

Lupo Law, Arbitration and Mediation PLLC

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Byron A. Divins, Jr.
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Jennifer Lupo is the Managing Member of Lupo Law, Arbitration and Mediation PLLC with offices in Manhattan and Garden City. Jennifer's *legal career* began at the age of fifteen as an intern in her father's criminal and civil rights law firm in Brooklyn. It was there that she learned the importance of thorough preparation and integrity being cornerstones of a successful legal career. Since then, Ms. Lupo has had a diverse legal career in government, law firms, corporate legal departments, as a law professor and as a dispute resolution neutral.

Lupo Law acts as outside general counsel to companies, assisting its' clients in formulating sound, cohesive business and legal strategies. Its' attorneys provide advice and counsel in corporate; finance; tax; core contracts, intellectual property & brand protection; operations; human resources; employee, vendor and investor relations; transactions; and dispute resolution. Representative industries include: FinTech, Information Technology, E & V - Commerce, EnergyTech, Public Relations, Hospitality, and Borrowed Personnel.

As a dispute resolution neutral, Jennifer is a mediator and arbitrator. She has more than 20 years' dispute resolution experience bringing a unique perspective to her craft having sat in every seat at the table. Her core areas of expertise as a neutral are in: Complex Commercial/Business (IT/IP, Trade Secrets, Investment, Shareholder Derivative Actions, and Insurance); Employment, Family and Divorce, Municipal (NYC/NYS); and Civil Rights (e.g. FLSA, Title VII; NYC/NYS HR; §1983, NYPD, NYFD, NYC and NYS DOE, NYS and NYC DOH; ADA, ADEA; Age; Pregnancy; Title XII). Ms. Lupo sits on several state and federal court mediation panels and the Financial Industry Regulatory Authority (FINRA) arbitration panel.

She was a 2018 Higginbotham Fellow of the American Arbitration Association and during the 2017-18 academic year, the Judith S. Kaye fellow of the *Historical Society of the New York Courts*, teaching a course entitled "An Introduction to Civil Rights and Civil Liberties Law and History" to eight graders at the George Jackson Academy, an independent all-boys preparatory school in Manhattan.

Jennifer holds an A.B. from Bard College; an M.A. from SUNY Stony Brook, and a J.D. from Touro Law Center, with honors.

NYSBA Dispute Resolution Section Fall Meeting 2018:
“Refining Skills for a Changing ADR Landscape”
A Roundtable on Mediation Impasse-Breaking Techniques

Bio of Chuck Newman

Charles M. Newman has his own law and ADR firm in Manhattan, concentrating on commercial and divorce matters. Chuck has been a judge or coach in numerous mediation and negotiation competitions, trainings, and continuing professional education programs.

Chuck has taught a special EEOC mediation clinic for selected final semester students at Columbia Law School and is on the inaugural panel of outside mediators of the United States Court of Appeals for the Second Circuit’s CAMP program. He is a neutral for the Commercial Division of New York State Supreme Court, New York County, and for the U.S. District Courts for the Eastern and Southern Districts of New York. At the SDNY, he was elected to the Mediator Advisory Committee. Chuck is a member of the Executive, Mediation and Negotiation Committees of the New York State Bar Association’s Dispute Resolution Section; and a member of NYSBA’s Commercial and Federal Litigation Section’s Arbitration and ADR Committee. He is the Chairman of the New York City Bar Association’s Alternative Dispute Resolution Committee. As a member of the ADR Committee, he helped develop and implement a mediator quality assurance program for the SDNY. He previously served on several other New York City Bar committees.

Chuck is a former member of the Board of Directors of the Association for Conflict Resolution of Greater New York. He is on the Board of the New York State Council on Divorce Mediation, where he was an editor of NYSCDM’s quarterly journal and is now on the Education Committee. He is a member of the Continuing Education Committee of the Family and Divorce Mediation Council of Greater New York. Chuck co-convenes the monthly NYC Dispute Resolution “Roundtable Breakfast” speakers program at John Jay College, sponsored by ACR-GNY and the CUNY Dispute Resolution Center. He is a volunteer community mediator for the New York Center for Interpersonal Development.

Chuck is a graduate of Lehigh University (*magna cum laude*) and of the New York University School of Law, where he was awarded an Arthur Garfield Hays Civil Liberties Fellowship.

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Ruth D. Raisfeld is an attorney serving exclusively as a mediator and arbitrator. She has over 35 years of experience mediating, arbitrating, litigating and training and is knowledgeable regarding claims of wrongful termination, employment discrimination, sexual harassment, diversity, breach of employment contract, wage-and-hour disputes and other employment, education, and commercial matters. Her varied industry experience includes work for clients in the financial services industry, higher education, private schools, not-for-profit organizations, restaurants, manufacturing, garment industry, telecommunications, software, advertising, and hospitality industries. Ruth is on the mediation, employment arbitration and labor arbitration panels of the AAA.

Ruth received her B.S. in Industrial & Labor Relations from Cornell University and her J.D. from Fordham University School of Law. She received training in mediation from the Harvard University School of Law Program of Instruction for Lawyers. After serving as Law Clerk to Hon. William Hughes Mulligan, Second Circuit, United States Court of Appeals, Ruth was an in-house Labor Attorney at New York Telephone and later, was an associate and Of-Counsel at Orrick Herrington & Sutcliffe, LLP. She holds leadership roles at various bar associations and organizations of dispute resolution professionals and is a frequent speaker and author on alternative dispute resolution topics. Ruth has received professional honors including: College of Labor & Employment Lawyers, Martindale-Hubbell "AV" Rating, SuperLawyers (ADR), Best Lawyers (ADR), Top 25 Lawyers-Westchester.



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General Biography

Stephen P. Sonnenberg, Esq. has deep experience in understanding and resolving complex labor and employment disputes. Mr. Sonnenberg's unique background, which allows him to understand both plaintiff and defendant concerns, comes from the practice of law, experience as a mediator, and prior experience as a psychotherapist. Mr. Sonnenberg is known for his attention to detail, preparation, and demeanor conducive to settlement.

Mr. Sonnenberg practiced labor and employment law at the highest levels for 25 years at Paul Hastings, a prominent AMLAW 100 firm, and achieved a prestigious ranking from Chambers USA, within the Labor & Employment band. Leadership roles at the firm included a term as Chair of the New York Employment Law Practice (2014-2017), Vice Chair of the Employment Law Department (International) (2003-2014) and Co-Chair of the Employment Law Department's national wage and hour law practice (2005-2014). Resident for an equal amount of time in the firm's Los Angeles and New York offices, Mr. Sonnenberg represented and advised clients in a wide range of employment disputes, including wage and hour class and collective actions, retaliation, wrongful discharge, restrictive covenant, discrimination and harassment lawsuits. He has also overseen and conducted privileged internal investigations in response to complaints of misconduct.

During his law practice, Mr. Sonnenberg was also a sought after mediator in several complex employment matters, and he mediated numerous matters as a member of the Mediation Panels of the U.S. District Court, Southern and Eastern Districts of New York. He has taught employment law to members of the federal judiciary through the Federal Judicial Center and has provided employment law training and advice in a variety of settings, including internal training for Asia-based companies with operations in the United States.

Before practicing law, Mr. Sonnenberg devoted himself to a 15-year career as a clinical social worker in Michigan and California. Mr. Sonnenberg worked in diverse psychiatric settings and community organizations, assisting individuals with a wide range of emotional, vocational and financial challenges, including facilitating the resolution of disputes with family members, employers and other third parties. Settings included psychiatric hospitals, a community mental health center, and the private practice of psychotherapy working with individuals, couples and families.

ADR Experience and Qualifications

Mr. Sonnenberg has mediated the following matters, among others:

- Gender-based hostile work environment claims coupled with allegations of psychological trauma and intentional infliction of emotional distress, brought by a C-Suite executive in the financial services industry
- Hospitality industry putative collective and class actions under the Fair Labor Standards Act (FLSA) and New York Labor Law premised on claims of tip misappropriation, minimum wage violations and time-shaving
- Conditionally certified FLSA and Rule 23 class action brought by maintenance and service employees of a national real estate company premised on alleged unpaid wages for “non-productive” hours worked and unpaid overtime wages
- Sexual harassment, assault and retaliation claims brought by a transportation industry employee against her employer and multiple coworkers coupled with allegations of severe posttraumatic stress disorder
- Whistleblowing and complex contractual severance pay claims brought by a physician / high-level administrator against health care industry companies
- Multistate claims of unpaid overtime wages and technical violations of the FLSA and state laws in a grocery store industry putative collective and class action
- Psychiatric disability discrimination claims under the Americans with Disabilities Act (ADA) and New York Human Rights Law brought by a medical professional against a hospital following a disability leave of absence and termination; significant emotional distress damages alleged
- Putative FLSA collective and class action against restaurants by employees alleging improper tip credits, unpaid overtime, non-compliant recordkeeping and other statutory violations
- Website access disability discrimination under the ADA and New York State and City Human Rights Laws; putative class actions by visually impaired persons alleging they were unable to access the defendants' goods and services due to website access barriers and non-compliance with the World Wide Web Consortium's Web Accessibility Initiative
- Claims against a media company by a putative class of hearing-impaired individuals alleging website access disability discrimination under the ADA and New York State and City Human Rights Laws
- Title VII sexual harassment and retaliatory termination claims against an automotive industry company
- Claims by multiple individuals against a municipality for civil rights violations; allegations that claimants were wrongfully arrested, maliciously prosecuted and deprived of their Constitutional rights
- Age discrimination and retaliation claims under the Age Discrimination in Employment Act and New York Human Rights Law brought by an account executive at a technology company alleging comparative sales results warranted neither a performance improvement plan nor termination; sales targets, results and analyses in dispute
- Multi-plaintiff sexual orientation, race, ethnicity and religious discrimination claims coupled with claims for unpaid overtime due to misclassification as outside salespersons; claims for unlawful deductions under state law due to commission charge-backs
- Compensation-based gender discrimination claims brought against a regulated financial services industry company involving comparative pay statistical analyses
- National origin, race discrimination and hostile work environment claims by a terminated employee claiming that a university treated workers of Indian / Asian descent more favorably than African-American workers
- Constructive discharge, race and color discrimination, and retaliation claims against a not-for-profit hospital arising from separation of employment during a reduction-in-force
- Claims by multiple construction industry workers against a contractor / employer alleging they worked off the clock and were not paid minimum wage under the FLSA and state law
- Disability discrimination claims against a beauty care industry employer grounded on allegations of failure to accommodate an employee's chronic and progressively deteriorating physical impairment; accompanying wage and hour claims based on alleged misclassification and failure to pay overtime wages

Representative Matters

Mr. Sonnenberg has acquired and displayed significant expertise in a wide-range of Labor & Employment law matters, including:

- Employment matters involving claims of breach of contract, sexual harassment, and discrimination (age, gender, race, religion, national origin, sexual orientation), hostile work environment, wrongful termination, restrictive covenant violations, and claims related to the ADA and Family Medical Leave Act (FMLA)
- Fair Labor Standards Act exemptions, unlawful deductions, and state wage and hour law disputes involving individual employees, class actions and collective actions
- Executive compensation disputes regarding bonuses, commissions, severance, and equity valuation
- Retaliation claims under the Sarbanes-Oxley Act, Dodd-Frank Act and other federal and state laws such as Title VII, the New York State and New York City Human Rights Laws and California's Fair Employment and Housing Act
- Advice regarding disciplinary decisions impacting high-level personnel subject to internal audit committee investigations, regulatory enforcement and white collar criminal investigations
- Pay equity claims against financial services companies and academic institutions

- Claims grounded on psychiatric disabilities and on emotional trauma (e.g., posttraumatic stress disorder) arising from alleged workplace harassment and discrimination. Claims dependent on expert testimony by psychiatrists and other mental health professionals and testimony by treating therapists
- Claims in the entertainment and media industries ranging from disputes over executive employment contracts to allegations of sexual harassment
- Wage and hour litigation and counseling under New York and California laws. Multistate wage and hour collective and class actions alleging misclassification of workers under the “white collar” exemptions, misclassification of categories of workers as independent contractors, failure to pay non-exempt workers for time worked before and after their shifts (“off-the-clock”), improper “rounding” of hours worked, and technical violations under the FLSA and various state wage and hour laws
- National origin and race discrimination claims brought by American employees of companies with corporate parents based in Asia
- Trials of age, disability, national origin discrimination and harassment claims against financial services and manufacturing companies

Honors, Memberships, and Professional Activities

Activities

- Fellow, College of Labor and Employment Lawyers, 2013 - present
- Licensed Clinical Social Worker (California; inactive status)
- Member, Mediation Panels of the Southern and Eastern Districts of New York
- Member, Mediation Panel of the Supreme Court of New York, Commercial Division
- Member, Mediation Advisory Committee of the Southern District of New York
- Member, New York City Bar Association Alternative Dispute Resolution Committee, 2016 - present
- Member, New York University Center for Labor and Employment Law Advisory Board, 2014 - 2017
- *The Best Lawyers in America*, 2006-2019
- Ranked in *Chambers USA*, New York, Labor & Employment, Band 3
- Rated “AV Preeminent” by Martindale-Hubbell®
- American Bar Association

Publications

- *Survey of Selected Mental Distress Awards Within the Second Circuit*, Practising Law Institute, Litigation and Administrative Practice Series, Number H-1093 (April 2018)
- The New York Law Journal, *Mediating Highly Emotional Workplace Disputes* (March 19, 2018)
- Cutting-Edge Employment Law Issues 2016: The California Difference, Practising Law Institute, *What Makes Lawyers Tick? Competence Issues for California Employment Lawyers*
- The New York Law Journal, *Mental Stability at Work: An Assessment* (June 12, 2015)
- The New York Law Journal, *Representative Evidence in Wage and Hour Class Litigation* (October 24, 2014)
- The New York Law Journal, *Workplace Violence; Employee Rights, Employer Recourse* (October 21, 2013)
- Managing Wage & Hour Risks 2011, Practising Law Institute, *Class Certification and Related Discovery and Investigations*
- The New York Law Journal, *Reasonable Accommodation, Undue Hardship: a Delicate Balance* (December 8, 2011)
- The New York Law Journal, *Litigating Multi-District Employment Actions After ‘Dukes’* (November 14, 2011)
- The New York Law Journal, *Post-Traumatic Stress Disorder* (March 29, 2010)
- Los Angeles Daily Journal, *Employee Genetic Information, Now Protected* (November 2009)
- The New York Law Journal, *Wage and Hour Actions Continue to Surge* (February 17, 2009)
- The New York Law Journal, *Settling High Stakes Wage, Hour Litigation Via CAFA* (April 11, 2007)

Presentations

- Panelist: National Employment Lawyers Association (NELA), *NELA Nite: Mediation Alternatives in NYC* (June 2018)
- Moderator: NYU School of Law - Center for Labor and Employment Law program, *71st Annual Conference on Labor and Employment Law* (June 2018)
- Program Chair: Practising Law Institute’s program, *Psychological Issues In the Workplace 2018* (April 2018, New York)
- Faculty at the 21st Annual NYU Workshop on Employment Law for Federal Judges, *Medical Issues in the Workplace* (March 2018)
- Practising Law Institute: Panel member at *Employment Law Institute 2017 – Workplace Violence* (October

- 2017, New York)
- Program Chair: Practising Law Institute's program, *Psychological Issues In the Workplace 2017* (May 2017, New York)
- New York State Bar Association, Alternative Dispute Resolution Section Committee; *Emotions in Mediation* (April 2017)
- Faculty at the 20th Annual NYU Workshop on Employment Law for Federal Judges, *Implicit Bias* (March 2017)
- Practising Law Institute: Speaker on attorney competence issues at *Cutting Edge Employment Law Issues – the California Difference* (October 2016, San Francisco)
- U.S. District Court, Eastern District New York, *Fair Labor Standards Act training for mediators* (September 2016)
- Faculty at the 19th Annual NYU Workshop on Employment Law for Federal Judges, *Evidence Issues / Use of Experts* (March 2016)
- Program Chair: Practising Law Institute's programs, *Psychological Issues In Employment Law 2016* (March 2016, New York), *Psychological Issues In Employment Law 2015* (March 2015, New York), and *Psychological Issues In Employment Law 2014* (March 2015, New York)
- National Employment Lawyers Association (New York), *Psychological Issues In Employment Law* (October 2015)
- Japanese Chamber of Commerce and Industry, *Understanding Whistleblowers and Retaliation Claims* (October 2015, New York)
- Faculty at the 18th Annual NYU Workshop on Employment Law for Federal Judges, *Evidence Issues / Use of Experts* (March 2015)
- New York University 67th Annual Conference on Labor: *Title VII of the Civil Rights Act After 50 Years; The Use of Psychological Experts* (June 2014, New York)
- Upper Midwest Employment Law Institute, Minnesota Bar Association: Plenary session speaker, *Recent Developments Under the Americans with Disabilities Act* (April 2014, Minneapolis)
- Practising Law Institute: Panel member at *Employment Law Institute 2014, Employment Law Institute 2013 and Employment Law Institute 2012* (New York)
- American Conference Institute: Speaker at *National Forum on Wage & Hour Claims and Class Actions* (May 2013, May 2012, May 2011, May 2010, and May 2009, New York)
- Practising Law Institute: Speaker at *Managing Wage and Hour Risks 2012* (New York), *Managing Wage and Hour Risks 2011* (New York), and *Managing Wage and Hour Risks 2010* (New York)

Background and Education

- Paul Hastings, LLP, 1993-2017
- Chair, New York Employment Law Department, 2014-2017
- Vice-chair, Employment Law Department (International), 2003-2014
- Co-Chair, Employment Law Department's national wage and hour law practice, 2005-2016
- Associate, 1993-2001
- Psychiatric Social Worker, Ann Arbor, MI; Los Angeles, CA, 1977-1992
- Bar Admissions, New York, District of Columbia, California
- J.D., University of Southern California, Gould School of Law, 1992
- M.S.W., University of Michigan, 1977
- B.A., Binghamton University, 1974

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Gabrielle Y. Vázquez is a Partner at McGrail & Bensinger LLP where her practice is focused on commercial litigation, commercial mediation, and arbitration. She is a 2018 AAA Higginbotham Fellow, a member of the Southern District of New York Mediation Panel, the New York County Commercial Division Panel, and the Westchester County Commercial Division Panel. She is also an active member of several committees of the New York State Bar Association Dispute Resolution Section. Prior to becoming a mediator and arbitrator, Gabrielle litigated for over a decade at top law firms and served as a federal judicial law clerk to the Hon. Stephen C. Robinson in the Southern District of New York.

Theodore K. Cheng



Arbitrator and Mediator

Commercial, Intellectual Property, Technology,
Entertainment, and Labor/Employment Disputes

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Theo Cheng is an independent, full-time arbitrator and mediator, focusing on commercial, intellectual property (IP), technology, entertainment, and labor/employment disputes. He has conducted over 500 arbitrations and mediations, including business disputes, breach of contract and negligence actions, trade secret theft, employment discrimination claims, wage-and-hour disputes, and IP infringement contentions. Mr. Cheng has been appointed to the rosters of the American Arbitration Association (AAA), the CPR Institute, FINRA, Resolute Systems, the Silicon Valley Arbitration & Mediation Center's List of the World's Leading Technology Neutrals, and several federal and state courts. He serves on the AAA's Council and the Boards of the Justice Marie L. Garibaldi American Inn of Court for ADR, the New Jersey State Bar Association Dispute Resolute Section, and the Association for Conflict Resolution—Greater New York Chapter. He is also the Secretary of the Copyright Society of the U.S.A. and the Chair-Elect of the New York State Bar Association (NYSBA) Dispute Resolution Section. The *National Law Journal* named him a 2017 ADR Champion.

Mr. Cheng has over 20 years of experience as an IP and general commercial litigator with a focus on trademarks, copyrights, patents, and trade secrets. He has handled a broad array of business disputes and counseled high net-worth individuals and small to middle-market business entities in industries as varied as high-tech, telecommunications, entertainment, consumer products, fashion, food and hospitality, retail, and financial services. In 2007, the National Asian Pacific American Bar Association named him one of the Best Lawyers Under 40.

Mr. Cheng received his A.B. *cum laude* in Chemistry and Physics from Harvard University and his J.D. from New York University School of Law, where he served as the editor-in-chief of the Moot Court Board. He was a senior litigator at several prominent national law firms, including Paul, Weiss, Rifkind, Wharton & Garrison LLP, Proskauer Rose LLP, and Loeb & Loeb LLP. He was also a marketing consultant in the brokerage operations of MetLife Insurance Company, where he held Chartered Life Underwriter and Chartered Financial Consultant designations and a Series 7 General Securities Representative registration. Mr. Cheng began his legal career serving as a law clerk to the Honorable Julio M. Fuentes of the U.S. Court of Appeals for the Third Circuit and the Honorable Ronald L. Buckwalter of the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Cheng frequently writes and speaks on ADR and intellectual property issues. He has a regular column called *Resolution Alley* in the *NYSBA Entertainment, Arts and Sports Law Journal*, which addresses the use of ADR in those industries. He also writes the quarterly column *The ADR Mosaic* in the Minority Corporate Counsel Association's *Diversity & the Bar Magazine*, which addresses ADR and diversity issues.

David A. Hoffman Bio

David A. Hoffman is an attorney, mediator, arbitrator, and founding member of Boston Law Collaborative, LLC, where he handles cases involving business, employment, family, and other disputes. He is past-chair of the ABA Section of Dispute Resolution. David is also the John H. Watson, Jr. Lecturer on Law at Harvard Law School, where he teaches three courses: Mediation; Legal Profession: Collaborative Law; and Diversity and Dispute Resolution. He also trains mediators in the five-day Advanced Mediation program offered by the Program on Negotiation at Harvard Law School. David has published three books (including "Bringing Peace into the Room," with co-editor Daniel Bowling) and 80 articles on law and dispute resolution. Prior to founding Boston Law Collaborative in 2003, David was a litigation partner at the Boston firm Hill & Barlow, where he practiced for 17 years. David is a graduate of Princeton University (A.B. 1970, *summa cum laude*), Cornell University (M.A. 1974, American Studies), and Harvard Law School (J.D. 1984, *magna cum laude*), where he was an editor of the Harvard Law Review. His TEDx talk about lawyers as peacemakers can be found here: https://www.youtube.com/watch?v=JKXv1_Sqe_4.

James P. Duffy IV



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Related Expertise

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- › International Commercial & Trade
- › Technology, Media & Telecommunications

Biography

J.P. Duffy is a partner in the firm's New York office and focuses his practice on international arbitration and related litigation. He has extensive experience formulating global dispute resolution strategies for clients facing multi-jurisdictional international disputes and has represented clients across a range of industries in international arbitrations administered under the ICC, AAA/ICDR, LCIA, HKIAC, SIAC, DIAC, JAMS, GAFTA, ICSID and UNCITRAL rules in the US, Europe, Asia, Africa and Latin America. He also enjoys a comprehensive understanding of the interaction between courts and arbitration and has represented clients before US state and federal courts in litigation seeking prospective relief in aid of arbitration, actions under 28 USC § 1782 to obtain evidence in support of foreign tribunals and proceedings to enforce arbitral awards.

Practice Focus

Mr. Duffy has substantial emerging market dispute resolution experience and practiced as a foreign legal consultant in the Dubai office of an international law firm from 2008 to 2009. His international arbitration practice has a strong geographic focus on the MENA region, the Indian sub-continent and east Asia, and Mr. Duffy has substantial industry knowledge in the energy, life sciences and technology sectors. Before entering private practice, Mr. Duffy served as a law clerk to a federal judge in the Eastern District of New York from 2001 to 2002.

Languages

› [English](#)

› [French](#)

Publications

Author, Employer Permitted to Litigate Claims Against Employee Subject to Arbitration Agreement, International Law Office, 3 September 2015

Author, Delaware Rapid Arbitration Act – a new avenue for dispute resolution, International Law Office, 14 May 2015

Speaking Engagements

Speaker, "Benefits of International Arbitration for Cross-Border Transactions," North Carolina Association of Corporate Counsel, Raleigh, USA, 2015

Speaker, "The Changing Face of Arbitration in India," Federation of Indian Chambers of Commerce and Industry, Delhi, India, 2015

Media Mentions

"DR-CAFTA Claims Loom Against Dominican Republic," Global Arbitration Review, 4 August 2014

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Representative Legal Matters

- Representing an Austrian claimant in an ICSID arbitration against the government of Bosnia and Herzegovina.
- Representing a US company as claimant in an ICSID arbitration against the Dominican Republic under the DR-CAFTA.
- Representing a US power company as respondent in an ad hoc arbitration seated in India brought by an Indian state-owned power generation company.
- Representing a US entity as respondent in an ICC arbitration seated in Mauritius brought by a Malagasy claimant.
- Representing a US company as claimant against a Jordanian respondent in an ICC arbitration seated in Abu Dhabi.
- Representing a US entity as respondent in an ICC arbitration seated in London brought by a Korean claimant.
- Representing an Indian company as respondent in an LCIA arbitration seated in Singapore brought by a Japanese claimant.
- Representing a BVI company as claimant in an LCIA arbitration seated in London against Dutch and Brazilian respondents.
- Representing Cayman and BVI entities as respondents in an HKIAC arbitration seated in Hong Kong.
- Representing a Bahraini industrial company as claimant in an ICDR arbitration against a US manufacturing company as respondent, as well as in related litigation before US federal courts.

Professional Honors

- Burton Award for Excellence in Legal Writing (2012)

Professional Associations and Memberships

- NYSBA (International Section)
- ABA (International Law & Practice Section)
- Chartered Institute of Arbitrators (MCIArb)
- ICC Commission on Arbitration & ADR - Member
- New York International Arbitration Center – Board Member
- Institute for Transnational Arbitration - Advisory Board Member
- International Arbitration Club of New York - Member

- Casting for Recovery – Board Chair

Admissions

New York~United States (2003)

England & Wales~United Kingdom (2013)

Dubai International Financial Centre Court~United Arab Emirates (2008)

U.S. Supreme Court (2007)

U.S. Court of Appeals, Second Circuit~United States (2006)

U.S. District Court, Southern District of New York~United States (2003)

U.S. District Court, Eastern District of New York~United States (2003)

Education

St. John's University, School of Law (J.D. cum laude) (2001)

Colgate University (B.A.) (1998)

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ERICA B. GARAY

Arbitrator and Mediator

Erica B. Garay is the owner of GARAY ADR SERVICES, serving as a neutral mediator and arbitrator, after practicing law for nearly four decades. She serves as a neutral in employment and commercial cases, hearing shareholder disputes, dissolutions, and claims concerning intellectual property, theft of trade secrets, restrictive covenants, mergers and acquisitions, dissolutions and valuations and contracts, as well as all types of discrimination claims (sex, gender, race, religion, ADA, ADEA, pregnancy) and FLSA matters.

Before starting her own practice, Ms. Garay headed the ADR Practice Group at Meyer, Suozzi, English & Klein, PC, where she was a member of the firm and on its management committee and a member of its Litigation Practice group.

As a litigator, Ms. Garay handled complex commercial and employment litigation, advised businesses and management. Her experience as counsel and as a neutral includes dozens of cases involving complex shareholder disputes and governance issues, valuation of partnerships, LLCs and corporations (and interests) as well as dissolutions of those entities. As a neutral, she has presided over more than a hundred arbitrations and mediations, including involving claims and disputes concerning various types of businesses (including law, medical, and accounting practices, apparel, retail, real estate, insurance and real estate brokers, hospitality, restaurants, high-tech, telecommunications, transportation, manufacturing, medical billing). She has handled insurance coverage and intellectual property disputes (including copyright, Lanham Act, counterfeit goods, trade secrets, and false advertising).

Ms. Garay was a partner at Rivkin Radler LLP (1986-2003) and an associate (1983-1985) and an associate at Willkie Farr & Gallagher (1982-1983) and an assistant corporation counsel in the NYC Law Department (1978-1982).

Ms. Garay graduated from St. John's University School of Law, where she was on the Dean's List, the Assistant Managing Editor of the St. John's Law Review, and the recipient of the St. Thomas More Award and a St. Thomas More scholarship.

Ms. Garay graduated from Binghamton University (BA English). She served as co-chair of the Nassau County Bar Association Alternative Dispute Resolution Committee, and is now a member of its Nominating Committee. She is a frequent lecturer and author on articles involving shareholder disputes and alternative dispute resolution, arbitration and mediation.

Ms. Garay is on the rosters of neutrals of the American Arbitration Association for Complex and Commercial Disputes and its Employment, and Mergers, Acquisitions and Joint Venture panels, as well as the court rosters for the Commercial Division of the NYS Supreme Court and the Southern and Eastern District federal courts (including bankruptcy court rosters), and the Nassau County Bar Association panels of mediators and arbitrators. She served as the co-chair of the Nassau County Bar Association's Alternative Dispute

Resolution Committee, and was elected to its Nominating Committee. She served as a

trustee of the Long Island Children's Museum and several other boards of directors, and was the founder and President of the Long Island Women's Agenda. She is the recipient of many awards, and is in the Hall of Fame, having been elected Long Island's Top 50 Women three times.

Honorable Faith S. Hochberg



Judge Hochberg is a former United States District Judge for the District of New Jersey. In March, 2015 she retired from the bench and founded Hochberg ADR, which provides mediation, arbitration and strategic advisory services in US and International arbitration and litigation. Judge Hochberg is also a Court-Appointed Monitor in an international cybersecurity case; and Special Master in an Antitrust MDL case and in Trade Secrets/Patent case. She has testified as an expert witness in international litigation that involve questions of US law.

Prior to her tenure on the bench, Judge Hochberg served as the US Attorney for the District of New Jersey and as Deputy Assistant Secretary of the U.S. Treasury Department. Judge Hochberg has also spent many years in the private practice of law; as Legal Assistant to the Chairman of the SEC; and as a top official in a bank regulatory agency.

Judge Hochberg is known for her broad expertise in complex corporate, securities, antitrust and patent litigation. She is also a distinguished neutral on the rosters of AAA, ICDR, Federal Arbitration, CPR, WIPO, ITC and ICC.

As a judge and as a neutral, she has presided over thousands of cases, including class actions and multi-district litigation involving a many issues; securities, banking, copyright & trademark, pharmaceuticals, antitrust, insurance, contract and partnership matters. Judge Hochberg has exceptional expertise in patent cases. She has been invited to speak nationwide and abroad about U.S. litigation.

Judge Hochberg graduated from Harvard Law School, *magna cum laude*, where she was an Editor of the Harvard Law Review, and earned a B.A., *summa cum laude*, from Tufts University. She was elected to Phi Beta Kappa. She also attended the London School of Economics.

Rekha Rangachari



Rekha Rangachari is the second Executive Director of the New York International Arbitration Center (“NYIAC”). Founded in 2013, NYIAC is a non-profit organization that promotes and enhances the conduct of international arbitration in New York, offers educational programming, and operates world-class hearing facilities for rent in Midtown Manhattan.

Prior to joining NYIAC in October 2017, Ms. Rangachari was Director of ADR Services for the New York Commercial Division of the American Arbitration Association/International Centre for Dispute Resolution (AAA/ICDR). Therein, she led the New York Corporate InnovAAAation Team, and served on the Diversity Committee – spearheading initiatives for greater cross-cultural representation and collaboration – and on the AAA/ICDR Foundation Committee. She is a 2017 Recipient of the AAA/ICDR President’s Award for Service. Ms. Rangachari also served as Case Counsel for the ICDR, focusing her efforts on the European and Sub-Saharan Africa Regions.

Beyond the AAA/ICDR, Ms. Rangachari serves as Member of the New York State Bar Association (NYSBA) International Section’s Executive Committee and Co-Chair of the International Contracts and Commercial Law Committee, Member of the NYSBA Dispute Resolution Section’s (DRS’) Executive and Diversity Committees and Co-Chair of the NYSBA DRS’ International Dispute Resolution Committee (IDRC), Member of the NYSBA Planning Committee for the Judith Kaye Moot Court Competition, Member of the New York City Bar’s Standing Committee on Women in the Legal Profession, and Board Member of the New York Coalition of Women’s Initiatives, among other professional and personal affiliations. Ms. Rangachari was educated at New York University and the University of Miami School of Law, and is trilingual in English/Tamil/Spanish. She is admitted to practice law in the U.S. (New York).

LEWIS F. TESSER

Biography

Lewis Tesser is a senior partner in the New York law firm of Tesser, Ryan and Rochman, LLP, concentrating his business law practice on professional responsibility and dispute resolution—mediations, arbitrations and trials. In addition to acting as a private mediator, Mr. Tesser also serves as a Mediator for the United States District Court, Southern District of New York, for the New York State Supreme Court and for the American Arbitration Association and as an Arbitrator for FINRA.

Lew is the current Chair of the NYS Joint Fee Dispute Program.

He is the past President of the New York County Lawyers' Association, and Founding Director of NYCLA's Ethics Institute. Lew is the former Chair of the Business Law Committee of the General Practice Section of the New York State Bar Association and the current co-chair of State Bar's Dispute Resolution Section Ethics Committee. He is an ABA Fellow and the Editor-in-Chief of the treatise, "The New York Rules of Professional Responsibility", published by Oxford University Press. He is consistently selected to the New York *Super Lawyer* List.

Prior to private practice, Lew was an Assistant United States Attorney in the Eastern District of New York. He also served as a Judge Advocate in the United States Army.

Lew is an Honors graduate from the National Law Center, George Washington University, a Masters graduate from the Wharton Graduate School, University of Pennsylvania and a graduate of the Harvard Law School Program of Instruction for Lawyers.

Christian P. Alberti Bio



Christian P. Alberti is the Assistant Vice President of the International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association (AAA), in New York City. He supervises the ICDR's staff and center management activities and oversees hundreds of large complex multi-party arbitrations and mediations covering all types of disputes and industries each year. He also teaches as Adjunct Professor of Law at NYU on "International Arbitration and the CISG". Prior to joining the ICDR in 2005, Christian headed the Italian Desk of a mid-size law firm in Germany.

Christian is the past President and Honorary Member of the Alumni Association of the Willem C. Vis International Commercial Arbitration Moot (MAA). He is regularly invited to speak at international conferences and guest lectures at various law schools about international arbitration and mediation in the United States and abroad. He successfully coaches NYU's Vis Moot Team since 2007 and its Foreign Direct Investment Moot Team since 2008. He is a founding member of the International Arbitration Club of New York as well as a member of various international ADR associations.

After studies at the Philipps-University of Marburg, the German University for Administrative Sciences Speyer (DHV) and the University of Queensland he was admitted to practice law in Germany in 2003 and in the State of New York in 2011. He obtained an LL.M. from Tulane University Law School in 2002.

He speaks fluent English, German and Italian.

Stephanie Cohen, Independent Arbitrator

www.cohenarbitration.com



Stephanie Cohen is a Canadian arbitrator based in New York City. She has arbitrated international and domestic commercial disputes under the ICC, ICDR, AAA Commercial, UNCITRAL, and Society of Maritime Arbitrators rules, sitting frequently as tribunal chair or sole arbitrator, but also as co-arbitrator. She has also served as emergency arbitrator for the ICDR and is among the first thirty emergency arbitrators appointed by the ICC. Stephanie is a member of the international and domestic arbitrator panels of the AAA/ICDR as well as a Fellow of the Chartered Institute of Arbitrators.

Previously, Stephanie was Counsel in the international arbitration and commercial litigation practice groups at White & Case LLP in New York where she represented clients in complex, high-value disputes before international arbitration tribunals and courts. She is dually qualified as a lawyer in New York and Ontario, Canada. *Who's Who Legal* (2018) recognizes Stephanie as one of the “most highly regarded” arbitration practitioners aged 45 or under and says she is “an entrepreneurial and courageous independent arbitrator’ who excels in international commercial disputes.”

In 2018, Stephanie received the CPR Institute Outstanding Professional Article Award for *A Call to Cyberarms: The International Arbitrator’s Duty to Avoid Digital Intrusion*. On behalf of the New York City Bar Association, she also joined forces with ICCA and the CPR Institute to form a Working Group on Cybersecurity in International Arbitration that won the 2018 GAR Award for Best Development.

Stephanie is Co-Chair of the International Dispute Resolution Committee of the Dispute Resolution Section of the New York State Bar Association and Treasurer of the New York Branch of the Chartered Institute of Arbitrators.

Kabir Duggal Bio



Kabir Duggal is a senior associate in Arnold and Porter's International Arbitration and Public International Law Practice Groups in New York focusing on international investment arbitration, international commercial arbitration and public international law matters. Mr. Duggal's experience includes complex disputes under numerous bilateral/multilateral investment treaties and contracts in South Asia, Latin America, Central Asia, Middle East, Europe and Africa. The total value of the disputes he has been involved in exceeds 80 billion dollars. He has facilitated the mediation and negotiation of complex disputes. He also acts as a Consultant for the United Nations Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS).

Kabir is a Lecturer-in-Law at the Columbia Law School, teaching "International Investment Law and Arbitration." He has also taught dispute resolution courses in educational institutions all over the world including Georgetown University Law Center, Fordham Law School, The Graduate Institute (Geneva, Switzerland), National Law University (Jodhpur, India), University of Carlos III (Madrid, Spain), National Research University Higher School of Economics (Moscow, Russia), Government Law College (Mumbai, India) among others.

Kabir has published several articles and books and is regularly invited to speak at conferences globally. He is the Managing Editor for Columbia Law School's "The American Review of International Arbitration" and is an editor for investmentclaims.com hosted by Oxford University Press. He has co-authored a book entitled "Evidence in Investment Arbitration" published by

Oxford University Press. He has received the Burton "Law360 Distinguish Legal Writing Award" for his scholarly writings. He also serves on ICSID Review's Peer Review Board and is an Associate Editor for Brill-Nijhoff publisher's international law and arbitration section. He is also a co-chair of the Juris Conference on Investment Treaty Arbitration. He is a Fellow at Columbia Center on Sustainable Development.

Kabir has been awarded the inaugural "Diversity Fellowship" by the American Bar Association, Section of International Law. He is the American Arbitration Association's "Higginbotham Fellow." He also serves on the Chartered Institute of Arbitrator Young Members Steering Committee and is the co-chair of ASIL's Private International Law Committee. Kabir sits on the Advisory Committee for Government Law College's Arbitration Cell, Mumbai, the Harvard International Arbitration Law Students Association (**HIALSA**), and Georgetown's International Investment Law Center (**IILC**). In 2018, Kabir was elected a Fellow of the U.K.'s Royal Society of Arts, in recognition of his contributions to international law.

Kabir is a graduate of the University of Mumbai (University Medal), University of Oxford (DHL-Times of India Scholar) and NYU School of Law (Hauser Global Scholar). He is currently pursuing his Ph.D. at Leiden Law School. He is admitted to practice law in England and Wales (Solicitor), New York, Washington D.C. and India. Kabir was named as a "Future Leader" in international arbitration by Who's Who Legal (2018, 2019). He was also awarded the 40 under 40 award by Legal Era.

Kiera Gans



Kiera Gans has advised and represented clients in scores of arbitrations administered by the ICC, ICSID, ICDR, the PCA and SIAC, as well as ad hoc arbitrations pursuant to the UNCITRAL Arbitration Rules, in venues around the globe. Ms. Gans has particular experience with investor treaty arbitration having acted as an advocate both for and against sovereign states in a number of prominent claims over the last decade and a half. She has been involved in complex arbitrations and litigations across a wide variety of sectors including oil and gas, education, energy, construction, telecommunications and mining.

Pedro Arcoverde



Pedro Arcoverde is a Deputy Counsel at the ICC International Court of Arbitration in New York since July 2017. He joined the ICC in Paris in 2015 as Deputy Counsel. Before that, he completed internships in Paris with the international arbitration departments of Dechert and Hogan Lovells and with a major French energy company. He has a degree in law from the Federal University of Pernambuco (Recife, Brazil) and a master's degree cum laude in international economic law from Sciences Po (Paris, France). He has been a teaching assistant at Sciences Po in classes relating to arbitration and international contracts in Latin American and has published articles relating mainly to international commercial arbitration. He is admitted to practice law in Brazil and has been admitted to the Paris Bar.

Richard L. Mattiaccio



Richard Mattiaccio is a veteran litigator of business, intellectual property, executive employment and cross-border disputes. He has represented domestic and international clients in court, in arbitration and in mediation in a wide variety of industries including aerospace, automotive, banking, commercial real estate and finance, fashion apparel and accessories, food and beverage, hospitality, industrial products, medical devices, and professional (including engineering and technology-related) services.

Mr. Mattiaccio's clients have ranged from publicly-traded companies and multinational corporate groups based in the United States, Europe and Asia to closely-held, including family-managed corporations, limited liability companies and partnerships based in the United States, Europe and Latin America. He has represented design, manufacturing, licensing and distribution companies based in Italy continuously since 1983.

The focus of Mr. Mattiaccio's practice is on pre-trial, trial, and appellate work in federal and state courts; the representation of clients in arbitration of complex domestic and cross-border business disputes under AAA/ICDR, CPR, ICC, UNCITRAL rules; acting as lead counsel in cross-border litigation in aid of arbitration; and assisting clients in avoiding protracted legal battles at the contract-drafting stage or as settlement counsel in negotiation or mediation.

Mr. Mattiaccio has also served as an arbitrator in scores of business contract disputes since 1987 and he has broad experience in mediation both as counsel and as mediator. He has served as tribunal chair, sole arbitrator and tribunal member in connection with a broad range of international and domestic commercial, intellectual property and executive employment disputes. In mediation, he has effectively represented clients in obtaining settlements and he has successfully mediated disputes between

parties in long-term commercial relationships. His arbitrator-mediator CV is available at www.mattiaccio.com.

Bilingual in English (native) and Italian and a New York City-born dual citizen of the United States and Italy, Mr. Mattiaccio also has a working knowledge of business and legal Spanish.