EASL Section Annual Meeting, Jan. 18, 2022; Guest Speaker, Mediation and Art Disputes, Second Circuit Court of Appeals, Mediation Panel, Mar. 15, 2021; Dispute Resolution in the Arts and Entertainment in the Time of Corona Virus and

Beyond, New York State Bar Association EASL Annual Meeting, Program Co-Chair and Moderator, NYC, Jan. 19, 2021; Art Law Panel, Panelist, NYSBA EASL Section and St. John's Univ. School of Law Dispute Resolution Society (Joint Program) Panelist, Nov. 8, 2021; Speaker, Copyright Risks for Collectors: What Every Collector Needs to Know, Art She Says, July 12, 2021; Program Co-Chair, Artists + Legacies: Estate Issues for Artists, NYSBA EASL Section and Artists Rights Society collaboration, May 12, 2021; 2019 North America Summit on Commercial Dispute Resolution in China, NYC, Commentator, June 2019; Resolving Authenticity Disputes and ADR; Panelist, Columbia Law School, Fordham Law School, Apr. 2019; "Dealer Contracts with Artists and Other Dealers," Speaker, Assoc. Women Art Dealers, NYC, Nov. 2018; "Alternative Dispute Resolution and the Art Market," Brazilian Center for Mediation and Arbitration (based in Rio de Janeiro), Speaker, NYC ADR Conference, Oct. 2018; "AiA/NAI Alternative Dispute Resolution Presentation on Art Dispute Tribunal" AiA Congress 2018, Panelist, The Hague, The Netherlands, June 8, 2018; Market and Legal Challenges facing Outsider Art," Sotheby's Institute of Art, Speakers Series, Organizer and Moderator, Apr. 2018; "Representing the Artist and Dealer," NYSBA EASL Spring Symposium, Prog Co-Chair and Panelist, June 2017; "Estate Planning for Artists," Joint Prog. EASL, NYFA, Center for Art Law, Prog Co-Chair and Co-Moderator, Jan. 2017; The Future of Fair Use and Appropriation Art," Sotheby's Institute of Art, Speakers Series, Organizer and Moderator, Nov. 2016; "Fraud in the Contemporary Art Market, Panelist, City Bar, June 2016; "Housing, Commercial Leases and Tax, Joint Prog: EASL, NYFA, Center for Art Law, Joint Prog. EASL Entertainment, Arts & Sports Law Section, Co-Organizer and Co-Moderator, June 2016; "From Street to Market: The Legal Journey of Street Art," EASL Section, Fall Program, Co-Organizer and Co-Moderator, Nov

Mediation Rate	\$550 Per Hour
Languages	English, French
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.