

EU-U.S. DPF, UK Extension to the EU-U.S. DPF, and Swiss-U.S. DPF Arbitrator

Hon. Shira Scheindlin
Boies Schiller & Flexner LLP

Current Employer-Title Boies Schiller & Flexner LLP - Of Counsel

Profession Arbitrator, Mediator, Neutral Evaluation, Judge

Work History Of Counsel, Boies Schiller & Flexner LLP, 2023 – Present; Of Counsel, Stroock & Stroock & Lavan, 2016 - 2023; United States District Judge, Southern District of New York, 1994 - 2016; Partner, Herzfeld & Rubin, 1990 - 1994; Partner, Budd Lerner Gross, 1986 - 1990; United State Magistrate Judge, Eastern District of New York, 1982 - 1986; General Counsel, New York City Department of Investigation, 1981 - 1982; Assistant U.S. Attorney, Eastern District of New York; 1977 – 1981; Law Clerk, The Hon. Charles L. Brieant, Southern District of New York, 1976 – 1977; Associate, Stroock & Stroock & Lavan, 1975 – 1976; Professor of Chinese and Japanese History, 1969 - 1972.

Adjunct Professor of Law: NYU Law School, 2017 – 2022; Cardozo Law School, 2012 - 2014; Brooklyn Law School, 1985 - 1995.

Experience & Expertise in U.S. Privacy Law and EU Data Protection Law and, As Appropriate, Any Other European Data Protection Law As a district judge I handled many cases involving U.S. privacy law issues and many cases involving the transfer of data from the EU to the U.S. I also was a member of the Sedona Conference Working Group on the cross-border transfer of data. Finally, I am the author of a casebook on electronic discovery. One chapter of that book is devoted to the cross-border transfer of data.

Experience & Training in Alternative Dispute Resolution In addition to serving as a U.S. District Judge for 22 years and issuing close to 2,000 judicial opinions, I have now participated in more than 30 arbitrations and more than 70 mediations. As noted above, I am a Fellow of the College of Commercial Arbitrators and am listed on the rosters of CPR, AAA, FedArb and NAM.

Representative matters in which I have served as an arbitrator include, among others, a commercial/bankruptcy case in which a portion of a group of Secured Lenders, signatories to Credit Documents, sought millions of dollars claiming that they were not allocated a fair share of the proceeds; a commercial transaction between two pharmaceutical companies with one claiming that a stream of payments

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totaling millions of dollars continued to be owed to the other; wrongful termination, construction disputes, partnership break-ups, breach of contract, a health care prescription drug dispute, breach of fiduciary duty by a union health care provider, intellectual property disputes, insurance coverage disputes, real estate disputes, a cybersecurity issue involving an investor's loss of funds in a cryptocurrency exchange, and cyberthefts.

Representative matters in which I have served as mediator include, among others, complex commercial cases involving securities class actions, ERISA litigation, employment discrimination, real estate, residential mortgage-backed securities (RMBS), fraud, Jones Act/maritime, intellectual property (trademark and copyright), construction, cybertheft, insurance coverage, and breach of contract. I have also mediated a number of general commercial, product liability, cybersecurity and terrorist attack cases.

Representative matters in which I have served as a consultant or master include, among others, several very large antitrust matters, securities fraud matters, environmental law, trade secrets litigation, criminal law issues, and discovery master.

Professional Licenses

Admitted to the Bar, New York (1976); Admitted to United States Supreme Court (1994).

Professional Associations

International Center for Conflict Prevention and Resolution (CPR) Panel Member and Co-Chair of Diversity Task Force

College of Commercial Arbitrators, Fellow and Co-Chair of Diversity Committee

Academy of Court Appointed Neutrals

Panel Member, AAA and ICDR (International Center for Dispute Resolution)

Panel Member, FedArb

Judicial Conference of the United States

Advisory Committee on the Federal Rules of Civil Procedure 1998-2005

American Bar Association

Chair, Federal Courts Subcommittee, Standing Committee on the American Judicial System 2012-2018

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Administrative Office of U.S. Courts
Task Force on Electronic Public Access 2009-2012

Cornell Law School, Advisory Council

New York State Bar Association
Chair, Section on Commercial and Federal Litigation;
Member, House of Delegates
Task Force on Women's Initiatives

Federal Bar Council
Vice-President, Board of Directors
Planning Committee, Winter Meeting

New York County Lawyers Association
Chair, Tort Law Section
Member, Board of Directors and Executive Committee

Association of the Bar of the City of New York
Council on Judicial Administration
Committee on Women in the Profession
Committee on Criminal Advocacy
Committee on Diversity in the Profession

American Inns of Court, Counselor of the New York Inn of Court

Justice Resource Center, Board of Directors (Mentor)

Lawyers Committee for Civil Rights Under Law
Co-Chair of the Board 2020-September 2022
Board of Directors (Executive Committee)

American Constitution Society
Board of Directors (Executive Committee)

Good Shepherd Services
Board of Directors; President's Council

The Sedona Conference, Judicial Advisory Board

Second Circuit Judicial Conference Planning Committee

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Southern District Advisory Group — Civil Justice Reform Act of 1990
Southern District Pilot Project (Chair) – Complex Civil Litigation 2011

Magistrate Judge Selection Committee
Eastern District of New York

Bankruptcy Judge Selection Committees
Eastern District of New York
Southern District of New York

American Law Institute: (Working Group on Aggregate Litigation)

Education

Cornell Law School (JD - 1975); Columbia University (MA and Certificate from the School of International Affairs - 1969); University of Michigan (BA - 1967).

Languages

English

Publications, Speeches & Testimony

Since becoming a United States District Judge in November 1994, I have lectured frequently for many professional organizations, including the American Law Institute, the American Bar Association, the Rules Advisory Committee of the Judicial Conference of the United States, the Practising Law Institute, the Sedona Conference, the American Arbitration Association, the Federal Bar Council, the Federal Bar Association, the Federal Judicial Center, the National Association of Criminal Defense Lawyers, the New York State Bar Association, the New York County Lawyers Association, the Association of the Bar of the City of New York, and many law schools. Because I lecture so frequently, I no longer individually list all of the programs in which I have participated. However, topics on which I frequently lecture include: complex civil litigation, class actions, discovery of electronic data, ADR, the Sentencing Guidelines, impact litigation, race and policing, and the War on Terrorism.

PREVIOUS TESTIMONY

BP Products North America, Inc., v. ExxonMobil Corporation, 19 CV 3288 (E.D. N.Y.)

In re Zetia (Ezetimibe) Litigation, No. 2:18-md-2836 (E.D. Va.)

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PUBLICATIONS

Shira A. Scheindlin, *White Women Should Pay It Forward*, New York Times, June 14, 2023

Shira A. Scheindlin, *A New ADR Development: Mass Arbitrations*, Reuters Legal News, December 22, 2021

Shira A. Scheindlin, *Special Masters Are Another Category of ADR*, Reuters Legal News, September 15, 2021

Shira A. Scheindlin, *The Intersection of E-Discovery and Arbitration*, Reuters Legal News, July 20, 2021

Shira A. Scheindlin, *Ensuring That Arbitration Is Both Cost Effective and Speedy*, Expert Opinion The AmLaw Litigation Daily, April 26, 2021

Shira A. Scheindlin, *Court Versus Arbitration: The Positives and Negatives*, Commentary The New York Law Journal, April 22, 2021

Shira A. Scheindlin, *Life in Lockdown: How Retired Judge Shira Scheindlin Adapted to Remote Lawyering*, Commentary Law.com/Legaltech news, August 24, 2020

Shira A. Scheindlin, *2 Tested Alternatives to Unavoidable Court Delays*, Expert Analysis Law360, June 4, 2020

Shira A. Scheindlin, *Women Still Lag in Courtroom Talk. Here's Why*, Commentary New York Law Journal, May 28, 2020

Shira A. Scheindlin, *Why Not Arbitrate? Breaking the Backlog in State and Federal Courts*, Commentary New York Law Journal, May 14, 2020

Shira A. Scheindlin, *How Courts and Litigants Can Benefit From Special Masters*, Expert Analysis Law360, January 8, 2020

Shira A. Scheindlin, *While Other Trump News Dominates headlines, These Criminal Justice Reform Rollback Shouldn't Be Ignored*, National Law Journal, February 28, 2018

Shira A. Scheindlin & Joel Cohen, *After #MeToo We Can't Ditch Due Process*, Op-Ed The Guardian, January 8, 2018

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Shira A. Scheindlin, *Trump's Court Picks Are His Legacy*, Op-Ed The Guardian, November 30, 2017

Shira A. Scheindlin, *Trump's Crazy Choices for the Courts*, Op-Ed New York Times, November 9, 2017

Shira A. Scheindlin, *A Chance to Reflect: Thoughts from the Author of Floyd v. City of New York*, 15 Ohio State J. Crim. L. (2017)

Shira A. Scheindlin, *Female Lawyers Can Talk, Too*, Op-Ed New York Times, August 2017

Shira A. Scheindlin, *Appointments of Special Masters: Why This Practice is Especially Effective in Complex Cases*, Law360 August, 2017

Shira A. Scheindlin, *When Democracy's Firewall Is Breached*, National Law Journal, April 6, 2017

Shira A. Scheindlin, *I put people in prison for too long. I had no Choice*, Washington Post, Feb. 19, 2016

Shira A. Scheindlin, *Three Wise Women and the Constitution*, New York Law Journal July 2016

Shira A. Scheindlin, *The Trial Courts Matter Too*, Op-Ed New York Times, May 2016

Shira A. Scheindlin & The Sedona Conference, *Electronic Discovery and Digital Evidence in a Nutshell* (2009); Second Edition (2016)

Shira A. Scheindlin, Daniel J. Capra, & The Sedona Conference, *Electronic Discovery and Digital Evidence, Cases and Materials* (2008); Second Edition 2012, Third Edition 2016

The Impact of Race and Policing, National Black Law Journal (Vol. 25, Issue 1)

Hard Talk: Will police body cameras improve accountability? Americas Quarterly (Vol. 9, No. 2 Spring 2015)

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Random Thoughts of a Federal District Judge, Fourth Annual Institute for Investor Protection Conference: The New Landscape of Securities Fraud Class Actions, Loyola University Chicago Law Journal (Vol. 46, No. 3 Spring 2015)

Judicial Fact-Finding and the Trial Court Judge, University of Miami Law Review (2015)

The Adverse Inference Instruction After Revised Rule 37(e), Fordham Law Review (Fall 2014) (with Natalie Orr, Esq.)

Big Data and Privacy: Finding the Balance, New York Law Journal (February 10, 2014)

Criminal Law Catches Up: New ESI Guidelines Issued, New York Law Journal (February 29, 2012) (with Jeffrey Rabkin, Esq.)

The Future of Litigation, New York Law Journal (February 5, 2010).

We Need Help: The Increasing Use of Special Masters in Federal Court, 58 DePaul L. Rev. (2009)

John M. Facciola, Elizabeth D. Laporte, Loretta Preska and Shira A. Scheindlin, *Sanctions in Electronic Discovery Cases: Views from the Judges*, 78 Fordham L. Rev (2009).

Special Masters and E-Discovery: The Intersection of Two Recent Revisions to the Federal Rules of Civil Procedure, 30 Cardozo L. Rev. (2008) (with Jonathan M. Redgrave, Esq.)

Marcia G. Cooke, Gerald Ellis Rosen, Leonard Burke Sand, & Shira A. Scheindlin, *Trying Cases Related to Allegations of Terrorism: Judges' Roundtable*, 77 Fordham L. Rev. 1 (2008)

One Day in September, New York Law Journal (Sept. 25, 2006) (with Brian Lehman, Esq.)

Electronic Discovery Sanctions in the Twenty-First Century, 11 Michigan Telecommunications and Technology Law Review 71 (Fall 2004) (with Kanchana Wangkeo, Esq.)

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With All Due Deference: Judicial Responsibility in a Time of Crisis, 32 Hofstra L. Rev. 795 (Spring 2004) (with Matthew L. Schwartz, Esq.)

Mastering Rule 53: The Evolution and Impact of the New Federal Rule Governing Special Masters, 51 Federal Lawyer 34 (Feb. 2004) (with Jonathan M. Redgrave, Esq.)

Revisions in Federal Rule 53 Provide New Options for Using Special Masters in Litigation, 76 Journal of the N.Y.S. Bar Association 18 (Jan. 2004) (with Jonathan M. Redgrave, Esq.)

Judge Jack B. Weinstein, Tort Litigation, and the Public Good: A Roundtable Discussion to Honor One of America's Great Trial Judges on the Occasion of his 80th Birthday, 12 J.L. & Pol'y 149 (2003) (panel)

Outside Counsel: Retaining, Destroying and Producing E-Data: Part 2, New York Law Journal (May 9, 2002) (with Jeffrey Rabkin, Esq.)

Electronic Discovery in Federal Civil Litigation: Is Rule 34 Up to the Task?, 41 B.C.L. Rev. 327 (2000) (with Jeffrey Rabkin, Esq.)

Secrecy and the Courts: The Judges' Perspective, 9 J.L. & Pol'y 169 (2000) (panel)

Foreword, *A Corporate Counsel's Guide to Discovery in the Information Age*, Washington Legal Foundation (2000)

Judges, Juries, and Sexual Harassment, 17 Yale L. & Pol'y Rev. 813 (1999) (with John Eloffson, Esq.).

A Year in the Life: Reflections of a New District Judge, New York Law Journal, Nov. 20, 1995

The ADR Landscape, 496 PLI/Lit 437 (1994) (with David Ross, Esq.)

Legal/Business Advice Dichotomy, The New York Law Journal, Aug. 5, 1993

Guide to the Southern District of New York Civil Justice Expense and Delay Reduction Plan, 481 PLI/Lit 729 (1993)

"Portrait of a Lady": The Woman Lawyer in the 1980s, 35 N.Y.L. Sch. L. Rev. 391 (1990) (with Prof. Stacy Caplow).

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Discovering the Discoverable: A Bird's Eye View of Discovery in a Complex Multidistrict Class Action Litigation, 52 Brooklyn L. Rev. 397 (1986)

Venue in the Second Circuit, 43 Brooklyn L. Rev. 841 (1977) (with Hon. Charles L. Briant, Jr.)

Legal Services — Past and Present, 59 Cornell L. Rev. 960 (1974)

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