

Joel Levine, Esq. (AZ, NY, FL)
Arbitrator/Mediator/Neutral Services
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ARBITRATION · MEDIATION · NEUTRAL SERVICES

***Arbitration, Mediation and Neutral Services* in Corporate, Real Estate, Finance, Labor/Employment, Healthcare, Technology/Blockchain, Banking, Cannabis, Entertainment, Intellectual Property including Trademark, Copyright, Trade Secrets; Media, Communications, Securities, Professional Associations, Breach of Contract, Class Actions, Personal Injury, Wide Range of Insurance and Reinsurance Matters, Construction, Admiralty/Maritime, Aviation, Civil Rights, Bankruptcy, Solar, Consumer, Torts, Professional Liability, Medical/Legal/Accounting Malpractice, Estate, Probate, ERISA, ADA, Government, Environment, Development, Land Use/Zoning, International, and other commercial matters.**

Available for and Experienced in using online platforms and willing to conduct proceedings via videoconference including Zoom and teleconference if preferable. In-person proceedings possible based on health considerations for all participants.

ESI Protocols and Electronic Discovery Disputes including Federal and State Rules of Civil Procedure and Evidence; Electronic Discovery Reference Model (EDRM); Predictive Coding, Cost shifting. Technology proficiency.

Served as Mediator in over 1500 cases and as Arbitrator in over 200 cases. Also served as Receiver and Special Master.

Member Arizona, New York and Florida Bars. Florida Supreme Court Certified Circuit Civil Mediator and Florida Supreme Court Qualified Arbitrator. Certified Federal Mediator: United States District Courts, Southern and Middle Districts of Florida. Member U.S. Court of Appeals, Ninth Circuit; U.S. Supreme Court. Florida Department of Insurance Mediator.

American Arbitration Association, Roster of Arbitrators: Commercial, Employment, Healthcare, Joint Venture, Construction (while in FL), FCC, Consumer and Large Complex Case Panels. American Arbitration Association Mediator. Nominated by AAA for Copyright Arbitration Royalty Panel under the Copyright Act (CARP). Arbitrator for AAA and the Center for Responsible Appraisals and Valuations (CRAV), a division of the National Community Reinvestment Coalition (NCRC), for real estate appraisal industry disputes.

The International Institute for Conflict Prevention & Resolution (CPR), Panel of Distinguished Neutrals. Panels at different times: Banking Accounting and Financial Services; Insurance; Employment Disputes; Construction.

American Health Law Association (AHLA) Panelist arbitrating all aspects of health care and managed health care disputes.

EEOC approved mediator.

**Selected to Copyright Office, Library of Congress 2004-2005
Copyright Arbitration Royalty Panel (CARP) which determined royalty rates and distribution of royalties for the commercial use of copyrighted works when those rates could not be successfully negotiated by copyright holders and users (e.g., broadcasters)-- including those for music and webcasting.**

One of eight nationwide arbitrators for a special FCC Arbitration Panel to handle Retransmission Consent and Regional Sports Network Cable Programming Disputes. The arbitrators determine the price of carriage rights of all programming, including sports, between certain suppliers, users, broadcasters.

Party Appointed Arbitrator for a London Court of International Arbitration (LCIA) matter.

Party Appointed Arbitrator for an International Chamber of Commerce (ICC) (International Court of Arbitration) matter.

Financial Industry Regulatory Authority (FINRA) Roster of Neutral Arbitrators (Public Arbitrator); Roster of Approved Mediators.

Florida Department of Insurance Mediator.

Prudential Insurance Company of America Policyholder Remediation Process: Alternative Dispute Resolution: Independent Appeals Committee Reviewer. Specially selected and trained to provide mediation and arbitration services to resolve claims in Prudential Federal class action involving Insurance, Registered Securities (SEC, NASD) and Consumer issues.

United States Postal Service (USPS) REDRESS program: Applied Advanced Mediation Skills, particularly transformative mediation to mediate work place disputes for Postal Service. Transformative mediation particularly effective for ongoing relationships. Dealt with employment, suspension, termination, discipline, harassment, assignments, disabilities, discrimination for race, gender, age, national origin, sexual orientation, and other employment issues for Postal Service as well as law firms and businesses.

Reviewer/Arbitrator for American Fidelity Life Insurance Company/Trans World Life Insurance Company/Florida Department of Insurance Alternative Dispute Resolution Process.

Appointed Special Master in *Peggy Taylor and Lemoyne K. Young v. American Bankers Insurance Group, Inc., Bankers American Life Assurance Company, American Bankers Insurance Company of Florida and Chase Manhattan Group, as Successor to Chemical Banking Corp.*, filed in the Supreme Court of the State of New York. This national Class Action involved denial of credit insurance benefits claimed for death, disability and unemployment and issues concerning advertising regulations.

Florida Conflict Resolution Consortium, Roster of Approved Mediators/Arbitrators (Governmental, Quasi-Governmental, Administrative: Environmental, Property Rights, Special Master, Land Use, Housing, Construction, Development).

Mediator and Arbitrator of Florida Lemon Law disputes involving RVs in joint program run by Office of Attorney General and the Collins Center for Public Policy.

Mediator in Collins Center Administered Court Foreclosure Mediation Program—Mandatory mediation of homestead property foreclosure actions in certain Florida Courts a/k/a CHAMP (Circuit Homestead Access To Mediation Program).

ADR Committee of Trial Lawyers Section of Florida Bar.

Court appointed Receiver and Arbitrator.

PEER REVIEW

Martindale-Hubbell AV® Preeminent Rated. 2022 AV Preeminent Attorney - Judicial Edition.

Avvo Rating 10 (Superb Top Attorney Rating).

Selected by *The Best Lawyers in America 2017- 2023* for work in Arbitration and 2023 Lawyer of the Year in Arbitration in Scottsdale.

U.S. News & World Report - Best Lawyers® "Best Law Firms," Arbitration.

Named as *Florida Super Lawyer* 2014, 2015, 2016, 2017, 2018, 2019: Alternative Dispute Resolution.

Selected by *Florida Trend's Florida Legal Elite* in Arbitration & Mediation, multiple years.

Selected as one of *South Florida's Top Rated Lawyers* (Alternative Dispute Resolution) by *Legal Leaders—South Florida's Top Rated Lawyers*.

Awarded by *Acquisition International (The Voice of Corporate Finance)*: Arbitrator of the Year: Florida (2014, 2015) and Mediator of the Year Florida (2013, 2015) and Most Outstanding Commercial Arbitrator (2016 Excellence Award).

Named in *Best Lawyers* (2018 South Florida edition) as best lawyer in Alternative Dispute Resolution-Arbitration.

BUSINESS

**Cofounder/President/CEO Gibraltar Entertainment, Inc.
1988 - 1997**

Managed all business and certain creative aspects of this film and television financing, production and distribution company. Handled or supervised all entertainment, corporate, financing, insurance and personnel work. Structured and negotiated domestic and international financing, distribution, television and video transactions. In 1988, established a major bank line of credit with Pierson, Heldring & Pierson, Amsterdam. Additionally raised production funds through complex international financing transactions. Company produced twelve films including "Mortal Passions," MGM/UA 1989; "Servants of Twilight," Vidmark Entertainment 1990; "Femme Fatale," Republic Pictures 1991; "Lonely Hearts," Live/Carolco 1992; "Trade Off," Viacom Enterprises 1994; and 52 episodes of "Okavango," a family adventure television show shot in Africa, Fox Cable 1995-6. Structured and negotiated co-production for second season with Quinta Communications, a Berlusconi affiliate and domestic syndication with Rysler Entertainment.

Licensed projects throughout the world. Credits include films made in partnership with foreign and U.S. investors. Gibraltar films have been invited to the AFI, London, Toronto, Chicago, Santa Barbara, Deauville, and Sundance Film Festivals.

**First Capital Financial Corporation
Principal
1975 - 1984**

First Capital acquired approximately two billion dollars of commercial real estate, grew to be one of the largest real estate syndication/financial services companies in the country and was sold to GAMI in 1984. I was involved in all aspects of the business including corporate management, banking, investor and securities firms relations, acquisitions, sales, leasing, construction, development, insurance and coordinated activities with outside professionals. I performed the legal work on purchases/sales of multiple shopping centers, warehouses and office buildings. Of note, First Capital experienced steady growth, but there was no satisfactory method of realizing a significant one time capital benefit in the public limited partnership arena. I structured and directed the first Section 351 Roll Up in the real estate industry: combining on a tax-free basis several public real estate limited partnerships with related private corporations to form a single public corporate entity.

LEGAL

Levine & Fieldstone, Founder and Senior Partner, Miami, Florida 7/77-1/80;
Smith Mandler, Equity Participant, Miami, Florida 7/75 - 6/77;
Greenberg Traurig, Miami, Florida 7/73 - 7/75;
Javits Trubin, New York, New York 10/70 - 6/73.

Specialization in complex commercial transactions, corporate, securities, finance, real estate, entertainment, banking, representation of major lending institutions and borrowers making credit and real estate loans. Involved in corporate formations, mergers, acquisitions, restructurings, public offerings, private placements, tax shelters, all aspects of real estate, syndications, NASD and SEC compliance and work outs of problem situations. Full range of real estate includes purchases, sales, intricate sale-leaseback transactions, mortgages, limited partnership agreements, residential, office, warehouse, shopping center projects; easements, restrictive covenants and title insurance, zoning, development, construction, eminent domain and land use. Worked on many aspects of film financing and distribution agreements, actors and writer contracts, video, television, music, foreign sales agreements and intellectual property matters. Also handled Employment, Franchise, Antitrust, Labor, Insurance, Consumer and International matters. Litigation in early years of practice.

CIVIL RIGHTS:

7/68 - 10/70, Reginald Smith Community Fellowship. Waterbury Legal Aid Society: Specialized in family law, welfare and housing and addressed the Connecticut Legislature on numerous housing bills.

PEACE CORPS VOLUNTEER:

7/66 - 7/68, Trained in Tucson, Arizona and Mexico. Created thrift shop for Yaqui Native Americans in Tucson. Designed internal controls system and taught fundamental business techniques. Served in Caracas and Puerto Piritu, Venezuela, working with Ministry of Development on rural electrification cooperative. Designed and marketed ornamental candles; initiated sports programs; catalyzed student scholarships. Produced Peace Corps training film.

TECHNOLOGY, COMPUTER, INTERNET

ADR and business experience includes hardware, software, networking, licensing, Internet, outsourcing, intellectual property, contracts, peer to peer, confidentiality, systems, systems design, internal/external portals, Statements of Work, change orders, enhancements, applications, file sharing, compulsory licenses, piracy, fair use, royalties, billing and related matters. Invited to launch of Office and Windows 2000. Decision maker for acquisitions/upgrades of hardware, software and systems. Knowledge of multimedia, communications, broadcast, licensing, trademark, copyrights. Knowledge of Blockchain, cryptocurrency, SAFT, tokens, venture capital, private equity, mergers and acquisitions. Spoke on intellectual property, internet resources, privacy, piracy, protecting businesses in cyberspace.

EDUCATION

Harvard Law School, Cambridge, Massachusetts, JD 1966
Voluntary Defenders; Member: Oliver Wendell Holmes Society

State University of New York at Buffalo, BA 1963
Phi Beta Kappa; Philosophy Major, Science Minor (Biology/Chemistry)

PROFESSIONAL AFFILIATIONS:

Member Arizona, New York and Florida Bars and Federal Courts: U.S. District Courts: Southern and Eastern Districts of New York; Southern and Middle Districts of Florida; U.S. Court of Appeals, Eleventh Circuit; U.S. Court of Appeals, Ninth Circuit; U.S. Supreme Court; United States Court of International Trade (jurisdiction over international trade/import disputes). Former Diplomat Member: Florida Academy of Professional Mediators; International Institute for Conflict Prevention and Resolution (CPR) Arbitration and Mediation Panelist. Former Florida Bar Sections: Trial Lawyers; Entertainment, Arts and Sports Law; Founding Member of Alternative Dispute Resolution (ADR) Section. Arizona: ADR Section of AZ Bar; Scottsdale Bar Association. NASD and New York Stock Exchange (FINRA); Member: Writers Guild of America; ASCAP.

TEACHING:

1973, Visiting Professor of Real Estate Finance Law, Seton Hall Law School, Newark, New Jersey.

Mediation/Arbitration Trainer: 2005-2019

Professionalism Instructor: Arizona Bar: 2020

AUTHOR:

Books:

2011 *The Corruption of Michael Levitt*, Novel. Hard and soft cover and electronic editions, <http://www.thecorruptionofmichaellevitt.com>; Also, Lulu.com, eBook and Kindle Reader editions, Amazon.com and all devices. Novel about the adventures and misadventures of a bright but naïve young lawyer and his unusual life.

1972, *Getting In*, Random House. Humorous and practical approach to college admissions.

Articles:

“Tech Arbitration Tips (and More)” published in *Arizona Attorney Magazine* October 2022 issue. Advice for litigators arbitrating any commercial matter including unique take on certain Tech issues.
<https://www.azattorneymag-digital.com/azattorneymag/library/item/202210/4043751/>

“Rethinking Water Scarcity and Flood Control, *SCOTTSDALE INDEPENDENT*, <https://www.scottsdaleindependent.com/opinions/levine-rethinking-water-scarcity-and-flood-control/> (September 4, 2019), See also, Print Edition October 1, 2019 Opinion Section.

“The Seven Deadly Sins of Mediation,” American Bar Association *LITIGATION JOURNAL* (Winter 2016), How to Avoid Self-Inflicted Wounds and Achieve Better Results at Mediation; Digest Reprint in Trial Lawyers Section of the Florida Bar Newsletter *THE EDGE* (Spring 2016).

"Constructing the Construction Case: Tips, Traps and Tricks" *AAA DISPUTE RESOLUTION JOURNAL* (August/October 2009)—World-wide publication of the AAA. Guidance for construction professionals and counsel in structuring contracts and handling disputes.

Contributor to *Elder Mediation: A New Solution to Age-Old Problems*, by Dr. John and Patti Bertschler © April, 2009. One of eighteen mediators from the United States, New Zealand, Scotland and The Netherlands contributing chapters dealing with conducting a proper intake, imbalances of power, ethics, mediation styles and building a mediation practice.

"Defendant's View Of Mediation Inside The Plaintiff's Caucus Room" *FOR THE DEFENSE* (September 2003) (DRI Magazine).

"Winning at Arbitration" *THE ADVOCATE* (June 2003) (Trial Lawyers Section of the Florida Bar).

"Winning at Mediation" *THE ADVOCATE* (July 2002) (Trial Lawyers Section of the Florida Bar).

"Obstacles And Solutions To Building A Mediation Practice" American Bar Association Section of Dispute Resolution *JUST RESOLUTIONS* Newsletter (Winter/Spring 2000); Reprinted *Oregon Law Journal* (November 2001).

"Anatomy of a Mediation Session" *SPIDR NEWS* (April 2000)(Society of Professionals in Dispute Resolution).

"Transformative Tools (Tool Kit for Transformative Mediation)" Association for Conflict Resolution (ACR) (on line), ACR Learning Center, (July, 2001).

Law Review Articles: "Buyer's Conduct as Affecting the Extent of Manufacturers' Liability in Warranty" *52 Minnesota Law Review* 627; Reprinted in *1 Uniform Commercial Code Law Journal* 30; "Implied Warranty of Habitability," *2 University of Connecticut Law Review* 61.

LANGUAGE: Conversational Spanish.

REPRESENTATIVE SPEAKING/TRAINING/WRITING/MISC:

Judge, Final Round of 2022 National Invitational Representation in Mediation Competition with participants from 16 law schools. March 12, 2022.

Author of 2 case write-ups for ABA Litigation Section's ADR Website—Practice Points.

1. August 11, 2021: <https://www.americanbar.org/groups/litigation/committees/alternative-dispute-resolution/practice/> Reporting on *Selden v. Airbnb, Inc.*, No. 19-7168 (D.C. Cir. July 13, 2021) holding that an arbitration clause in Airbnb's online sign-in wrap agreement was binding despite differences in language translation.

2. September 16, 2021 <https://www.americanbar.org/groups/litigation/committees/alternative-dispute-resolution/practice/> Reporting on *Western Bagel Co., Inc. v. Superior Court, (Los Angeles County Super. Ct. No.19STCV22699)(6/24/21)* finding inconsistency between Spanish and English versions of arbitration provision, holding FAA Trumps Rule of Contract Construction and ordering arbitration.

Winner in the Music category of the Arizona Attorney Creative Arts Competition published in *Arizona Attorney Magazine* May 2021 issue.

November 13, 2020 Arbitration Advocacy Institute/ADR Section of Florida Bar. Presenter: Technology Panel: For advocates to improve outcomes in arbitration.

Instructor: State Bar of Arizona's Mandatory Course on Professionalism. Relationships between Lawyer and Clients, Other Attorneys, Laymen. Feb. 11, 2020 in person and July 10, 2020 and November 17, 2020 via Zoom.

Author of 3 case write-ups for ABA Litigation Section's ADR Website—Practice Points. <https://www.americanbar.org/groups/litigation/committees/alternative-dispute-resolution/practice/>

- 1. September 4, 2019: Summarizing California Supreme Court Decision of *Heimlich v. Shivij*, 112 CV 231939 (May 30, 2019) creating another exception to Doctrine of *Officio Functus* in upholding Arbitrator's jurisdiction even after issuance of the Award.**
- 2. August 14, 2019: Reporting on *AllyAlign Health, Inc. v. Signature Advantage, LLC*, 2019 SC-000001-1 (Ky. Sup. Ct. June 13, 2019) holding that a carve-out did not remove from the arbitrator the power to decide arbitrability.**
- 3. July 10, 2019: Analysis of NJ Supreme Court Decision in *Goffe v. Foulke Management Corp.*, 2019 WL 2361490 (June 5, 2019) dealing with severability and when Court or arbitrator decides issues.**

Sole Presenter: Webinar: *Winning at Arbitration: More than 30 Specific Tips Advocates Can Use to Improve Arbitration Outcomes*. Sponsored by the American Arbitration Association. (March 4, 2014).

Speaker: Lynn University Event(s), College of Business and Management. February 6, 2013. Topics included experiences starting/running three businesses, tips and strategies on quickly learning new areas, getting jobs, avoiding pitfalls.

Speaker: University of Miami Law School, Nov. 7, 2012. Topics included maximizing opportunities and expecting change in today's legal world.

April 4, 2012, March 27, 2012 Guest Speaker Rotary Clubs S. Miami and Miami. Spoke on *The Corruption of Michael Levitt* and changes in Miami over the years. Q&A from members.

Guest "The Lawmen Show" on Radio 880AM, The Biz and simulcast on www.880theBiz.com. Spoke about Mediation, Arbitration, Entertainment Business and novel *The Corruption of Michael Levitt* and participated in Q & A from listener call-ins. December 30, 2011.

Books & Books, Bookstore Chain, Event for Joel Levine and *The Corruption of Michael Levitt*. Reading from book, Background Presentation, Q&A from audience and book signing. December 13, 2011.

Judge: National Appellate Advocacy Competition Moot Court Practice: Judging and critiquing presentation of finalists' oral arguments for University of Miami's ABA Moot Arbitration bid. American Arbitration Association Offices, Miami February 17, 2010.

Presenter/Speaker: *Winning at Mediation: A "Mock" Mock Mediation* reflecting plaintiff/insured's and insurance companies' concerns and positions in mediations of difficult cases at the International Claim Association (ICA) 100th Annual Education Conference on October 5, 2009 in Marco Island Florida.

Trainer: Circuit Civil Mediation Training: Center for Continuing Education (University of Miami) and Mediation Services, Inc. June 27, 2009. Critiqued mediation trainees in mock mediations and addressed trainees on mediation practice including Pre Opening Caucus, Subject Matter Knowledge, Right to Counsel, Qualities of Successful Mediators.

Trainer: Circuit Civil Mediation Training: Center for Continuing Education (University of Miami) and Mediation Services, Inc. April 26, 2008. Critiqued mediation trainees in mock mediations.

Lecturer/Trainer: *Ethics and Practice of the Practice of Mediation*: Course Name: Circuit Civil Mediation Training Program; Sponsor: Center For Continuing Education (University of Miami Law School) and Mediation Services, Inc. September 17, 2006

Presenter/Trainer: Chairing An Arbitration Panel: Managing Procedures, Process & Dynamics. Facilitator for arbitrator training in serving as Chair of Arbitration Panel from Preliminary Hearing through Hearing and Awards. Sponsored by American Arbitration Association Department of Education, Training & ADR Resources. AAA Offices, Miami Florida. September 30, 2005.

Presenter: The Ramifications of The *Florida Bar v. Albert A. Rapoport* 845 So 2d 874 (2003), arbitrating with out of state and foreign counsel and Florida's existing and proposed Multi-Jurisdictional Practice of Law Rules/Regulations as they affect litigators and arbitrators. Sponsored by the American Arbitration Association, November 9, 2004.

Panelist: American Arbitration Association Construction Industry Panel. Techniques & Strategies for Successful Arbitration in Construction Industry: Presented Pre Hearing Issues and Arbitration Hearing Procedures for Construction Industry Attorneys, December, 3, 2003 Miami, FL.

Speaker: Harvard Law School Traphagen Distinguished Alumni Speaker Series, March 18, 2003, Cambridge MA. Invited to speak to students, faculty and staff on a variety of subjects related to changes in our society in the last generation, opportunities in various fields, ADR and life lessons (which I'm still learning).

Moderator/Speaker, Winning at Arbitration: Getting Better Results For Trial Lawyers, at The Florida Bar/Trial Lawyers Section ADR Committee Seminar entitled "Strategies for Effective Mediation and Arbitration: Practical Techniques That Work," November 8, 2002, Tampa, Florida.

Panelist with Florida Attorney General Bob Butterworth: Principal topic: Relationships between Securities Investors, Brokerage Firms and other Issuers, including use of Mediation and Arbitration to resolve disputes, November 9, 2001, Boca Raton, FL.

Judge: University of Miami Moot Court Mediation Competition, October 14, 2000.

Keynote Speaker: Caribbean Bar Association, July 27, 2000, Hollywood Florida, Topic: Effective Mediation: Practice and Ethics.

Moderator and Panelist: First and Second Annual Legal Symposia on the World of Film and Television: Presented by The Florida Bar Continuing Legal Education Committee and the Entertainment, Arts and Sports Law Section, May 3, 1999, Coral Gables, FL, April 30, 2000 Boca Raton Florida. Topics included: Financing, Producing and Directing in television and music and problem solving and Mediation in the entertainment industry.