



Dispute Resolution Section and Benjamin N. Cardozo School of Law

Commercial Arbitration Training for Arbitrators and Counsel

Comprehensive Training for the Conducting of Commercial Arbitrations

25.0 CLE credits

4.0 Ethics, 10.0 credits in Skills and 9.5 Areas of Professional Practice,
1.5 Diversity, Inclusion and Elimination of Bias

June 18-20, 2018

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



INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

NYIAC | New York
International Arbitration Center



AN OVERVIEW OF THE COURSE:

For new arbitrators and seasoned arbitrators interested in taking their skills to the next level – and for litigators interested in learning how to best 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 electronic documents and depositions.
- Conducting Hearings on Applications for Preliminary Injunctions and Other Interim Relief
- Determining the appropriate scope of discovery, including documents, electronic documents and depositions
- Setting deadlines for discovery and motion practice
- Determining the appropriate scope of 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 many hundreds of hearings and served as counsel in many arbitrations Faculty:

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

Erin Gleason Alvarez, Arbitrator and Mediator

Albert M. Appel, Of Counsel, Stroock & Stroock & Lavan LLP

Hon. Ariel E. Belen, Arbitrator and Mediator, JAMS

Steven C. Bennett, Partner, Park Jensen Bennett LLP

David W. Brown, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP

William J.T. Brown, Counsel, Arbitrator and Mediator

John F. Byrne, Arbitrator

Steven Certilman, Arbitrator and Mediator

Stephanie Cohen, Independent Arbitrator

Hon. Barry A. Cozier, Arbitrator and Mediator

Joseph V. DeMarco, Partner, DeVore & DeMarco, LLP

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

Hon. Helen Freedman, Mediator and Arbitrator, JAMS

Walter Gans, Arbitrator and Mediator

Citlalli Grace, Dispute Resolution Services Manager, International Institute for Conflict Prevention and Resolution

James Hosking, Partner, Chaffetz Lindsay LLP

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

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

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

Jack P. Levin, Arbitrator and Mediator

Lela P. Love, Professor, Benjamin Cardozo School of Law; Director, Cardozo's Kukin Program for Conflict Resolution; Past Chair, ABA Dispute Resolution Section

Chrystal Loyer, Office of Dispute Resolution, FINRA

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

Richard L. Mattiaccio, Partner, Allegaert Berger & Vogel LLP

Karen M. Mills, KarimSyah Law Firm, Jakarta, Indonesia, Arbitrator, Mediator and Counsel

Mark C. Morril, Arbitrator

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

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

Hon. Shira A. Scheindlin, Of Counsel, Stroock & Stroock & Lavan LLP

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

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

Michelle Skipper, Vice President, American Arbitration Association

Steven Skulnik, Arbitrator and Mediator

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, Gordon Herlands Randolph & Cox, LLP

Daniel 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.

CLE INFORMATION: The New York State Bar Association’s Meetings 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 **25.0 CREDIT HOURS. THIS PROGRAM IS TRANSITIONAL AND THEREFORE SUITABLE FOR NEWLY ADMITTED ATTORNEYS.**

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, no later than ten working days prior to the program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Sydney Joy, New York State Bar Association, One Elk Street, Albany, New York 12207 or by email at sjoy@nysba.org.

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SCHEDULE OF EVENTS

Monday, June 18, 2018, Morning Session *(1.5 Ethics; 2.0 Skills)*

8:00-9:00 a.m.

Registration and Continental Breakfast

9:00-9:15 a.m.

Welcome and Introductions

Professor Lela P. Love, Cardozo Law School

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
- Organization 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
- Particularization of damages claims or counterclaims
- 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.

Speaker:

Lunch Address: *The Promise of Arbitration — What We're Trying to Do*
Charles J. Moxley, Jr.

Monday, June 18, 2018, 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 panel 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
 - 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 generally
- Expert witnesses
 - Identification of anticipated experts
 - Exchange of expert's reports
 - First exchange: On issues as to which parties have the burden of proof
 - Responsive expert's reports
- Pre-hearing papers

SCHEDULE OF EVENTS

- Witness lists
- 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
- 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
- Report of preliminary hearing and scheduling order
- Related ethical issues

Faculty:

*Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck
Richard L. Mattiaccio*

5:30 p.m.

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

Faculty:

*Charles J. Moxley, Jr.
Edna Sussman
Lea Haber Kuck*

6:00 p.m.

ADJOURN

6:00 – 7:00 pm

Wine and Cheese Reception

SCHEDULE OF EVENTS

Tuesday, June 19, 2018, Morning Session

(2.0 Skills and 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 in 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
Eugene I. Farber*

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
- 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
- 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
John F. Byrne*

SCHEDULE OF EVENTS

11:00-11:15 a.m.

BREAK

11:15-12:15 p.m.

Post-Hearing Issues (1.0 Areas of Professional Practice)

Part I: The Arbitrator's 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 post-award
- No Contact with counsel or parties following the award
- Related ethical issues

Faculty:

Charles J. Moxley, Jr.
Edna Sussman

Part II: The Court's and Litigator's 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
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 19, 2018, Afternoon Session

(4.0 Areas of Professional Practice; 1.0 Skills)

1:15-2:30 p.m.

International Arbitration: How It Differs from Domestic Arbitration (1.5 in Professional Practice)

- Introduction to the overriding conventions and laws applicable to international arbitration as opposed to domestic 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
Lawrence W. Newman
Camille M. Ng
Rekha Rangachari
Edna Sussman

2:30-2:45 p.m.

BREAK

SCHEDULE OF EVENTS

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: Edna Sussman
Joseph V. DeMarco
Sherman W. Kahn
Hon. Shira A. Scheindlin*

4:00-5:00 p.m.

Award Writing (1.0 Skills)

- Standard versus reasoned awards
- Advantages and disadvantages of each type 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 a reasoned award where there is a panel of three arbitrators

Faculty:

*Moderator: Charles J. Moxley, Jr.
Hon. Ariel E. Belen
Steven Certilman
Lea Haber Kuck
Richard L. Mattiaccio
David C. Singer*

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
Erin Gleason Alvarez
David W. Brown
James Hosking
Lea Haber Kuck
Richard L. Mattiaccio*

6:00 p.m.

ADJOURN

SCHEDULE OF EVENTS

Wednesday, June 20, 2018, Morning Session

(2.0 Areas of Professional Practice; 1.0 Ethics; 1.5 Diversity, Inclusion and Elimination of Bias)

8:20-8:50 a.m. **Registration and Continental Breakfast**

8:50-10:45 a.m. **Arbitration Law (2.0 Areas of Professional Practice)**

- Introduction to the FAA
- 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*

10:45 – 10:55 a.m. **BREAK**

10:55 – 11:45 a.m. **Ethics and Cyber Security for Arbitrators – Maintaining the Security of the Arbitration Process (1.0 Ethics)**

Faculty:

*Moderator: Charles J. Moxley, Jr.
Stephanie Cohen
Mark Morril*

11:45 – 1:00 p.m. **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 (1.5 Diversity, Inclusion and Elimination of Bias)**

Faculty:

*Moderator: Charles J. Moxley, Jr.
Professor Lela P. Love
Karen Mills
Edna Sussman
Daniel M. Weitz*

1:00-2:00 p.m. **LUNCH**

1:15 p.m. **Luncheon Address: *The Meaning and Success of Arbitration***

Speaker:

Professor Lela P. Love

SCHEDULE OF EVENTS

Wednesday, June 20, 2018, 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 and arbitration counsel
- 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

Faculty:

*Moderator: Lea Haber Kuck
Steven C. Bennett
Hon. Barry A. Cozier
Daniel F. Kolb
Abigail J. 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)

- 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.
Erin Gleason Alvarez
Citlalli Grace
Lea Haber Kuck
Jack Levin
Crystal Loyer
Edna Sussman
Robyn Weinstein
Jeffrey T. Zaino*

5:40-5:55 p.m.

Questions and Answers/Final Wrap Up

5:55 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**

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Albany, NY 12207

NEW YORK STATE BAR ASSOCIATION

MEETING REGISTRATION FORM

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Dispute Resolution Section & Benjamin N. Cardozo School of Law

Commercial Arbitration Training June 18-20, 2018

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

Registration fee includes:

Continental breakfast, lunch, coffee breaks, the wine and cheese reception and program materials for all three days of the conference.

Cancellation Notice:

Notice of cancellation must be received by June 8, 2018 in order to obtain a refund for registration fees.

Fax or mail this form with registration fee(s) to:

Sydney Joy
Section Liason
New York State Bar Association
One Elk Street
Albany, New York 12207
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