

Intriguing Issues in Tech and International Arbitration 2024 SVAMC New York Arbitration Week Program

Join SVAMC and Alston & Bird for an interactive panel discussion on issues in technology and international arbitration.

Topics to be discussed include:

- **CLAUSE CARVEOUT** - Is it appropriate or advisable in arbitration agreement to include carveouts for IP related issues such as patent validity or infringement?
- **UNCITRAL SPEDR CLAUSES** - Do the UNCITRAL SPEDR Clauses Make Sense for Tech Disputes – The UN's newly released specialized express dispute resolution (SPEDR) clauses include provisions for extremely short arbitrations, parallel expert determination, and technical advisors to arbitrators. Does the tech sector need all this?
- **INSTITUTIONS OVERRULING STIPULATIONS** - Is it appropriate for an institution to provide in its rules that a particular procedural aspect of its rules overrules the arbitration agreement of the parties?
- **ARBITRATORS FOCUSING EXPERTS** - Is it appropriate for an arbitrator with background and knowledge, who believes the parties and/or experts are not addressing relevant issues or are clearly giving erroneous testimony, to question the experts as to their testimony or to request testimony or evidence on issues not addressed?
- **ESG IN TECH DISPUTES** - The growing focus on environmental, social and governance (ESG) issues within arbitration raises questions about how to balance ethical considerations with business interests. Should ESG be a consideration in technology arbitrations?
- **ARBITRATORS ASKING FOR PARTY FEEDBACK** - Is it appropriate for arbitrators to solicit feedback from counsel after the award is final, any challenge period to challenge has expired, and the matter is concluded?



Date & Time:

November 19, 2024
8:00a.m. – 9:30a.m. EDT

Location:

Alston & Bird
90 Park Avenue
New York, NY

[Register Here](#)

Speakers

Steve Bauer

Preeti Bhagnani

Lindsay Cooper
Hayman

Michael Diamant

James Ferguson

Jonathan Fitch

Conna Weiner

Gary L. Benton
(Moderator)

CLE credit available

Meet the Panelists

GARY L. BENTON, Moderator

Gary is a US and International Arbitrator. He works on cutting-edge international technology disputes involving tech development, licensing, corporate investment and acquisitions, including cybersecurity, cryptocurrency and A.I. matters and serves on the panels of the leading international arbitral institutions in the US, Europe and Asia. He is dual qualified as a U.S. lawyer (California, New York, and Washington DC) and as an English solicitor. Gary is the founder, Past Chairman, and a Director of the Silicon Valley Arbitration and Mediation Center (SVAMC). Before becoming a full-time Arbitrator, Gary was a partner with the international law firms Pillsbury Winthrop LLP and Coudert Brothers LLP and was the GC for a cybersecurity company serving US national security interests. In addition to his arbitration practice, Gary is an Adjunct Professor at Santa Clara University where he teaches international arbitration. He is a CI Arb Chartered Arbitrator and a member of the New York International Arbitration Center (NYIAC).

PANEL

STEVEN BAUER

Steve is a professional arbitrator and mediator affiliated with JAMS. Steve is Secretary of the Silicon Valley Arbitration & Mediation Center and is on its "Tech List" of leading technology neutrals. Steve's practice is international – he is a Fellow of the Chartered Institute of Arbitrators and the College of Commercial Arbitrators; Chair of the ADR Committee of the International Association for the Protection of Intellectual Property (AIPPI); and is on WIPO's neutral panel. Steve joined JAMS in 2020, after a career in private practice as a first-chair IP trial lawyer for a large NY-based international law firm, and more than 30 years AAA's panel of neutrals. Steve earned undergraduate and graduate degrees from MIT in electrical engineering and computer science, with a life sciences focus. He started his legal career as a law clerk to Judge Philip Nichols, Jr., at the Federal Circuit Court of Appeals in Washington, D.C. Steve is an IFR-rated pilot.

PREETI BHAGNANI

Preeti Bhagnani is a Partner in White & Case's International Arbitration Group, based in New York. She represents private entities and States in international commercial and investor-state arbitrations and has particular experience in the energy, life sciences, mining, financial and technology sectors. She is recognized by Who's Who Legal and other legal directories. Preeti is trained in US, English and Singapore law and has practiced in the New York and Singapore

LINDSAY COOPER HAYMAN

Lindsay Cooper Hayman is a litigation partner at Debevoise & Plimpton and a member of the firm's Intellectual Property Litigation Group. Her practice focuses on supporting established and emerging technology companies in their most important business disputes, with an emphasis on high-stakes, complex intellectual property and commercial litigation. She has litigated some of the most significant intellectual property cases of the past decade, including disputes for Google against Apple, Uber and Sonos. She was selected as a "Lawyer on the Fast Track" by *The Recorder*, an award that recognizes lawyers in California under age 40 who are considered to be the next generation of legal leaders. She was also named to the *Daily Journal's* 2024 Top 40 Under 40 list.

Meet the Panelists

MICHAEL H. DIAMANT

Michael H. Diamant has a career litigator trying cases before courts around the country including the U.S. Supreme Court. He retired a partner and is Of Counsel at Taft, Stettinius & Hollister LLP. He has served as an arbitrator and mediator for forty five years, hearing and resolving complex technology and business disputes. He is on the Large Complex Commercial Case and Technology Panels of the American Arbitration Association and the International Centre for Dispute Resolution, and the Panel of Distinguished Neutrals of the International Institute for Conflict Prevention & Resolution. He is a Fellow of the Chartered Institute of Arbitrators and the College of Commercial Arbitrators and an Appointee to the Tech List of the World's Leading Technology Neutrals and Executive Committee of the Silicon Valley Arbitration and Mediation Center. He received a B.S. in Engineering, with high honors, from Case Western Reserve University and a J.D. *cum laude* from Harvard Law School.

JAMES R. FERGUSON

James R. Ferguson is a partner with Mayer Brown LLP where he focuses on U.S. and international arbitration. He serves as both an advocate and a neutral in arbitrations involving intellectual property, IT, biotechnology, medical device, drug development and other complex technology issues. He is listed in SVAMC's List of the World's Leading Technology Neutrals and a registered neutral with the AAA, CPR, the ICDR, WIPO and the ICC. He has published and spoken widely on arbitration issues and teaches courses on U.S. and international arbitration at the Northwestern University Pritzker School of Law (2004-present) and the University of Chicago Law School (2014-2020).

JONATHAN W. FITCH

Jonathan W. Fitch, FCI Arb, FColl Arb, is an arbitrator of international and domestic commercial disputes -many of them involving technologies and life sciences. He is the CEO and a Director of the Silicon Valley Arbitration & Mediation Center, and a Fellow and Director of the College of Commercial Arbitrators. Mr. Fitch is a member of the ICDR Panel and the AAA Commercial Panel, Large and Complex Cases, and the AAA-ICDR Technology Panel. He is a member of the CPR Panels of Distinguished Neutrals, the HKIAC's List of Arbitrators, and is a USCIB/ICC listed Arbitrator. Mr. Fitch is named annually by SVAMC to its Tech List of the World's Leading Technology Arbitrators and Mediators. He was recognized by Best Lawyers in America as its 2023 "Lawyer of the Year" for Arbitration and as the 2023 "Lawyer of the Year" for Litigation- Trusts and Estates in Boston. He was awarded "2009 Lawyer of the Year" by Massachusetts Lawyers Weekly. Mr. Fitch is managing partner of Fitch Law Partners LLP, a Boston litigation boutique designated as a Best Law Firm in America.

CONNNA WEINER

Conna Weiner has been a full-time domestic and international arbitrator and mediator for over a decade with a focus on complex commercial disputes and specialties in life sciences (pharma, medical devices, vaccines, gene therapy and related areas), healthcare and technology matters. She is a Fellow in the Charter Institute of Arbitrators and the College of Commercial Arbitrators. After the University of Chicago Law School, she began her career as a litigation associate at the firm of Paul, Weiss, Rifkind, Wharton & Garrison in New York, and then moved in-house to life sciences companies such as Novartis, including global positions as a General Counsel, in the United States and Switzerland, working on a wide range of matters including transactions, regulatory, intellectual property, litigation and regulatory issues.

Silicon Valley Arbitration & Mediation Center

The Silicon Valley Arbitration and Mediation Center ("SVAMC"), a non-profit foundation based in Palo Alto, California, serves the global technology sector. SVAMC promotes efficient technology dispute resolution, including advancing the use of arbitration and mediation in technology and technology-related business disputes in Silicon Valley, throughout the U.S. and around the world. SVAMC provides educational programming and related resources to technology companies and law firms. SVAMC does not administer cases. Rather, SVAMC collaborates with leading ADR providers, technology companies, law firms, neutrals and universities to address the merits of arbitration and mediation in resolving technology and technology-related disputes.