

**United States Bankruptcy Court
Eastern District of New York**

Mediation Register

October 12, 2009

**Judith Beth Prowda
15 West 75th Street
Suite 5-C
New York, NY 10023
(212) 496-8658
e-mail: judithprowda@aol.com**

I. Profession:

Attorney at Law
Mediator and Arbitrator
Full time Faculty Appointment – Sotheby’s Institute of Art

Admissions:
Connecticut, 1986; New York, 1987; Massachusetts, 1987;
Florida, 1987; District of Columbia, 1988.

E.D.N.Y. 2006

II. Professional Organizations:

New York State Bar Association – Active

Entertainment, Arts & Sports Section, Executive Comm. (2000 to present); Vice-Chair (2008 to present); Secretary (2004-2008); Chair, Fine Arts Comm. (2002 to present); Co-Chair, ADR Comm. (2005 to present); Representative, House of Delegates (2008 to present); Media Law Comm. (1997-2002); Literary Works Comm.; Copyright & Trademark Comm.; Theater & Performing Arts Comm.; Dispute Resolution Section, Executive Comm. (2008 to present).

New York City Bar Association – Active

Art Law Comm. (2008 to present; 1998–2002); Copyright & Literary Prop. Comm. (2005-2008); Liaison 2003-2004; 2008 to present); ADR Committee (Liaison Spring 2007 to present); Entertainment Law Comm. (2002-2005; 1995-98); Information Superhighway Working Group (1994–95); The Lawyers’ Orchestra (1998-2007).

International Literary & Artistic Association – Active (2007 to present).

Copyright Society of the USA, Editorial Board (2008 to present).

Professional Organization for Women in the Arts – Active (2008 to present)

III. General Professional Experience:

The majority of my law practice is devoted to business transactions and commercial law, with a concentration in intellectual property (copyright, trademark), art, media, rights of privacy and publicity, non-profit and entertainment in both litigation and transactional contexts.

IV. Experience and Familiarity with Bankruptcy Law:

I advise on bankruptcy-related issues as part of the transactional work I perform in the areas of intellectual property and art law.

I include the study of basic bankruptcy principles in my curriculum at Sotheby's Institute of Art, especially related to bankruptcy proceedings in recent cases affecting art galleries.

V. Mediation Training:

American Arbitration Association Training: Arbitration Fundamentals & Best Practices for New AAA Arbitrators (Dec. 2006); AAA: Arbitration Awards: Safeguarding, Deciding & Writing an Award (Aug. 2009)

New York County Supreme Court Commercial Division Mediation Workshop (2005; 2008, 2009). 40 hours

Mediation in Law (2005); Certificate in Mediation. 32 hours

Volunteer Lawyers for the Arts/Unified Court System (2000). 31 hours

World Intellectual Property Organization, Certificate in Mediation (1999). 16 hours

VI. Mediation Experience:

I have been a member of the American Arbitration Association National Roster of Neutrals since 2007, and have served or am presently serving as an Arbitrator. Cases have involved disputes over breach of contract, licensing (including a copyright matter); publishing; copyright infringement; promissory note default; dispute between art gallery and publisher.

Since 2005, I have been a member of the Roster of Neutrals of the New York State Supreme Court, Commercial Division, and have served as mediator on a variety of commercial disputes including licensing and intellectual property; breach of contract.

I have also served as a mediator for the MediateArt program of Volunteer Lawyers for the Arts.

I am on the Panel of Mediators Commercial Division in Queens County, New York.

I am Co-Founder and Co-Chair of the ADR Committee of the Entertainment, Arts & Sports Law Section of New York State Bar Association (and received a citation from the New York State Bar Association for my contribution to ADR in New York State).

VII. Area of Expertise:

Commercial law, with a concentration in intellectual property (copyright, trademark), art law, media, rights of privacy and publicity, entertainment, not-for-profit.

VIII. General Pertinent Business or Legal Experience:

LAW TEACHING EXPERIENCE

SOTHEBY'S INSTITUTE OF ART, New York, NY
Senior Lecturer (U.S. equivalent academic rank = Associate Professor),
September 2007 to Present.

Full-time academic appointment with University of Manchester, England as the degree-granting institution). Graduate Courses in Art Law and Ethics & Policy in the Art Profession.

NEW YORK LAW SCHOOL, New York, NY
Institute for Information Law & Policy
Adjunct Professor, Spring 2007, Spring 2008.
Art Licensing, Intellectual Property Licensing and Drafting Course.

JOHN JAY COLLEGE OF CRIMINAL JUSTICE, New York, NY
Adjunct Professor, Spring 2007.
Art & Law Course.

ALTERNATIVE DISPUTE RESOLUTION (FACULTY)

Faculty
MediateArt Training Program
Volunteer Lawyers for the Arts
New York, NY
2006; 2008; 2009

Judge in Law Student Mock Negotiation
American Bar Association
Regional Negotiation Competition
Hosted by Fordham Law School
2008

Arbitrator in Law Student Mock Arbitration
Dispute Resolution Society
William C. Vis International Arbitration Practice Moot
Fordham Law School
New York, NY
2007; 2008

Mediator in Law Student Mock Mediation
Hofstra Law School
Competition sponsored by the
American Bar Association Section of Dispute Resolution
Hofstra Law School
Hempstead, NY
2007

Mediator in Law Student Mock Mediation Final Project
St. Johns Law School
Jamaica, NY
2006

IX. Other Pertinent Experience:

I am a frequent lecturer on Copyright, Art Law, and ADR topics.

PUBLICATIONS

Alternative Dispute Resolution (co-author), chapter in Entertainment Litigation, New York State Bar Association Entertainment, Arts & Sports Law Section (Nov. 2007)

Work-for-Hire, Freedom of Contract, and the "Creative Genius" After the Martha Graham Case, *Journal of the Copyright Society of the USA*, Vol. 53, No. 3-4, Spring/Summer 2006

The Work-for-Hire Doctrine and the "Creative Genius" in the Wake of *Martha Graham School & Dance Foundation, Inc. v. Martha Graham Center of Contemporary Dance, Inc.* (NYSBA Entertainment, Arts and Sports Law Journal, Vol. 16, No. 1, Spring 2005)

The Outer Reaches of Copyright Protection: Creative Arts, Style and the Law (co-author), *NYSBA Entertainment, Arts and Sports Law Journal*, Vol. 13, No. 3, Fall/Winter 2002

Intellectual Property Rights and Shipwreck Salvage: A Titanic Collision (co-author with Professor David J. Bederman), *NLJ, Intellectual Property Supp.*, 10/16/98

"The Trouble With Trade Dress Protection of Product Design," *61 Albany Law Review* 1309 (1998)

"U.S. Dominance in the 'Marketplace of Culture' and the French 'Cultural Exception,'" *29 New York University Journal of International Law and Politics* 193 (1997)

www.nyu.edu/pubs/jilp/main/issues/29/i.html

"Application of Copyright and Trademark Law in the Protection of Style in the Visual Arts," *19 Columbia- VLA Journal of Law & the Arts* 269 (1995)

"Privacy and Security of Data," *64 Fordham Law Review* 738 (1995)

"Parody and Fair Use in Copyright Law: Setting a Fairer Standard in *Campbell v. Acuff-Rose Music, Inc.*," *Communications and the Law*, Vol. 17, No. 3, at 53 (1995)

"Moore v. Regents of the University of California: An Ethical Debate on Informed Consent and Property Rights in a Patient's Cells," 77 Journal of the Patent and Trademark Office Society 611 (1995)

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

LL.M. in Trade Regulation, 1994

Intellectual Property (Copyright, Trademark, and Patents), Antitrust and Biomedical Technologies

FORDHAM UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., 1985

I. Maurice Wormser Moot Court Competition

Law Internships: U.S. Attorney (S.D.N.Y.), Spring 1985; Hon. Shirley Kram (S.D.N.Y.), Summer 1984

MIDDLEBURY COLLEGE, Middlebury, Vermont and Paris, France

M.A. in French Literature

THE JOHNS HOPKINS UNIVERSITY, Washington, D.C. and Bologna, Italy

M.A. in International Relations; Certificat, Institut d'Etudes Politiques de Paris

SARAH LAWRENCE COLLEGE, Bronxville, NY and Paris, France

A.B. in French Literature

AWARDS

Award for furthering the advancement of Alternate Dispute Resolution (ADR) in New York State, citation from the New York State Bar Association, ADR Committee (2006).

Boal Scholar Award, Brand Names Education Foundation (1996).

Watson Writing Prize, American Intellectual Property Association (1995).

Ladas Memorial Award Competition Finalist (1994).

LANGUAGES

Fluent French; knowledge of Italian and Spanish

X. Fee Structure (Compensation and Expense Reimbursement):

\$375 per hour, including study time, with reimbursement for usual and customary expenses.

XI. Pro Bono Preference: Brooklyn.