

Commercial Arbitration 2019

What Parties and Their Counsel Have a Right to Expect and Arbitrators Should Be Delivering: Arbitration at Its Best

Monday, March 25, 2019

Fordham Law School

150 West 62nd Street (between Amsterdam & Columbus Aves)
New York, NY 10023

CLE Program | 9:00 a.m. – 5:30 p.m.

Reception | 5:30 p.m. – 7:00 p.m.

NYSBACLE

Live Program



1.5 Ethics
1.5 Skills
4.0 Areas of
Professional Practice

www.nysba.org/Arbitration2019



Sponsored by the Commercial and Federal Litigation Section, Dispute Resolution Section, Corporate Counsel Section and the Committee on Continuing Legal Education of the New York State Bar Association

Program Co-Chairs

Charles J. Moxley, Jr., Esq. | MoxleyADR LLC

Jeffrey T. Zaino, Esq. | American Arbitration Association

Program Description

This program will address Best Practices in contemporary commercial arbitration: what Arbitrators Should Be Delivering and Parties and Counsel should be able to expect in arbitration as it has evolved in recent years.

Who Should Attend

This program is designed for arbitrators and counsel in arbitrations who would like to explore ways as neutrals and counsel to assure that their arbitrations achieve the arbitration objectives of justice, flexibility, efficiency, and economy.

Pricing

NYSBA Member \$175 | Non-Member \$275

Co-sponsoring Section Member \$150

Program Location

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7.0 MCLE Credits

This course is approved for MCLE credit in New York for all attorneys, including those newly admitted.

New York: 7.0 Total Credits: 1.5 Ethics, 1.5 Skills, 4.0 Areas of Professional Practice, 0.0 Diversity, Inclusion and Elimination of Bias

California and Pennsylvania: 4.5 Substantive Law, 1.0 Ethics

New Jersey: 7.0 Total Credits: 1.5 Ethics/Professionalism, 0.0 towards certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law

Uniform Certificates of Attendance can be issued for use in other jurisdictions.

The New York State Bar Association has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

For information about the CLE Rules, visit www.nycourts.gov/attorneys/cle

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Program Agenda

- 8:30–9:00 a.m. **Registration**
- 9:00–9:15 a.m. **Welcome and Introductions**
Prof. John D. Feerick, Fordham Law School
Charles J. Moxley, Jr., Program Co-Chair
Jeffrey T. Zaino, Program Co-Chair
- 9:15–10:30 a.m. **The Ten Most Important Things in Arbitration for an Expeditious, Economical and Fair Process – Practical and Ethical Perspectives**
Moderator: Charles J. Moxley, Jr., MoxleyADR LLC
Panel Members
Noah Hanft, CPR
Elizabeth Shampnoi, Dispute Resolution & Management, Services, Inc.
Peter Stroili, D’Amato & Lynch, LLP
Michael D. Young, JAMS
Jeffrey T. Zaino, American Arbitration Association
1.5 Ethics
- 10:30–10:45 a.m. **Break**
- 10:45–11:45 a.m. **Provider Perspectives on Arbitrator and Counsel Best Practices in Arbitration**
Moderator: Jeffrey T. Zaino, American Arbitration Association
Panel Members
Citlalli Grace, CPR
J. Brian Johns, Director of ICDR
Mansi Karol, AAA Director of ADR Services
Marek Krasula, Counsel, ICC
Katherine Bayer, Office of Dispute Resolution, FINRA
Matthew P. York, General Manager, JAMS
1.0 Areas of Professional Practice
- 11:45 a.m.–1:00 p.m. **Distinctive Differences Between International and Domestic Arbitration – What Each Can Learn from the Other**
Moderator: Rekha Rangachari, NYIAC
Panel Members
Luis Martinez, ICDR
Richard L. Mattiaccio, Allegaert Berger & Vogel LLP
Dana MacGrath, Bentham IMF
William H. Taft, Debevoise & Plimpton LLP
Nancy K. Thevenin, General Counsel, United States Council for International Business
1.5 Areas of Professional Practice
- 1:00–1:45 p.m. **Lunch**
- 1:45–2:15 p.m. **Keynote Address: The Compelling Role of Arbitration in Domestic and International Dispute Resolution – Some Suggestions for Making It Better**
Prof. John D. Feerick, Fordham Law School
- 2:15–2:30 p.m. **Report by John S. Kiernan, Debevoise & Plimpton LLP**
Chair of Chief Judge’s Advisory Committee on Advancing ADR in the New York Court System
- 2:30–4:00 p.m. **Workshop as to Notable Recurring Challenges Requiring Close Attention:**
- Handling multiple related claims in employment and health insurance arbitrations;
 - Things arbitration might learn from court practice, including:
 - > The administration of ESI;
 - > Proportionality—What does it really mean? To what extent do we really require it? Should we require it more?

- > The role of the hearsay rule; and
- > Limiting cross and redirect;
- Recurrent legal issues of significance to arbitration
 - > Scope of attorney/client privilege;
 - > Parol evidence that never eventuates – and potential cost consequences; and
 - > Comparative fault in contract vs. tort law;
- Justice versus efficiency – the balance between running an efficient process and hearing people out: Should we sometimes permit more process than is efficient?
- Technology Cases
 - > Special challenges of high-tech cases; and
 - > Mitigating the risks of cyber intrusion into the arbitration process.

Moderator: Charles J. Moxley, Jr., MoxleyADR LLC

Panel Members

Albert M. Appel, Appel ADR
 Alfred G. Feliu, Feliu Neutral Services, LLC
 Stephen P. Gilbert, Independent Arbitrator and Mediator
 Hon. Faith Hochberg (Ret.), Judge Hochberg ADR
 Paul D. Sarkozi, Tannenbaum Helpert Syracuse & Hirschtritt LLP
 Hon. Shira A. Scheindlin (Ret.), Stroock & Stroock & Lavan LLP

1.5 Skills

4:00–4:15 p.m.

Break

4:15–5:30 p.m.

Practice Development – How to Get More and Bigger Cases as a Neutral

Moderator: Jacqueline Nolan-Haley, Fordham Law School

Panel Members

Hon. Carolyn E. Demarest (Ret.), JAMS
 Ross J. Kartez, Ruskin Moscou Faltischek, P.C.
 Deborah Masucci, Masucci Dispute Management and Resolution
 Dani Schwartz, Wachtel Missry LLP
 David C. Singer, Singer ADR

1.5 Areas of Professional Practice

5:30 p.m.

Adjourn

5:30–7:00 p.m.

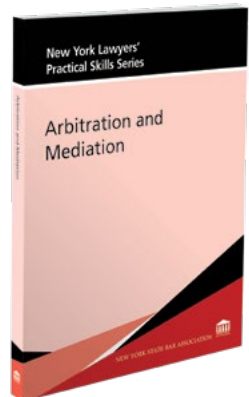
Reception

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Arbitration and Mediation, 2018-19

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www.nysba.org/Sections

Commercial & Federal Litigation Section

Whether you are a seasoned litigator or a newly admitted attorney, membership in the Commercial and Federal Litigation Section is an excellent way to advance your career. The purpose of the Section is to improve the quality of representation of clients, provide a forum for the improvement of law and procedure in the areas of commercial and federal litigation, and enhance the administration of justice.

www.nysba.org/ComFed

Upcoming Programs of Interest

Commercial Litigation Academy

April 4 & 5, 2019 | Fordham University School of Law

Commercial & Federal Litigation Section Spring Meeting

May 3–5, 2019

Dispute Resolution Section

Section status recognizes the critical importance of negotiation, collaboration, mediation, neutral evaluation, arbitration and new and hybrid forms of dispute resolution in all areas of legal practice. The Section is a forum for improving these processes and the understanding of dispute resolution alternatives, for enhancing the proficiency of practitioners and neutrals and increasing the knowledge and availability of party-selected solutions.

www.nysba.org/DRS

Upcoming Programs of Interest

3-Day Commercial Mediation Training

March 19-21, 2019 | Fordham University School of Law

Inaugural Mediation Tournament

March 22–23, 2019

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Sign up and be a part of this Section exclusive to in-house, full-time counsel. You'll receive the newsletter, *Inside*, full of the latest information, facts and updates affecting in-house counsel. Attend elite educational programs including the Corporate Counsel Institute, *Ethics for Corporate Counsel*, the NYSBA Annual Meeting and MCLE seminars at special member discounts. Be part of the Section that delivers cutting-edge professional growth opportunities for leaders in the corporate world.

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www.nysba.org/FutureOfArbitrationCLE

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www.nysba.org/FutureOfArbitrationCLE

Please Note

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