



Michael B. Smith, Esq.

New York, New York



Primary Areas of Expertise

Intellectual Property
Commercial Disputes
International
Technology
Defamation
Media

Professional Summary

I am an MC3-certified mediator and sit on panels for court-annexed mediation in New York and Massachusetts. I am also a seasoned litigator with significant in-house experience and a focus on media, technology, and intellectual property. For over twenty years, I have represented plaintiffs and defendants in the video game, digital media, software, cryptocurrency, and consumer electronics industries--among many others. In addition to “meat and potatoes” complex commercial litigation (breach of contract, breach of fiduciary duty, partnership disputes, etc.), I frequently litigate disputes involving copyright and trademark infringement, defamation, misappropriation of trade secrets, and unfair competition. I also have significant experience defending national law firms against legal malpractice claims.

Current Employer and Title

Rottenstreich Farley Bronstein Fisher Potter Hodas LLP - Of Counsel

Mediation Profession

Commercial/IP Litigator and Mediator

Work History

I began my legal career at storied New York litigation boutique, Solomon Zauderer Ellenhorn Frischer & Sharp. When that firm disbanded, I went on to practice at elite global firms Proskauer (in New York) and Gibson Dunn (in Palo Alto). After 12 years of private litigation practice, I accepted the position of lead attorney for the LATAM business unit at Sony Interactive Entertainment (formerly SCEA), where I managed all litigation matters, developed PlayStation®’s brand protection and anti-piracy program, orchestrated the restructuring of regional licensing and distribution of PlayStation® hardware and software, and facilitated the roll-out of the PlayStation Network® in Latin America. I subsequently served as General Counsel to Legendary Digital Networks (formerly Nerdist Industries), the worldwide digital distribution division of Legendary Entertainment. In 2015, I returned to full-time private litigation practice at Lupkin PLLC, where I had a successful and well-regarded trial practice for nine years before joining RFB+Fisher Potter Hodas.

ADR Experience

As an advocate, I have participated in over 100 mediations and dozens of arbitrations.

Experience as Mediator

I have mediated over 40 cases involving a variety of disputes including intellectual property, breach of contract, and tort.

Mediator Style and Process Preferences	I bring an integrated approach to mediation, applying facilitative, evaluative, narrative, and transformative techniques as the situation requires. Although commercial matters most often lend themselves to a facilitative/evaluative approach, I do not discount the importance of emotions and relationships in resolving complex disputes.
Technology Proficiency	I have litigated and/or mediated cases involving computer software, consumer electronics, medical devices, integrated circuits, pharmaceuticals, cellular technology, bitcoin mining, and military/defense technology.
Education Background	I received my JD from Columbia University School of Law and my undergraduate degree from Harvard College.
Acquired Professional Licenses	Admitted to practice law in the state and federal courts of New York, Massachusetts, and California.
Professional Connections	I am active in the dispute resolution and commercial litigation sections of the New York State Bar Association and the Massachusetts Bar Association.
Recent Publications and Speaking Engagements	Mediation coach for Metrowest Mediation Services
Mediation Rate	\$900 Per Hour
Languages	English, Spanish
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.

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