

NEW YORK ARBITRATION WEEK 2021

JAMS PANEL ONE: Changing Roles or Changing Robes: Perceptions and Realities of Judicial Experience in International Arbitration

Date: Thursday, Nov. 18, 2021 | 11:00 AM New York | 4:00 PM London | 10:30 PM Bangalore

Program Description: The panel will speak from their own experience as a former-judge arbitrator, sitting judge and in-house counsel regarding the role of judicial experience in international arbitration. The panel will review and discuss some of the concerns that practitioners and institutions have raised, identifying the perception of a former-judge arbitrator and whether this is the experience in practice. The panel will also examine whether the underlying concerns relate to arbitrator background, practice and jurisdictional experience with civil vs. common law processes, the role of witnesses and discovery, and how active an arbitrator will or will not perform during the hearing. The goal of the panel is not to come to a conclusion, instead it is to recognize assumptions and challenge perceptions.

Links to Background Materials and Resources

1. **Discovery by Design: Strategies for Efficient International Arbitration** By Hon. Ariel E. Belen (Ret.) | New York Law Journal, June 2, 2021
<https://www.jamsadr.com/publications/2021/belen-ariel-nylj-discovery-by-design-06-2021>
2. **No hay razón para temer a la exhibición de pruebas (discovery) en un arbitraje internacional con sede en Estados Unidos** por Hon. Ariel E. Belen (Ret.) | JAMS Blog, March 30, 2021
<https://www.jamsadr.com/files/Uploads/Documents/Articles/Belen-No-Fear-of-Discovery-in-Intl-Arb-Seated-in-US-SPANISH-March2021.pdf>
3. **Ground Rules: What Evidentiary Rules Should You Use in Arbitration?** By Hon. Jackson Lucky (Ret.) | Daily Journal, October 1, 2021
<https://www.jamsadr.com/blog/2021/lucky-jackson-dailyjournal-ground-rules-10-2021>
4. **Arbitration vs. Litigation in the US, Practical Law Practice Note w-006-5897** | Practical Law Litigation and Practical Law Arbitration
[https://content.next.westlaw.com/Document/lcb117b60f9e711e698dc8b09b4f043e0/View/FullText.html?contextData=\(sc.Default\)&transitionType=Default&firstPage=true](https://content.next.westlaw.com/Document/lcb117b60f9e711e698dc8b09b4f043e0/View/FullText.html?contextData=(sc.Default)&transitionType=Default&firstPage=true)
5. **2021 International Arbitration Survey: Adapting arbitration to a changing world** | White & Case
<https://www.whitecase.com/publications/insight/2021-international-arbitration-survey>
6. **Retired Judges as Arbitrators: Value Added to an Arbitration?** By Hon. Melvin L. Schweitzer | NYSBA BLOG, February 5, 2016
http://nysbar.com/blogs/ResolutionRoundtable/2016/02/retired_judges_as_arbitrators.html