

STEVE SMITH ADR LLC

CURRICULUM VITAE

Stephen E. Smith



- ▲ Founder and Principal, Steve Smith ADR LLC, est. May 2017
- ▲ 310 Garfield Street, Denver, Colorado 80206 USA
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Profession

Attorney, International and Domestic Arbitrator, Mediator and Consultant in commercial and government contractor/subcontractor controversies. Serves as independent director for several nonprofit entities.

Employment History

- ▲ Founder and Principal, Steve Smith ADR LLC, May 2017-present
- ▲ Member, Sherman and Howard, LLC, where served as Co-chair/Vice Chair of Space Law and International Arbitration practice groups, 2011-May 2017
- ▲ Vice President and General Counsel, Lockheed Martin Space Systems Company, 1995-2011
- ▲ Vice President and Deputy General Counsel, Lockheed Martin Corporation, 1995-2000
- ▲ General Counsel, Martin Marietta Astronautics Group, 1989-2005
- ▲ General Counsel, Martin Marietta Data Systems, 1987-1989
- ▲ Assistant General Counsel (Corporate HQ), Martin Marietta Corporation, 1985-1987
- ▲ Assistant General Counsel, Martin Marietta Astronautics (HQ), 1981-1985
- ▲ Law Firm, Zuckert, Scoutt & Rasenberger focusing on aviation and government contract (Washington, DC), 1977-1981

Experience

- ▲ Acted as arbitrator/mediator or counsel in numerous large, complex, multi-party commercial and governmental matters ranging from millions to billions of dollars, including aerospace, national security, breach of contract, construction, toxic torts, discrimination class action, fraud, patent infringement, corporate governance, insurance recovery, trade secrets, antitrust, business torts, negligence, gross negligence, intentional misconduct, misappropriation of trade secrets, white collar and employment disputes involving U.S. and non-U.S. parties and laws

- ▲ Broad and deep experience in high tech, aerospace and defense contract and subcontract formation, litigation, mediation, arbitration, administrative proceedings and bid protests, some involving contracts/programs exceeding \$1 billion
- ▲ Extensive work on domestic and international joint ventures and in U.S. national security matters involving export/import and programs classified at DOD secret, top-secret and special access required levels
- ▲ Served over 25 years as General Counsel/Vice President and General Counsel for large divisions of Lockheed Martin Corporation, the world's largest aerospace and defense company, and senior advisor to highest level business executives on very wide variety of matters including, but not limited to, new business, commercial and government contracts, all types of commercial and government disputes including domestic and international arbitration, litigation and mediation, mergers, acquisitions, divestitures, antitrust, employment matters, national security, compliance, internal investigations and trade secrets

Areas of focus have included:

Aerospace, Defense and National Security

- ▲ Nearly 30 years of experience in senior legal positions in the world's largest global aerospace and defense company, with responsibility for all disputes involving a wide variety of issues between commercial parties, and between U.S. government prime and subcontractors, both involving U.S. and non-U.S. laws
- ▲ Disputed matters included high tech products and services, and commercial/government satellite and launch vehicle disputes involving sophisticated technical issues, compliance with specifications and entitlement to payments
- ▲ Served as arbitrator or counsel in arbitrations involving commercial satellites, commercial launch services, jet engines, services contracts in war zones, hardware and software development, IP issues and insurance recovery. Also participated as arbitrator and counsel in multiple mock arbitrations involving aerospace and aviation disputes
- ▲ Significant experience in broad variety of classified and non-classified national security matters

Corporate Transactions/Domestic and International Joint Ventures

- ▲ Formation and disputes involving large joint venture transactions, including establishment of one of the largest joint ventures involving U.S. aerospace companies, resulting in billions of dollars of earnings to the JV parties
- ▲ Lead role in establishing and continuing operations of largest U.S.-Russian aerospace JV
- ▲ Obtained antitrust clearance for numerous mergers, acquisitions and JVs, and negotiated terms of consent agreements with U.S. and European Commission competition authorities

- ▲ Panel member in SIAC arbitration involving U.S. and Chinese parties where Chinese law governed and over \$200 million at issue
- ▲ Sole arbitrator in ICDR and ICC arbitrations involving franchising and distributorship agreements involving U.S., Canadian and European companies

Technology

- ▲ Counsel and panel member in disputes involving trade secrets and thefts thereof
- ▲ Disputes involving sophisticated software and hardware solutions including contracts under U.S. and non-U.S. laws
- ▲ Negotiation of numerous high-tech development contracts including complex specifications and data rights issues
- ▲ Intellectual Property matters including disputes between hi-tech corporations where patent infringements were alleged

Compliance Including FCPA and Export/Import

- ▲ Responsible for rebuilding Corporate Export/Import Department following U.S. Department of State enforcement action
- ▲ Continued responsibility for all export/import related programs, including International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR), and voluntary disclosures made thereunder
- ▲ Consultant agreements including Foreign Corrupt Practice Act compliance
- ▲ Served as arbitrator in ICC dispute involving alleged illegal payments by Chinese national

ADR Background and Professional Affiliations

- ▲ Experience as commercial arbitrator/mediator in domestic and international matters with claim ranges from 7 to 9 figures.
- ▲ American Arbitration Association (AAA)/International Centre for Dispute Resolution (ICDR) (Member of Council, formerly called Board of Directors)
- ▲ International Chamber of Commerce (ICC) (Commission on Arbitration and ADR, U.S. Delegate)
- ▲ Chartered Institute of Arbitrators (Fellow, Vice Chair Rocky Mountain Chapter of North American Bureau)
- ▲ International Bar Association (Arbitration Committee)
- ▲ Member of the AAA Large Complex Case Panel of Arbitrators and Mediators
- ▲ Member ICDR Panel of Arbitrators and founding member and Steering Committee, AAA/ICDR Specialty Panel of Aerospace, Aviation and National Security Arbitrators and Mediators

- ▲ Member, Panels/Rosters of Arbitrators of London Court of International Arbitration and Singapore International Arbitration Centre
- ▲ Agency for Dispute Resolution Panel of Neutrals
- ▲ Corporate Counsel International Arbitration Group (Steering Committee 2005- 2011)
- ▲ Interlaw Arbitration/Litigation Special Business team, co-Chair (2011-17)
- ▲ U.S. Council for International Business (Arbitration Committee, Co-Chair *Emeritus*, Corporate Counsel Subcommittee)
- ▲ American Bar Association (Dispute Resolution, International and Public Contracts Sections)
- ▲ Aerospace General Counsels' Group
- ▲ Executive Committee and Board of Directors, Colorado Consortium for Earth and Space Science Education (STEM organization, operator of Challenger Center of Colorado)
- ▲ Board of Directors, Belgrade Lakes Maine Association (Community Environmental Nonprofit)

Examples of Alternative Dispute Resolution Training

- ▲ 12th ICC New York Conference on International Arbitration, 2017
- ▲ ICC Conference on Drafting Enforceable Awards, 2017
- ▲ AAA-ICDR Council and Columbia Law School Conference: *The Future of Arbitration*, 2017
- ▲ AAA Clarity in Award Writing, 2016
- ▲ AAA Exploring Critical Issues in Arbitration, 2016
- ▲ AAA/ICDR/Mediation.org Panel Conference, 2016
- ▲ ICDR Miami International Arbitration Conference: *The Past the Present and the Future*, 2016
- ▲ AAA, Society, Commerce and Dispute Resolution: *Goals for Justice and Trade*, 2015
- ▲ AAA Explaining Complexity, *How to Improve Your Presentation of Technical Information in Arbitration*, 2015
- ▲ ICDR Presentation on Dispute-Wise Business Management, 2014
- ▲ ICDR International Symposia in Advanced Case Management Issues, 2013
- ▲ AAA Fundamentals and Best Practices for AAA Arbitrators, 2013
- ▲ ABA Disputes Resolution Section Annual Meetings 2014, 2012, LCIA
- ▲ Symposia on International Arbitration, 2013, 2014, 2015
- ▲ International Bar Association Annual Meetings, 2016, 2015, 2014, 2013, 2012, 2011, 2010
- ▲ International Bar Association Arbitration Day, 2016, 2015, 2014, 2013, 2012, 2010
- ▲ International Council for Commercial Arbitration, Bi-Annual Meetings, 2014, 2012
- ▲ ICC Training Courses on New ICC Rules, 2012
- ▲ ICC Asia-Pacific Conferences, 2011-2012
- ▲ ICC Latin America Conference, 2012
- ▲ LCIA Arbitrator Training, 2010
- ▲ Chartered Institute of Arbitrators, Fellows Certification, 2010
- ▲ College of Commercial Arbitrators, Business to Business Summit on Arbitration, 2009

- ▲ ICC Arbitration in the Aerospace Industry, 2009. Distinguished Practitioner in Residence, University of Denver Law School, Roche LLM in International Business Transactions

Professional Licenses

- ▲ Admitted to the Bar, Virginia 1977, District of Columbia 1978, Colorado, 1990
- ▲ Currently licensed in Colorado (active) and D.C (inactive)
- ▲ Supreme Court of the United States (1979)
- ▲ U.S. Court of Appeals for the D.C., 10th, 4th and 8th Circuits
- ▲ U.S. District Courts for Colorado, Virginia, DC

Education

Georgetown University, (BA-1973, JD-1977), Editor, Law Review

Publications

- ▲ Co-author, “Arbitration of Disputes on the Aerospace Industry,” New York State Bar Association, *New York Dispute Resolution Lawyer Magazine*, Spring, 2017
- ▲ Co-author, “Arbitration of International Commercial Disputes” in the treatise, *Successful Partnering Between Inside and Outside Counsel*, published by the Association of Corporate Counsel and Thompson West Publishing

Numerous Speaking Engagements Include:

- ▲ 2017 and 2016, ABA Arbitration Webinar Series: “The Award”
- ▲ 2015 ICDR Miami International Arbitration Conference: panelist on mock arbitration hearing session
- ▲ International Bar Association Annual Meeting—Panelist on Joint session of Communications and Space Law Committees: “Issues regarding Disputes Clauses in International Arbitrations”
- ▲ 2014 AAA–ICDR / ICC / ICSID 31st Annual Joint Colloquium on International Arbitration, New York: “The Corporate World and International Dispute Resolution”
- ▲ International Bar Association Annual Meeting: Panelist on two panels on Communications and Space Law legal issues
- ▲ University of Maine Law School (Portland) Program on International Arbitration
- ▲ Mock Arbitration: “Conduct of Proceedings and the Hearing under the ICDR Rules”
- ▲ 2013 New York State Bar Association International Arbitration and ADR committee: “Mediating Cross-Border Disputes from the Perspective of the Neutral, Client and Advocate”
- ▲ 2012 Colorado Bar Association: “Fundamentals of Space Law”

- ▲ Colorado Bar Association, Statewide ADR Conference: “Tips for Building a Muscular and Efficient Commercial Arbitration Process”
- ▲ Galloway Space Law Conference, Washington, DC, 2011 and 2012: speaker on international disputes in space contracts
- ▲ 2011 Presentation to AAA/ICDR conference–Four Roundtables in Times Square: “What Your Corporate Clients Really Think About International Arbitration”
- ▲ American Bar Association Section of International Law– “International Arbitration in the 21st Century: Trends, Developments and Challenges”
- ▲ 16th International Conference on Space Activities Development (Rome, Italy)–Risk Management and Insurance Aspects– “Avoiding Disputes with Insurers”
- ▲ U.S. Council for International Business– “Successful Strategies to Navigate ITAR Challenges in International Contract Disputes”
- ▲ 2010 ICC Asia-Pacific conference– “Arbitration in Troubled Economic Times” Fordham Law Conference on International Arbitration and Mediation– “Hot Issues in International Arbitration–A Corporate Perspective;” Presentation to the Association of Corporate Counsel– “International Arbitration–Current Corporate Concerns”
- ▲ 2009 Presentation to U.S. Council on International Business luncheon “Role of Inside and Outside Counsel in International Arbitrations”

Citizenship

United States of America

Languages

English

Locale

All locations, U.S. and non-U.S.