



Robert B. Davidson, Esq.

Robert B. Davidson, Esq. is a full-time arbitrator and mediator, and the Executive Director of JAMS Arbitration Practice. He has sat in over 150 domestic and international arbitrations as sole arbitrator and as a member of tripartite panels in both institutional and *ad hoc* settings. Cases arbitrated have involved complex commercial and financial business issues, including contract actions, disputes under APA and SPA agreements, construction, insurance and reinsurance claims, oil and gas disputes, securities, tax, construction, real estate, intellectual property, employment disputes, and sports matters.

Over the course of his career as a litigation partner at a major international law firm, Mr. Davidson acted as counsel for clients in numerous arbitrations involving a variety of disputes, including serving as lead counsel in domestic and international arbitrations, including 11 cases before the Iran-U.S. Claims Tribunal (more than any other lawyer), cases before the U.N. Compensation Commission (established to determine claims against Iraq arising out of the first Gulf war), cases before domestic panels, the International Chamber of Commerce, the Netherlands Arbitration Institute, and *ad hoc* panels.

Mr. Davidson has also mediated numerous commercial disputes involving securities, intellectual property, tax, employment, construction, real estate, aircraft leasing, and other commercial matters.

Representative Matters

Arbitrations

- **Accounting** – Member of tripartite panel involving claims of fraud and malpractice made against major accounting firm arising out of backdating of stock options; member of panel in another dispute between a liquidating trustee and another major accounting firm alleging malpractice in the auditing of a business
- **Aviation** – Appointed by jet engine repair company in arbitration brought by aircraft lessee
- **Bankruptcy** – Appointed by the U.S. Bankruptcy Court to mediate and arbitrate claims of unsecured creditors in a major brokerage bankruptcy; arbitrated claim by acquirer of telecommunications business against liquidating trustee for monies owed
- **Commercial** – Arbitrated several cases involving post-closing adjustments due on the acquisition of a business; various claims arising out of APA and SPA agreements; breach of agreement between U.S. options exchanges and information vendor; dispute over attempted dissolution of joint venture involving the ownership and management of shipping containers; dispute over dissolution of business established to purchase insolvency claims; dispute between private equity fund and placement agent concerning performance under engagement letter; and others
- **Construction** – Acted as party-appointed arbitrator for assignee of general contractor in claims against designer and architect for delay and negligence arising out of construction of cogeneration plant at Kennedy Airport; Chair of ICC panel in dispute between resort operator and landlord over response to force majeure event
- **Employment** – Arbitrated several employment claims brought by investment bankers involving claims to bonus and base compensation; claims by general counsel of dot.com company for loan forgiveness; claims of executives for wrongful termination and breach of contract; claims under ADEA, and Title VII
- **Insurance** – Arbitrated coverage cases involving political risk insurance, property and casualty, excess insurance, environmental loss, and D&O coverage; arbitrated insurer's claim against insured for impairment of subrogation rights; arbitrated allocation of loss between insurance broker and excess carrier for failure to place excess casualty insurance in accordance with insured's instructions; sole arbitrator in Hong Kong proceeding brought by Japanese insurer against power cord manufacturer as subrogee to recover insured litigation loss sustained by computer equipment vendor
- **Intellectual Property** – Sole arbitrator in a validity and infringement dispute involving a patent



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Named a "New York Super Lawyer" in Alternative Dispute Resolution by Law & Politics Magazine since 2006

Listed as one of the world's leading international arbitrators in Chambers USA 2010 Leading Lawyers Guide; similarly listed by Who's Who Legal (London) in its 2007 and 2008 editions of Who's Who of Commercial Arbitrators

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relating to automobile tires; Arbitrated dispute between inventor-licensor and medical device manufacturer-licensee over termination of patent license; Chair of panel arbitrating dispute brought by tech company against joint venture partner who agreed to use "good engineering practices" in development of a product, including counterclaim for breach of representation regarding sole ownership of IP; arbitrator in royalty dispute between an inventor and his licensee

- **Maritime** – Arbitrated dispute over transport of chemicals aboard a vessel alleged to be unseaworthy; alleged negligent carriage of multiple cargoes of Chilean grapes; dispute involving the use of shipping containers under joint venture agreement
- **Real Estate** – Arbitrated partnership dissolutions relating to four properties (three multiple dwellings and one commercial property) in the Bronx; claims involving the proper interpretation of various escalation clauses in a commercial lease; arbitrated dispute over development rights
- **Securities** – Arbitrated NASD (now FINRA) and other securities cases, including customer claims alleging failure to follow instructions, churning and unsuitability; arbitrated claim alleging securities fraud in the context of a hedge fund investment; arbitrator in case between two investment banks seeking to reform a trade of a credit default swap contract; sole arbitrator in case involving the value of a Section II claim against a major bank arising out of the Enron bankruptcy cases
- **Sports** – Arbitrated allegations against owner and trainers of a show horse for the alleged administration of a forbidden substance (in accordance with the U.S. Olympic Committee Rules); arbitrated dispute over ownership interests in minor league baseball club
- **Tax** – Arbitrated differing interpretations of tax risk allocation provisions of acquisition agreements
- **Telecom** – Arbitrated allegations of material adverse effect arising out of the sale of a cellular telecom company; claims for payment of invoices for terminated calls pursuant to the terms of an international carrier agreement; claims for non-payment of invoices for telephone services incidental to the provision of enhanced services

Mediations

- **Aviation** – Mediated dispute between lessor/owner of aircraft and defaulting lessee, including claim by lessee of defective engines
- **Commercial** – Mediated breach of warranty claims involving environmental damage to property conveyed by seller of business; mediated international dispute between buyer and seller of construction business over indemnification for customer claim involving subway car defects; mediated international dispute between cruise ship operator and suppliers of steering mechanisms; mediated international distributorship termination dispute
- **Employment** – Mediated dispute between an investment company and departing traders who left to form competing business in alleged violation of anti-solicitation clause in employment contracts; dispute between options traders and former employer over alleged breaches of non-compete and non-solicitation covenants; sexual discrimination claim between former broker and brokerage firm involving firm's alleged failure to treat female broker comparably to male brokers; dispute between investment bank and former overseas employee over correct computation of tax equalization under employment contract; mediated disparate pay dispute between female investment banker and employer
- **Entertainment** – Mediated dispute between a company in the business of representing athletes and performing artists, and the purchaser of one of its music divisions; dispute between dancer and internationally-known ballet company; mediated dispute between food company and endorsing celebrity
- **Insurance** – Mediated coverage dispute between insured and E&O carrier; mediated insurer's claim against MGA for failure to remit premium; mediated claim by insured against brokers and primary carrier for failure to notify excess insurers of occurrence of loss
- **Intellectual Property** – Mediated disputes relating to proprietary software; dispute involving patent rights relating to electric toys; trademark dispute between food company and endorsing celebrity; trademark dispute alleging dilution under state law and Lanham Act claims
- **Securities** – Mediated dispute between brokerage firm and customer for alleged unauthorized trading and failure to follow instructions; dispute between brokerage firm and former broker for indemnification, the broker having been named a defendant in a suit by a third-party pension fund; dispute between brokerage firms and bank/paying agent, for bank customer's failure to settle stock trades (the bank having dk'd the trades upon its customer's insolvency)
- **Software** – Mediated dispute between a U.S. software licensor and European licensee
- **Surety** – Mediated dispute involving a default under a performance bond issued to secure the performance of the carpentry subcontractor in connection with the construction of a multiple dwelling

Honors, Memberships, and Professional Activities

- Past Chair, Committee on Arbitration, New York City Bar Association; Member of NYCBA Committee on International Commercial Disputes
- Fellow and Past Board Member, College of Commercial Arbitrators
- Fellow, American Bar Foundation
- Member, American Bar Association and its Sections on Dispute Resolution and International Law
- Member, New York State Bar Association and its Committee on International Commercial Arbitration
- Panel Memberships: JAMS panel; HKIAC (Hong Kong International Arbitration Centre) arbitrator and mediator panels; CPR New York, International and Insurance Panels; ICC arbitrator panel; CIETAC (China) Arbitrator Panel; Beijing Arbitration Commission (BAC) panel of arbitrators; panel of mediators for the Bankruptcy Court for the Southern District of New York; panel of arbitrators, Kuala Lumpur Regional Centre for Arbitration
- Regularly sit as arbitrator in AAA, ICDR, ICC, JAMS, CPR, and *ad hoc* cases; have also sat in LCIA, HKIAC (Hong Kong), CIETAC and NAI (Netherlands Arbitration Institute) arbitrations
- Member, Inter-Pacific Bar Association and its Dispute Resolution Committee
- Editor for Arbitration Law and Practice, *World Arbitration and Mediation Report* (WAMR)
- Member, ICC Task Force on Reducing Time and Cost in International Arbitration
- Member, CEDR Task Force on Settlement in International Arbitration
- Published articles have appeared in legal publications throughout the country including, among others, the *New York Law Journal*, *The National Law Journal*, *Middle East Executive Reports*, *Metropolitan Corporate Counsel*, *World Arbitration and Mediation Report*, *The American Review of International Arbitration*, and *Mealey's International Arbitration Report*
- Contributing author to both editions of *International Arbitration Checklists*, (Juris Pub. 2003 and 2009), and both editions of the *College of Commercial Arbitrators' Guide to Best Practices in Commercial Arbitration* (Juris Pub. 2006), and *Practitioner's Handbook on International Arbitration and Mediation* (2d Ed. Juris Pub. 2007) (Chapters on International Mediation)
- Frequent lecturer to bar associations and CLE programs on arbitration topics. Guest lecturer on international and other legal topics at University of Georgia Law School, Fordham Law School, Columbia Law School, Yale Law School, New York Law School, and Tulane University

Background and Education

- Retired Partner, Baker & McKenzie, (Partner 1979-2003; Associate 1972-1979), former co-head of the litigation department in New York
- Significant experience in commercial contract and shareholder disputes, including post-closing adjustment disputes, valuation exercises, and the like; regularly act in securities, insurance, licensing, joint venture, construction, and IP arbitrations and mediations
- Listed as one of the Leading International Arbitrators in the 2010 Chambers USA Guide
- Listed as a New York "Super Lawyer" for alternative dispute resolution since 2006
- Listed in various *Who's Who* publications including the 2007 and 2008 Int'l Who's Who of Commercial Arbitrators and the Int'l Who's Who of Business Lawyers 2007 and 2008; various Marquis *Who's Who* publications, incl. Who's Who in the World, in America, and in American Law; Cambridge Who's Who; "av" rating from Martindale Hubbell
- Admitted to the Bar of the State of New York in January of 1973; although practicing ADR full time, still a member of the Bars of the United States District Courts for the Southern and Eastern Districts of New York, the United States Tax Court, and various of the United States Courts of Appeal
- Former Director of The Wall Street Fund (a mutual fund)
- Peace Corps Volunteer (Philippines), 1968-1970
- J.D., Columbia School of Law, 1972 (Harlan Fiske Stone Scholar)
- B.S., in Economics, *cum laude*, The Wharton School of Finance and Commerce, University of Pennsylvania