

JAMES P. S. LESHAW

International and Domestic Arbitrator and Mediator

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PROFESSIONAL PROFILE

Independent international and domestic commercial arbitrator and mediator with more than 35 years of legal, business and dispute-resolution experience. Has served as a neutral in more than 1,000 proceedings, including as sole arbitrator, panel chair, emergency arbitrator and party-appointed arbitrator. Known for proactive case management, careful attention to due process and a practical, business-focused approach designed to provide a fair and efficient process without unnecessary cost or delay.

ARBITRATION EXPERIENCE

Mr. Leshaw serves in complex domestic and international commercial disputes involving multiple parties, substantial amounts in controversy and cross-border legal issues. His experience includes threshold and procedural issues involving arbitrability, choice of law, arbitration seat, interim and emergency relief, information exchange, expert evidence and hearing management. Subject-matter experience includes shareholder and ownership disputes, contracts, fraud, financial services and lending, corporate governance and fiduciary duty, private equity, mergers and acquisitions, valuation, technology and intellectual property, real estate, aviation, maritime and transportation, professional services, franchises, employment and compensation, bankruptcy, solvency and avoidance issues.

Representative Arbitration Experience

International and Cross-Border

- Panel Chair in an international arbitration arising from a multi-billion-dollar real estate development, with claims exceeding \$250 million; the final hearing was scheduled to commence 32 days after final appointment of the panel because of the emergency nature of the requested relief.
- International disputes involving Latin American and European parties, including complex contract interpretation and OFAC sanctions.
- Cross-border maritime and commodity disputes involving shipping contracts, cargo, demurrage, despatch, detention, laycan, drayage, vessel allisions, bills of lading, insurance coverage, and commodity sales and financing.
- International dispute involving port operations and supply agreement between a major global port and logistics provider and a major importer of fresh produce.

Corporate, Finance, M&A and Governance

- Post-closing M&A and business-sale disputes involving asset and stock purchase agreements, purchase-price adjustments, earn-outs, representations and warranties, GAAP and other accounting issues, valuation, fraud and fiduciary-duty claims.
- Sole arbitrator in fraud, fraud-in-the-inducement and breach-of-fiduciary-duty claims involving issuance of an ownership interest in a closely held artificial-intelligence platform.
- Domestic ownership disputes involving closely held and multi-generational businesses, shareholder and partnership rights, securities issuances, valuation and governance.
- Sole arbitrator in a dispute between publicly traded financial-services firms involving securities clearance, accounting issues, breach of contract and fiduciary duty.
- Panel Chair in a multi-million-dollar dispute involving ownership of an airline, including cybersecurity allegations arising during the final hearing.

Technology and Commercial Contracts

- Disputes involving ownership and control of technology platforms, intellectual property and other business assets.
- Commercial-contract disputes involving software, logistics, supply-chain relationships, licensing arrangements and related services.
- Franchise and multi-level-marketing disputes involving fraud, sale-of-business issues and complex contractual relationships.

Aviation and Maritime

- Aircraft lease, service and operations disputes involving aircraft management, flight-support personnel, joint-use arrangements, power-by-the-hour leases, charter and other aviation operations.
- Maritime disputes involving vessel allisions, marine insurance, shipping and carriage contracts, cargo, demurrage, despatch and related commercial issues.

Real Estate, Professional Services and Other Matters

- Real estate disputes involving development, purchase and sale, commissions, leasing, financing and related commercial arrangements.
- Professional-services disputes involving law firms, accounting firms, audit firms and other professional advisers, including a breach-of-duty dispute between a Big Four accounting firm and its public-company audit client.
- Employment and compensation disputes, including threshold issues concerning arbitrability.

MEDIATION EXPERIENCE

Mr. Leshaw has mediated complex commercial and corporate disputes across industries including aviation, banking and commercial finance, private equity and venture capital, manufacturing, technology, real estate, energy, entertainment, healthcare, telecommunications, maritime, professional services and bankruptcy-related matters. His mediations frequently involve multiple parties and cross-border considerations.

His mediation style is proactive and evaluative. He works with counsel in advance to promote appropriate preparation and decision-maker participation, helps parties assess likely outcomes and the financial and business costs of continued litigation, and seeks practical solutions informed by extensive legal and business experience. He is comfortable conducting mediations remotely and regularly continues settlement efforts after the scheduled mediation session when useful.

PROFESSIONAL AND BUSINESS EXPERIENCE

Leshaw Law, P.A. - Independent Arbitrator and Mediator, Key Biscayne, Florida. Practice focused on domestic and international commercial arbitration and mediation.

Greenberg Traurig, P.A. - Chair, Florida Business Reorganization & Financial Restructuring Practice, Miami, Florida (1991-2013). Led litigation and transactional teams in high-stakes domestic and international matters, including private equity, commercial litigation, international restructurings, bankruptcies, mergers and acquisitions, financings and cross-border commercial transactions.

Skadden, Arps, Slate, Meagher & Flom - Associate, New York, New York (1989-1991).

Avianca Holdings S.A. - Director (2018-2022) of the NYSE-listed multinational airline holding company. Served on Audit, Human Talent and Compensation, Executive, Special Equity and Restructuring Committees and led a significant FCPA investigation as lead outside director.

ARBITRATION AND MEDIATION PANELS

- International Centre for Dispute Resolution (ICDR) Commercial Panel.
- American Arbitration Association (AAA) Commercial, Large Complex Case, Construction and Mediation Panels.
- Roster of Mediators for the United States Bankruptcy Courts for the Southern District of Florida, Southern District of New York and District of Delaware.

RECOGNITION

- The Best Lawyers in America - Miami “Lawyer of the Year” for Arbitration (2016, 2017, 2018 and 2021) and Bankruptcy Litigation (2017); listed in Arbitration, Mediation, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, and Litigation - Bankruptcy (listed since 2007).
- Chambers USA Guide - listed since 2008.
- Florida Super Lawyers - listed since 2006; Florida Trend “Legal Elite” - Bankruptcy Law, listed since 2004; South Florida Legal Guide - “Top Lawyers in South Florida.”
- The Deal - “Top Bankruptcy M&A Lawyers.”
- AV Preeminent 5.0 out of 5.0, Martindale-Hubbell.
- Member of teams recognized by U.S. News - Best Lawyers, Chambers USA Awards for Excellence, and Chambers Latin America Awards for Excellence.

EDUCATION, ADMISSIONS AND LICENSES

Education

J.D., New York University School of Law (1989)
B.A., Political Science and Religion, Tufts University (1986)

Admissions and Licenses

Florida and New York
U.S. District Courts: Southern and Eastern Districts of New York
U.S. Courts of Appeals: Second, Third and Eleventh Circuits
United States Coast Guard 100-Ton Master License

SELECTED WRITING AND SPEAKING

Author and speaker on arbitration, mediation, bankruptcy, cross-border insolvency and international business-law topics. Arbitration and mediation publications have addressed mediation in bankruptcy, mediation strategy, class-action waivers, arbitrability, judicial review of arbitration awards, mediation privilege and enforcement of arbitration clauses. Other publications and presentations have addressed cross-border insolvency, Latin American insolvency regimes, U.S. bankruptcy issues, distressed acquisitions, claims and avoidance actions, intellectual-property issues and entertainment law. Mr. Leshaw has also written magazine articles on marine-related topics.

PROFESSIONAL AND COMMUNITY LEADERSHIP

- Founding Chair, Arbitration Committee, International Law Section of The Florida Bar.
- Former Secretary and Member, Board of Governors, Key Biscayne Yacht Club; former Youth Sailing Director, Key Biscayne Yacht Club.
- Former board service: Stiltsville Trust, Inc.; Marjory Stoneman Douglas Biscayne Nature Center; Florida Historical Society; Volvo Ocean Race Miami, Inc.; Soldiers', Sailors', Marines, Coast Guard & Airmen's Club, Inc. (New York).