



AAA Mediation.org™

**FN-4038811 MN-4038811 LN-4038811,
Esq.**

New York, New York



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Current Employer-Title ADR Office of Usher Winslett - Arbitration and Mediation Services
Winslett Studnicki McCormick & Bomser LLP - Founder, Managing Partner

Panelist Video <https://www.adr.org/videoresume?paramName=769559655>

Professional Summary ADR professional since 1996, handling international and domestic disputes as an arbitrator or mediator. Has experience as tribunal chair, wing arbitrator, sole arbitrator, and mediator on all sorts of commercial, intellectual property, employment, finance, insurance, and entertainment disputes. As tribunal chair, has handled applications for emergency and injunctive relief.

Profession Arbitrator, Mediator, Litigator

Work History ADR Office of Usher Winslett, 1996-Present; Founder/Managing Partner, Winslett Studnicki McCormick & Bomser LLP, 2007-Present; Founder/Chief Executive Officer, Odin Media LLC, 2003-2008; Chief Operating Officer, Digital Club Network Inc., 2000-2003; Principal/General Counsel/Head of Business and Legal Affairs, Razor & Tie Entertainment LLC, 1996-2000; Litigation Attorney, Thacher Proffitt & Wood, 1986-1996; Founder/Owner, Del Mundo Imports, 1982-1983; Deputy Campaign Manager, Spence For Congress Committee (U.S. Congressional campaign), 1982.

Experience In legal career of more than 35 years, has handled dispute resolution from virtually every angle, so brings no practice-area bias to ADR work. Has worked in big and small law firms and as a corporate general counsel. Has represented both plaintiffs and defendants ranging from huge multinational corporations (foreign and U.S.-based) to individuals. In addition, has held multiple non-legal, senior-management positions. Experience includes:

COMPLEX BUSINESS DISPUTES: As both an ADR professional and an advocate, core practice involves business disputes alleging breach of contract, breach of fiduciary duty, fraud, negligence, tortious interference with contract, and related claims. Regularly handles disputes involving construction, insurance, finance, M&A, technology, licensing, intellectual property, employment,

and rights of stakeholders in various business organizations – to name a few.

INSURANCE: Arbitrator in coverage dispute between the U.S. government and large insurer. Mediated two disputes regarding insurance coverage of legal fees. Has litigated multiple disputes regarding insurance coverage for cargo and casualty claims in international trade.

INTERNATIONAL: Involved in international business since 1983, originally as the founder of a business importing Argentine-manufactured shoes into the U.S. Later, as a litigator at Thacher Proffitt & Wood, represented large international insurers and global cargo carriers in disputes related to the transnational sale and shipping of goods. After Thacher, was responsible for the worldwide licensing and distribution of products for two media companies. Current law practice has involved foreign trial and arbitration experience, as well as transactional work for foreign clients. Serves as primary U.S. counsel for Chinese-based investment manager with \$2.5 billion of assets under management. Served as lead counsel representing a group of over 40 venture capital firms in an international arbitration and foreign court action with more than \$120 million at issue. As an ADR professional, has mediated multiple international disputes.

INTELLECTUAL PROPERTY: Regularly handles trademark and copyright disputes as both an ADR professional and a litigator. Examples include: alleged music copyright infringement involving major publishing company; multiple cases alleging unauthorized use of photography; a matter involving efforts to cease distribution of pornographic videos; trademark action for injunctive relief, ordering an infringing business to cease operations and re-brand before reopening.

ART: Lead defense counsel in an international dispute involving what CNBC called “[t]he biggest art fraud in modern U.S. history”. The matter involved the sale to a Liechtenstein museum of fake art attributed to Mark Rothko.

MUSIC and ENTERTAINMENT: Have handled – as both a mediator and an advocate – multiple matters involving disputes over music copyrights. Held senior management positions – both legal and operational – in music and entertainment businesses for about a decade and, in private practice, has handled legal issues in those industries for even longer.

SECURITIES: Arbitrator in \$40+-million securities claim alleging breach of contract, breach of fiduciary duty, failure to supervise, churning, unauthorized trading, lack of suitability, negligence, fraud, and violation of state Blue Sky and consumer protection laws. Member of the successful joint-defense team in a trial involving a deal at the center of Citibank’s proposed \$285 million settlement with regulators over subprime residential mortgage securities.

EMPLOYMENT: Handled arbitration of multi-million-dollar compensation claim by a hedge fund portfolio manager. Regularly handles disputes arising from termination of senior executives. Has mediated dozens of employment-related claims, including federal and state statutory claims.

Mediator Experience

Mediator since 1996. Serves on the mediation panels of CPR, FINRA, and the United States District Courts for the Southern and Eastern Districts of New York and the District of South Carolina.

Representative Issues Handled as a Mediator

Has successfully mediated numerous commercial, contract, employment, and intellectual property disputes — both domestic and international — involving businesses of various types and sizes as well as individuals.

Examples of successful mediations include:

After almost 10 years of litigation, successfully mediated the settlement of a federal securities fraud class action.

Mediated an international dispute involving one of the world’s largest watch manufacturers and a competitor involving claims of trademark infringement, unfair competition and false designation of origin and false advertising under the Lanham Act, New York statutes, and common law.

Mediated over 25 employment-related cases involving claims under the FLSA, the ADA, Title VII, the New York Labor Law, and related state and federal statutes – as well as employment contract issues.

Mediated multiple copyright infringement cases involving photographs, sound recordings, and publishing.

Mediated an international dispute involving claims of software pirating, including claims of direct copyright infringement; violation of the Digital Millennium Copyright Act; and trademark infringement and counterfeiting.

Mediated multiple “business divorce” matters.

Mediator Style & Process Preferences	The job of a mediator is to help parties settle cases. Focusing on a “mediation philosophy” beyond that is a distraction. Every matter is different, so every mediation needs to be tailored to the case at hand – not just the facts and law but also parties and lawyers involved.
Technology Proficiency	Proficient in Zoom and similar platforms. Committed to using technology to make arbitration more efficient and economical. Generally all documents are accepted in an electronic format, with no hard copies necessary.
Education	New York University School of Law (JD-1986); Washington and Lee University (BA, cum laude-1982).
Professional Licenses	Admitted to the Bar: New York (1987); US District Court: Northern (2018), Southern (1988), and Eastern (1988) Districts of New York; US Court of Appeals: 3rd Circuit (1988); US Supreme Court (2000).
Professional Associations	Co-Chair ABA Arbitration Training Institute; Co-Chair ABA Dispute Resolution Section, Arbitration Committee; Co-Chair Atlanta International Arbitration Society (AtlAS) Annual Conference; Fellow, the Chartered Institute of Arbitrators (CIArb); New York City Bar Association International Commercial Disputes Committee; International Institute for Conflict Resolution & Prevention (CPR) Arbitration and Mediation Panels; New York International Arbitration Center (NYIAC); United States Council for International Business/International Chamber of Commerce (USCIB/ICC); Financial Industry Regulatory Authority (FINRA) Arbitration and Mediation Panels; US District Court for the Eastern District of New York, Arbitration and Mediation Panels; US District Court for the Southern District of New York, Mediation Panel; US District Court for the District of South Carolina, Mediation Panel; The Copyright Society.
Recent Publications & Speaking Engagements	Co-Chair of the 2024 Atlanta International Arbitration Society (AtlAS) Conference; Co-Chair of the 2024 ABA Arbitration Training Institute and presenter on "Early Stages: From the Arbitration Clause to Preparing for the Preliminary Hearing" and "The Award and Post-Award Issues"; Co-author of "Who Says We Are Competent? Confusion Continues over the Competence-Competence Doctrine" published by the ABA Dispute Resolution Section in Just Resolutions, July 2023; Co-Chair of the 2023 ABA Arbitration Training Institute ; Presenter at the 2022 Annual ABA Arbitration Training Institute on "Getting Started as An Arbitrator", "Early Stages: Arbitration Initiation and the Preliminary Conference", "The Award and Post-Award Issues"; Presenter at the 2021 ABA Annual Arbitration Training Institute on "The All-Important Preliminary Hearing" and "Discovery and Motion Practice"; "The Competence-Competence Conundrum Continues" published in volume 14, number 2 of the New York Dispute Resolution Lawyer, (a publication of the Dispute Resolution Section of the New York State Bar Association); Moderator of panel called "ADR and IP: When and How Mediation and Arbitration are Best Used in Intellectual Property Disputes" at a AAA/ABA event in April 6, 2022; guest lecturer on many occasions at NYU Stern School of Business and Zicklin School of Business of Baruch College on issues related to music, entertainment, copyright, and marketing.
Locations Where Parties Will Not be Charged for Travel Expenses	New York City; South Carolina (Charleston, Georgetown, Myrtle Beach)
Mediation Rate	\$725 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.