



NEW YORK STATE BAR ASSOCIATION
DISPUTE RESOLUTION SECTION



24.5 Total MCLE Credits

4.0 Ethics; 9.0 Skills; 10.5 Areas of Professional Practice;
1.0 Diversity, Inclusion and Elimination of Bias

3 Day Commercial Arbitration Training for Arbitrators and Counsel:

Comprehensive Training for the Conducting of Commercial
Arbitrations Pursuant to Contemporary Best Practices

June 17-19, 2019

Benjamin N. Cardozo School of Law | 55 Fifth Avenue, New York, NY 10003

PROGRAM DIRECTORS

Charles J. Moxley, Jr., Esq. | Past Chair, Dispute Resolution Section | New York City

Edna Sussman, Esq. | Past Chair, Dispute Resolution Section | New York City

Lea Haber Kuck, Esq. | Partner, Skadden, Arps, Slate, Meagher & Flom LLP | New York City

CO-SPONSORS

American Arbitration Association

International Center for Dispute Resolution

College of Commercial Arbitrators

New York International Arbitration Association

AN OVERVIEW OF THE COURSE:

Join us for this comprehensive interactive training on conducting commercial arbitrations – **as arbitrators and as counsel** – using contemporary Best Practices.

For new arbitrators and seasoned arbitrators interested in taking their skills to the next level – and for litigators interested in learning how best to represent clients in arbitrations to take advantage of the advocacy opportunities available in arbitration.

The training will be conducted by seasoned arbitrators, counsel, arbitration administrators, and academics, focusing on Best Practices, from the perspectives of arbitrators and counsel, for conducting commercial arbitrations in an economical, expeditious and fair manner, enabling parties to achieve the promise of commercial arbitration.

In addition to interactive sessions on managing an arbitration from the preliminary conference through the hearing and award, the program will include presentations on the law of arbitration, the ethical rules relating to service as an arbitrator, e-discovery, award writing, international arbitration, mental heuristics relevant to arbitral decision-making, and the development of an arbitration practice.

The training will be provided by commercial arbitrators **Charles J. Moxley, Jr.** and **Edna Sussman** and by arbitration counsel **Lea Haber Kuck** of Skadden, Arps, Slate, Meagher & Flom LLP, and will include presentations by **Jeffrey T. Zaino**, Vice President, American Arbitration Association, and **Luis M. Martinez**, Vice President, International Centre for Dispute Resolution. See the list below of the faculty members who will be presenting on the key substantive areas for conducting effective arbitrations.

Topics and Skills:

- Selecting Arbitrators
- Conducting Conflicts Searches
- Conducting the Preliminary Hearing
- Conducting Hearings on Applications for Preliminary Injunctions and Other Interim Relief
- Determining the appropriate scope of discovery, including documents, electronic documents and depositions
- Determining the appropriate scope of motion practice
- Setting deadlines for discovery and motion practice
- Hearing discovery and substantive motions
- Addressing motions to disqualify counsel
- Special considerations for pro se parties
- Determining what non-party subpoenas to sign
- Running the hearing effectively
- Determining what evidence to admit and exclude
- Dealing with difficult arbitrators, counsel and parties
- Issues as to the authority or not of arbitrators to award sanctions
- Preparing awards, both standard and reasoned
- Handling requests to submit additional evidence after the closing of the hearing
- Deciding applications to amend awards
- Arbitration ethics, diversity, and inclusion
- Seeking vacatur of awards
- Cyber security in arbitration

The program faculty has presided over hundreds of hearings and served as counsel in many arbitrations.

David J. Abeshouse, Law Office of David J. Abeshouse

Albert M. Appel, Arbitrator and Mediator, Appel ADR

Hon Ariel E. Belen (Ret.), Arbitrator and Mediator, JAMS

Steven C. Bennett, Partner, Scarola Zubatov Schaffzin PLLC

John F. Byrne, Arbitrator

Steven Certilman, Arbitrator and Mediator

Theodore K. Cheng, ADR Office of Theo Cheng

Stephanie Cohen, Arbitrator, FCIArb

Hon. Barry A. Cozier (Ret.), Arbitrator and Mediator

Joseph V. DeMarco, Partner, DeVore & DeMarco LLP

Diana Didia, Senior Vice President and CIO, AAA-ICDR

Eugene I. Farber, Partner, Farber, Pappalardo & Carbonari

Hon. Helen E. Freedman (Ret.), Independent Arbitrator and Mediator, JAMS

Walter Gans, Arbitrator and Mediator

Citlalli Grace, Manager, Dispute Resolution Services, CPR

James Hosking, Partner, Chaffetz Lindsey LLP

Sherman W. Kahn, Partner, Mauriel Kapouytian Woods LLP; Past Chair, NYSBA Dispute Resolution Section

Mansi Karol, Director of ADR Services, American Arbitration Association

Daniel F. Kolb, Senior Counsel, Davis Polk & Wardwell LLP; Past Chair, NYSBA Dispute Resolution Section

Lea Haber Kuck, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

Jisook Lee, Associate Director, FINRA Office of Dispute Resolution

Jack P. Levin, Arbitrator and Mediator

Luis M. Martinez, Vice President, International Centre for Dispute Resolution®

Deborah Masucci, Arbitrator and Mediator; Past Chair, NYSBA Dispute Resolution Section

Richard L. Mattiaccio, Partner, Allegaert Berger & Vogel LLP; FCIArb C.Arb

Mark C. Morrill, Arbitrator

Charles J. Moxley, Jr., Arbitrator and Mediator; Past Chair, NYSBA Dispute Resolution Section

Lawrence W. Newman, Counsel, Baker & McKenzie

Camille M. Ng, Deputy Counsel, ICC

Michael S. Oberman, Counsel, Kramer Levin Naftalis & Frankel LLP

Abigail Pessen, Arbitrator and Mediator; Past Chair, NYSBA Dispute Resolution Section

Amy Pontillo, Senior Counsel, New York State Court System

Rekha Rangachari, Executive Director, New York International Arbitration Center (NYIAC)

Hon. Shira A. Scheindlin (Ret.), Counsel, Stroock & Stroock & Lavan LLP

Dani Schwartz, Partner, Wachtel Missry LLP

Richard H. Silberberg, Partner, Dorsey & Whitney LLP; Past President, College of Commercial Arbitrators

David C. Singer, Arbitrator and Mediator; Past Chair, NYSBA Dispute Resolution Section

Michelle Skipper, Vice President, American Arbitration Association

Steven Skulnick, Senior Legal Editor, Thomson Reuters

Dennis R. Suplee, Partner, Schnader Harrison Segal & Lewis LLP

Edna Sussman, Arbitrator and Mediator; Past Chair, NYSBA Dispute Resolution Section

Robyn Weinstein, Director, Arbitration and Mediation Program, United States District Court for the Eastern District of New York

Nicholas R. Weiskopf, Professor of Law (Retired), St. John's University School of Law, Special Counsel, the Cox Law Firm

Daniel M. Weitz, Director, Division of Professional & Court Services, New York State Unified Court System; Adjunct Professor of Law, Cardozo Law School

John Wilkinson, Arbitrator and Mediator; Past Chair, NYSBA Dispute Resolution Section

Jeffrey T. Zaino, Vice President, American Arbitration Association

PROGRAM DIRECTORS AND PRESENTERS:

CHARLES J. MOXLEY, JR., ESQ.

Mr. Moxley has presided over hundreds of arbitrations, including in the commercial, securities, insurance, employment, and international areas. He is an Adjunct Professor of Law teaching arbitration and international law at the Fordham University School of Law and the Distinguished ADR Practitioner in Residence at Benjamin N. Cardozo School of Law. A Fellow of the College of Commercial Arbitrators and of the Chartered Institute of Arbitrators, he is a member of arbitration and mediation panels of the American Arbitration Association (“AAA”), the International Centre for Dispute Resolution (“ICDR”), the International Institute for Conflict Prevention and Resolution (CPR), the U.S. Council of International Business (USCIB) for the ICC International Court of Arbitration, and Supreme Court, New York County (Commercial Division and Part 137). He also serves as an arbitrator and mediator in ad hoc cases and is an IMI and CEDR Certified Mediator. Mr. Moxley lectures and speaks frequently at academic and professional functions and has written extensively on Best Practices in conducting commercial arbitrations.

EDNA SUSSMAN, ESQ.

Ms. Sussman is a full-time experienced arbitrator and mediator with experience with hundreds of disputes serving on leading ADR panels, including those administered by the American Arbitration Association (“AAA”), the International Centre for Dispute Resolution (“ICDR”) the International Institute for Conflict Prevention and Resolution (CPR), the U.S. Council of International Business (USCIB) for the ICC International Court of Arbitration, WIPO, the Swiss, Hong Kong, Singapore, Kuala Lumpur and Dubai Arbitration Centers, the Supreme Court, New York County (Commercial Division) and the U.S. District and Bankruptcy Courts in New York. The Distinguished ADR Practitioner in Residence at the Fordham University School of Law. Ms. Sussman serves on the boards of the AAA and the College of Commercial Arbitrators, is a fellow of the Chartered Institute of Arbitrators and has published and lectured extensively on the arbitration and mediation process. She was selected as “2012 New York City Mediation Lawyer of the Year” by Best Lawyers and is listed annually in Best Lawyers and Super Lawyers for Alternative Dispute Resolution.

LEA HABER KUCK, ESQ.

Ms. Kuck is a partner at Skadden, Arps, Slate, Meagher & Flom LLP, and a member of its international litigation and arbitration group. Ms. Kuck concentrates her practice on complex litigation and arbitrations involving a wide range of corporate, commercial and securities matters. She regularly represents clients in disputes arising out of international business transactions and advises clients on a variety of issues relating to international dispute resolution, including forum selection, jurisdiction, service of process, extraterritorial discovery and enforcement of judgments. Ms. Kuck has experience in all phases of litigation, both at the trial and appellate levels, in federal and state courts in the United States as well as international arbitration conducted under UNCITRAL, ICC, ICDR and other arbitration rules. She frequently writes and lectures on topics of international litigation and arbitration.

24.5 CLE credits

4.0 Ethics; 9.0 Skills; 10.5 Areas of Professional Practice; 1.0 Diversity, Inclusion and Elimination of Bias

CLE INFORMATION: The New York State Bar Section and Meeting Services Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York’s MCLE rule, this program will provide you with a total of **24.5 CREDIT HOURS. THIS PROGRAM IS TRANSITIONAL AND THEREFORE SUITABLE FOR NEWLY ADMITTED ATTORNEYS.**

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Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Catherine Carl at (518) 487-5679 or ccarl@nysba.org

SCHEDULE OF EVENTS

Monday, June 17, 2019, Morning Session

(1.5 credits in Ethics, 2.0 in Skills)

8:00-9:00 a.m.

Registration and Continental Breakfast

9:00-9:15 a.m.

Welcome and Introductions

Charles J. Moxley, Jr., Training Co-Chair

9:15-10:30 a.m.

Pre-Preliminary Hearing Issues—Ethical and Other Issues (1.5 Ethics)

- Selection of arbitrators
- Arbitrator disclosure of potential conflicts
- Organizational meeting of panel members when there is a panel
- Preparing for the preliminary hearing
- Applications for interim relief
- Whether the preliminary hearing should be held in-person or by telephone
- Whether clients should be present at the preliminary hearing
- Whether to send the parties an agenda of items to be covered at the preliminary hearing
- Whether to ask the parties to meet in advance to agree on schedule
- Setting the date and time for the preliminary hearing
- Whether to encourage the parties to start the process of document disclosure in advance of the preliminary hearing
- Related ethical issues

Faculty:

Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
Richard H. Silberberg

10:30-10:45 a.m.

Break

10:45-12:25 p.m.

Preliminary Hearing: Part 1 (2.0 Skills)

- Purposes of preliminary hearing
- Role of chair and “wings” in the preliminary hearing
- Arbitrator’s opening remarks in preliminary hearing
- Review of what documents the arbitrators have received in advance to make sure there is nothing missing
- Review of arbitration clause
- Requests for interim relief
- Applications for a change of venue
- Determination of applicable law
 - Substantive law applicable to the parties’ agreement and conduct, etc.
 - Arbitration law, including whether the Federal Arbitration Act and/or state arbitration law apply
- Issues as to arbitrability
- Possibility of amended pleadings
- Particularizations of damages claims or counterclaims and of other matters of proof
- Applications to disqualify counsel
- Related ethical issues
- Substantive Motions
 - Motions to Dismiss Claims or Counterclaims
 - Motions to Dismiss Punitive Damages Claims
 - Motions to Dismiss Based upon Statutes of Limitations or Similar Defenses
 - Procedures for Screening Potential Motions

Faculty:

Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
Walter Gans

SCHEDULE OF EVENTS

12:25-1:25 p.m.

Lunch

12:40 p.m.

Lunch Address: The Promise of Arbitration – What We’re Trying to Do

Speaker

Charles J. Moxley, Jr.

Monday, June 17, 2019, Afternoon Session (5.0 Skills)

1:25-3:05 p.m.

Preliminary Hearing: Part 2 (2.0 Skills)

- Discovery
 - Non-electronic documents
 - Electronic documents generally (there will be a more detailed program on electronic documents later in the program)
 - Depositions
 - Interrogatories
 - Differences between domestic and international arbitrations
- Establishing a schedule for document production, including dates for:
 - Document requests
 - Objections to document requests
 - Counsel’s conferring in an effort to resolve document disputes
 - Submission of letters to the arbitrator relating to remaining discovery disputes
 - Setting dates for oral argument of discovery disputes
 - Production of non-objected to documents
 - Establishing a completion date for all document production
- Issue of whether to set up a separate process to maintain control of e-discovery
 - Approaches as to depositions
 - Avoiding them all together
 - Limiting the number of depositions
 - Limiting the duration of depositions
 - Phasing the depositions
 - Rule 30(b)(6) depositions
 - Generally precluding speaking objections
 - Getting agreement on alternatives to standard depositions
 - Appearance at the hearing by videoconference
 - Appearance by videotaped deposition
 - Appearance by telephone
 - Establishing cut-off dates for discovery
 - Related ethical issues

Faculty:

Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
John Wilkinson
Albert M. Appel

3:05-3:20 p.m.

Break

3:20-5:30 p.m.

Preliminary Hearing: Part 3 (2.5 Skills)

- Other motions
 - Motions to consolidate or sever
- Possible alternatives to testimony
 - Stipulations of uncontested facts
 - Direct testimony by affidavit
 - Affidavits
- Expert witnesses
 - Identification of anticipated experts

SCHEDULE OF EVENTS

- Exchange of experts' reports
- First exchange: On issues as to which parties have the burden of proof
- Responsive experts' reports
- Depositions of experts
- Pre-hearing papers
 - Witness lists
 - Level of detail
 - Whether/when to require summaries of testimony
 - Exhibits
 - Joint exhibits
 - Individual exhibits
 - Organization of exhibits
 - Chronologically
 - By topic
 - Separate page ranges assigned to each side
 - Key exhibits
 - To be exchanged on a joint basis or separately by each side
 - Marking up of key exhibits to designate portions relied upon
 - Pre-hearing memoranda
 - Relationship of pre-hearing memoranda to the question of what kind of post-hearing papers/oral argument will be interposed
- Form of testimony of witnesses
 - In person
 - By videoconferencing
 - By videotaped deposition
 - By telephone
 - By deposition
- Subpoenas for non-party witnesses and their documents
 - Materiality to the case of the documents or testimony sought
 - Legal issues as to the authority of arbitrators to sign subpoenas (to be discussed further in a later panel)
 - Legal and ethical concerns as to the appropriateness of arbitrators' signing subpoenas
 - Interplay of FAA versus state law on the question of the appropriateness of arbitrators' signing discovery subpoenas
- Mediation: Whether to include a suggestion that, as some point, the parties discuss settlement/mediation and a schedule for same
- Establishing dates for status conferences
- Form of decision: Standard versus reasoned awards (this topic will be covered in more detail in a later panel)
- Court Reporter
 - Whether the parties will arrange for a court reporter
 - Relationship of that question to the question of whether the parties want a reasoned award
 - What to do when one party wants to retain a court reporter and the other doesn't
- Scheduling of the hearing
 - When to schedule the hearing
 - How many days to schedule
 - Discussion of whether parties will be limited to those days
- Report of preliminary hearing and scheduling order
- Related ethical issues

Faculty:

Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
Steven C. Bennett

5:30 p.m.

Preparation of the Report of Preliminary Hearing and Scheduling Order (0.5 Skills)

SCHEDULE OF EVENTS

Faculty: Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck

6:00 p.m.

Adjourn

6:00 – 7:00 p.m.

Wine and Cheese Reception

Tuesday, June 18, 2019, Morning Session

(2.0 Skills; 1.0 Areas of Professional Practice)

8:30-9:00 a.m.

Registration and Continental Breakfast

9:00-10:00 a.m.

Issues Arising Between the Preliminary Hearing and the Hearing (1.0 Skills)

- Overall description of what happens during this period
- Hearings on applications for interim relief
- Discovery motions
- Discovery requests and productions subsequent to the discovery cut-off
- Handling of substantive motions
- Handling of substantive motions made subsequent to the cut-off date
- Requests for delays and extensions of established deadlines
- How to handle parties' notification of change of counsel, particularly when the change causes conflicts for arbitrators or is otherwise a basis for delay
- Non-compliance with deadlines and directives of the arbitrators
- Arbitrators' authority or not to issue sanctions
- Final pre-hearing status conference
- Withdrawal of claims on the eve of the hearing
- Related ethical issues

Faculty:

Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
David C. Singer

10:00-11:00 a.m.

Session 2: The Hearing (1.0 Skills)

- General introduction to the conducting of the hearing
- How to handle and limit breaks
- How, generally, to keep the hearing going efficiently
- How and when to handle objections as to documents
- Desirable affect of the arbitrator during the hearing
- Avoiding ex parte conversations during breaks at the hearing
- Sequestration of witnesses
- Opening statements, if any, by counsel
- Limited requirements as to foundations for documents and other exhibits
- Generally deeming un-objected-to pre-marked exhibits as in evidence as of the opening of the hearing—and alternate approaches
- What, if any, rules of evidence or the like to follow in deciding what evidence to permit as an arbitrator
- Attitude towards hearsay testimony and other evidence in arbitration
- Witness statements/experts' reports
- Counsel's extensive reading from documents
- Cumulative testimony
- Repetitive witnesses
- Harsh cross-examination
- Witnesses on cross who keep repeating their overall points
- Counsel talking with witnesses while they are on cross-examination
- Excessive objections

SCHEDULE OF EVENTS

- Closing statements, if any
- How to handle disclosures that become necessary during the hearing because of the identification of new parties or entities involved in the case
- Related ethical issues

Faculty: Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
Eugene I. Farber

11:00-11:15 p.m.

Break

11:15-12:15 p.m.

Post-Hearing Issues (1.0 Areas of Professional Practice)

Part I: The Arbitrators' Perspective

- Drafting of the award (general introduction -- There will be a more detailed discussion of this topic by a later panel)
- Post-hearing applications for introduction of additional evidence
- Post-award requests to change the award
- Mathematical or formal corrections and the like
- Substantive changes
- Rule as to functus officio status of arbitrators after issuing a final award
- No Contact with counsel or parties following the award
- Related ethical issues

Faculty: Charles J. Moxley, Jr.
Edna Sussman

Part II: The Courts' and Litigators' Perspectives

- Motions to confirm and vacate and motions re arbitrability
 - How Litigators see them
 - How Courts see them
- How best to advance such motions
- What arbitrators should do to lessen likelihood of vacatur
- Remands to arbitrators

Faculty: Hon. Helen Freedman (Ret.)
Lea Haber Kuck

12:15-1:15 p.m.

Lunch

12:30 p.m.

Luncheon Address: Introduction to the World of International Arbitration – and How It Fits into Today's World

Speaker: Luis M. Martinez

Tuesday, June 18, 2019, Afternoon Session

(5.0 Areas of Professional Practice)

1:15-2:30 p.m.

International Arbitration: How It Differs from Domestic Arbitration

(1.5 Areas of Professional Practice)

- Introduction to the overriding conventions and laws applicable to international as contrasted with domestic arbitration
- Discussion of the practices of international arbitration that are different from domestic
- The extent and significance of international arbitration as the default methodology of choice for international business
- "Soft law" applicable to international arbitration

Faculty: Moderator: Charles J. Moxley, Jr.
Sherman W. Kahn
Lea Haber Kuck
Luis M. Martinez

SCHEDULE OF EVENTS

Lawrence W. Newman
Camille M. Ng
Rekha Rangachari
Edna Sussman

2:30-2:45 p.m.

Break

2:45-4:00 p.m.

Electronic Discovery (1.5 Areas of Professional Practice)

- Significance of electronic discovery in terms of cost and delay
- Definition of terms
- Identification of the areas of greatest expense in connection with electronic discovery
- Matters to establish at the outset to minimize the expense and optimize the efficiency of electronic discovery
- ICDR recommended practices as to electronic discovery
- CPR Protocols as to electronic discovery
- Best Practices as to electronic discovery

Faculty:

Moderator: Charles Moxley
Joseph V. DeMarco
Sherman W. Kahn
Hon. Shira A. Scheindlin (Ret.)

4:00-5:00 p.m.

Award Writing (1.0 Areas of Professional Practice)

- Standard versus reasoned awards
- Advantages and disadvantages of various types of award
- Consideration of what should be included in a standard award
- Consideration of what should be included in a reasoned award
- The structure of a reasoned award
- How to go about drafting a reasoned award
- When to start drafting a reasoned award
- Best Practices as to drafting of reasoned awards where there is a panel of three arbitrators

Faculty:

Moderator: Charles J. Moxley, Jr.
Hon. Ariel E. Belen (Ret.)
John F. Byrne
Steven Certilman
Lea Haber Kuck
Richard L. Mattiaccio

5:00-6:00 p.m.

Advocates' Best Practices in Selecting Arbitrators (1.0 Areas of Professional Practice)

Faculty:

Moderator: Charles J. Moxley, Jr.
David J. Abeshouse
James Hosking
Lee Haber Kuck
Deborah Masucci
Richard L. Mattiaccio
Dennis R. Suplee

6:00 p.m.

Adjourn

Wednesday, June 19, 2019, Morning Session

(2.0 Areas of Professional Practice; 1.0 Ethics; 1.0 Diversity, Inclusion and Elimination of Bias)

8:20-8:50 a.m.

Registration and Continental Breakfast

8:50-10:50 a.m.

Arbitration Law (2.0 Areas of Professional Practice)

- Introduction to the FAA

SCHEDULE OF EVENTS

- Introduction to New York arbitration law – CPLR Article 75
- Interplay of the FAA and New York arbitration law in arbitrations held in New York
- Arbitrability as to parties and non-parties
- The “Who Decides” issue: Who determines arbitrability, the arbitrators or a court?
- Arbitration due process
- Enforceability of non-party subpoenas for documents and testimony
 - Within subpoena range of the seat of the arbitration
 - Beyond subpoena range of the seat of the arbitration
- Standards of review under the FAA and New York arbitration law
- How these areas of law differ in the context of international arbitration
- Review of recent decisions applicable to arbitration

Faculty:

Moderator: Charles J. Moxley, Jr.
William J.T. Brown
Michael S. Oberman
Steven Skulnik
Nicholas R. Weiskopf

10:50-11:05 a.m.

Break

11:05-12:00 a.m.

Ethics and Cyber Security for Arbitrators – Maintaining the Security of the Arbitration Process—the Ethical Imperative (1.0 Ethics)

Faculty:

Moderator: Charles J. Moxley, Jr.
Stephanie Cohen
Diana Didia
Mark Morrill

12:00-1:00 p.m.

Ethics: Diversity, Inclusion and Elimination of Bias – Implicit Bias, Serving a Diverse Population, and Sensitivity to Culture and Other Differences, Including Heuristics Affecting Arbitrators’ Exercise of Judgment and Decision-Making (1.0 Diversity, Inclusion and Elimination of Bias)

Faculty:

Moderator: Charles J. Moxley, Jr.
Edna Sussman
Daniel M. Weitz

1:00-2:00 p.m.

Lunch

1:15 p.m.

Luncheon Address: What We Have Accomplished

Speaker

Edna Sussman

Wednesday, June 19, 2019, Afternoon Session

(1.5 Ethics, 2.5 Areas of Professional Practice)

2:00-3:15 p.m.

Arbitration Ethics (1.5 Ethics)

- Disclosure rules
- Codes of Ethics applicable to arbitrators
- Best practices for disclosures by arbitrators
- Ongoing nature of disclosure obligation
- Party-appointed arbitrators
- Appropriateness of an arbitrator’s accepting appointment to a new case that involves parties or attorneys who are already appearing before the same arbitrator in another case
- Use of associates/assistants
- Appropriateness of an arbitrator’s accepting employment as counsel for a party who had previously appeared before the arbitrator in an unrelated case
- Involvement of arbitrators with respect to possible settlement discussions among the parties
- Inclusion of all arbitrators on a panel in arbitrator discussions concerning the case
- Recent ethical decisions

SCHEDULE OF EVENTS

Faculty:	Moderator: Lea Haber Kuck Theodore K. Cheng Hon. Barry A. Cozier (Ret.) Daniel F. Kolb Richard L. Mattiaccio Abigail Pessen
3:15-3:30 p.m.	Break
3:30-4:00 p.m.	The Real World: Developing Your ADR Career (0.5 Areas of Professional Practice)
Faculty:	Jeffrey T. Zaino Michelle Skipper
4:00-5:40 p.m.	Perspectives on Practice Development in the Arbitration World (2.0 Areas of Professional practice) <ul style="list-style-type: none">• Overview of the arbitration world• Level of training and experience necessary to be a good arbitrator• How to go about getting experience as an arbitrator• Traits that parties and their counsel look for in prospective arbitrators• Opportunities for arbitration training and skills building
Faculty:	Moderator: Charles J. Moxley, Jr. Citlalli Grace Mansi Karol Lea Haber Kuck Jisook Lee Jack Levin Deborah Masucci Amy Pontillo Edna Sussman Robyn Weinstein
5:40-6:00 p.m.	Questions and Answers/Final Wrap Up
6:00 p.m.	Adjourn

To get involved with the NYSBA Dispute Resolution Section visit www.nysba.org/drs for a listing of upcoming Section programs, networking events, committee meetings, reports, and publications.



NEW YORK STATE BAR ASSOCIATION
SECTION AND MEETING SERVICES DEPARTMENT

One Elk Street
Albany, NY 12207